

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Enbridge Pipelines (Southern Lights), LLC)
(Property Identification Number) PCB 014-
12-29-101-002-0000) (Tax Certification
) Water)

NOTICE

Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite. 11-500
Chicago, Illinois 60601

Toby Reese
Duff & Phelps, LLC
14850 Quorum Drive, Ste. 500
Dallas, Texas 75254

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an APPEARANCE AND THE RECOMMENDATION of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: November 1, 2013

Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Enbridge Pipelines (Southern Lights), LLC)
(Property Identification Number) PCB 014-
12-29-101-002-0000) (Tax Certification
) Water)

APPEARANCE

The undersigned, as one of its attorneys, hereby enters an APPEARANCE on behalf of Respondent,
Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: November 1, 2013
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Enbridge Pipelines (Southern Lights), LLC)
(Property Identification Number) PCB 014-
12-29-101-002-0000) (Tax Certification
) Water)

RECOMMENDATION

The Illinois Environmental Protection Agency ("Illinois EPA") hereby files its Recommendation pursuant to Section 125.204 of the regulations of the Illinois Pollution Control Board, 35 Ill. Adm. Code 125.204.

1. On March 8, 2012, the Illinois EPA received a request from Duff and Phelps, LLC, on behalf of Enbridge Pipelines (Southern Lights), LLC, (log number TC-07-12, Exhibit A) for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204.

2. The applicant's address is: Enbridge Pipelines (Southern Lights), LLC
15637 West Bruns Road
Manhattan, Illinois 60442

3. The proposed water pollution control facility in this request is located at the NW ¼ of Section 29, T34N, R11E of the 3rd PM in Will County, at the above street address and consists of the following:

A containment pit located near the north end of the facility.

This pollution control facility has the primary purpose of collecting and containing any leaked and/or spilled petroleum or petroleum products drained from the facility breakout tanks' secondary containment area and is further described in Exhibit A.

4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2012), defines "pollution control facilities" as:

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“any system, method, construction, device or appliance appurtenant thereto or any portion of any building or equipment, that is designed, constructed, installed or operated for the primary purpose of: (a) eliminating, preventing, or reducing air or water pollution ...or (b) treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without treatment, pretreatment modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property.”

5. Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5.

6. Based on the information in the application and the purpose of the facilities, it is the Illinois EPA’s engineering judgment that the described facilities may be considered “pollution control facilities,” pursuant to 35 Ill. Adm. Code 125.200(a), with the primary purpose of eliminating, preventing, or reducing water pollution, or as otherwise provided in 35 Ill. Adm. Code 125.200, and are eligible for tax certification from the Board.

WHEREFORE, the Illinois EPA recommends that the Board issue the

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requested tax certification.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

Dated: November 1, 2013
Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

Memorandum

To: Connie Tonsor, Division of Legal Counsel

From: Alan Keller, Manager, Permit Section *AK*

Date: October 30, 2013

Re: Enbridge Pipelines (Southern Lights), LLC
 Recommendations of Tax Certification
 Log # TC-07-12
 Property Identification Number 12-29-101-002-0000

RECEIVED
Division of Legal Counsel

OCT 31 2013

Environmental Protection Agency

The Bureau of Water received a request on March 8, 2012 from Duff & Phelps, LLC on behalf of Enbridge Pipelines (Southern Lights), LLC for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204. We offer the following recommendation.

The water pollution control facilities in these requests include the following:

Enbridge Pipelines (Southern Lights), LLC
 2000 Market Street, Suite 2700
 Philadelphia, PA 19103

Facility Location:
 15637 West Bruns Road
 Manhattan Illinois 60442

NW ¼ of Section 29, T34N, R11E of the 3rd P.M., Manhattan Township, in Will County Illinois.

A containment pit located near the north end of the facility for the primary purpose of collecting and containing any leaked and/or spilled petroleum or petroleum products drained from the facility breakout tanks' secondary containment area.

These facilities are further described in the enclosed applications and supporting documents.

Based on the information included in this submittal, it is our engineering judgment that the above proposed facilities may be considered "Pollution Control Facilities" under 35 IAC 125.200(a), with the primary purpose of eliminating, preventing, or reducing water pollution, or as otherwise provided in this section, and therefore eligible for tax certification from the Illinois Pollution Control Board. The Bureau of Water therefore recommends that the Board issue the requested tax certification for these facilities.

If you have any questions regarding the above, please contact Brian W. Cox at 217/782-0610.

Attachment

SAK:BWC:TC-07-12.docx

cc: Tax Cert File

Cox, Brian

From: Miller, Kayla <Kayla.Miller@duffandpHELPS.com>
Sent: Friday, December 14, 2012 10:54 AM
To: Cox, Brian
Cc: Tronsberg Macciocca, Kathryn; Reese, Toby; Ivey, Ryan
Subject: Enbridge Manhattan Terminal Pollution Control Certifications

Importance: High

Hi Brian,

Per our discussion on Tuesday, I have received information from Enbridge and compared it with the property tax records we have in our Workpapers for Enbridge's Manhattan Terminal Pollution Control Certification applications. The location of the Manhattan Terminal is as follows:

Section: Northwest Quarter of Section 29
Township: 34 North
Range: 11 East of the Third Principal Meridian

Please let me know if you have any questions or if you need any further information in order to recommend the applications for certification to the Pollution Control Board.

Best Regards,

Kayla

Kayla Miller

Senior Associate, Property Tax

T +1 215 430 6043

M +1 215 896 6562

Duff & Phelps, LLC

2000 Market Street

Suite 2700

Philadelphia, PA 19103

kayla.miller@duffandpHELPS.com

www.duffandpHELPS.com

This email is confidential and subject to important disclaimers and conditions, including those regarding confidentiality, legal privilege and certain legal entity disclaimers, available at <http://www.duffandpHELPS.com/disclosure>. Circular 230 Disclosure: Any advice contained in this email (including any attachments unless expressly stated otherwise) is not intended or written to be used, and cannot be used, for purposes of avoiding tax penalties that may be imposed on any taxpayer.

Illinois Environmental Protection Agency
ATTN: Mr. Al Keller
P.O. Box 19276
Springfield, IL 62794-9276

March 6, 2012

Re: Application for Property Tax Treatment for Air Pollution Control Property Located at
Manhattan Terminal

Dear Mr. Keller:

Enclosed please find one Application For Certification (Property Tax Treatment) Pollution Control Facility (the "Application") for Air Pollution Control Property located at Manhattan Terminal (the "Facility") in Will County, Illinois.

The Application has been prepared pursuant to ILCS Statute § 200/11-5, and includes any necessary information and supporting documentation. Submission of this Application is required as a process step in the Illinois Environmental Protection Agency and Illinois Department of Revenue pollution control certification process for special value treatment of certain assets used in air pollution control capacities at the Facility.

The Application can be summarized as follows:

<u>Description</u>	<u>Fair Cash Value</u>
Containment Pit – North End of Facility Site	\$669,779

Please send one copy of the completed property tax certification to the following address:

Ms. Kathryn Tronsberg Macciocca
Duff & Phelps LLC
2000 Market Street, Suite 2700
Philadelphia, PA 19103

Mr. Al Keller
Illinois Environmental Protection Agency
March 6, 2012
Page 2 of 2

If you have any questions regarding the Application or the information supplied within the Application, please contact me, at (215) 430-6059 or by e-mail (kathryn.tronsberg.macciocca@duffandphelps.com) or Mr. Toby Reese at (972) 463-5564 or by e-mail (toby.reese@duffandphelps.com).

Very truly yours,



Kathryn Tronsberg Macciocca
Director
Specialty Tax

Enclosures

cc: Mr. Toby Reese (Duff & Phelps, LLC)

APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
 POLLUTION CONTROL FACILITY
 AIR WATER

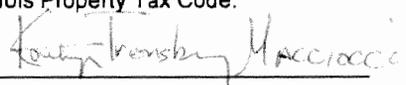
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 P. O. Box 19276, Springfield, IL 62794-9276

This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter, 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

FOR AGENCY USE

File No.	Date Received	Certification No.	Date	
Sec. A APPLICANT	Company Name Enbridge Pipelines (Southern Lights) L.L.C.			
	Person Authorized to Receive Certification Kathryn Tronsberg C/O Duff and Phelps LLC		Person to Contact for Additional Details Kathryn Tronsberg C/O Duff and Phelps LLC	
	Street Address 2000 Market Street, Suite 2700		Street Address 2000 Market Street, Suite 2700	
	Municipality, State & Zip Code Philadelphia, PA 19103		Municipality, State & Zip Code Philadelphia, PA 19103	
	Telephone Number (215) 430-6059		Telephone Number (215) 430-6059	
	Location of Facility Quarter Section Township Range 29 12 12		Municipality Township Village of Manhattan 12	
	Street Address 15637 West Bruns Road, Manhattan Il 60442		County Book Number 14 101	
	Property Identification Number 12-29-101-002-0000		Parcel Number 14-12-29-101-001-0000	
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Petroleum and Petroleum Product Storage Facility		
Water Pollution Control Construction Permit No. N/A. See Section D for Statutory Environmental Requirements.		Date Issued N/A		
NPDES PERMIT No. N/A. See Section D for Statutory Environmental Requirements.		Date Issued N/A	Expiration Date N/A	
Air Pollution Control Construction Permit No. N/A		Date Issued N/A		
Sec. C MANUFACTURING PROCESS	Describe Unit Process The Containment Pit is installed at the North End of the Facility to contain and collect leaked and/or spilled petroleum or petroleum product. No manufacturing activities take place at this site.			
	Materials Used in Process Petroleum and Petroleum Products			
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility The Facility installed the Containment Pit at the north end of the Facility site to contain and collect leaked and/or spilled petroleum or petroleum products drained from the Facility breakout tank containment area. This Containment Pit prevents the release of leaked/spilled petroleum which may inadvertently pollute and/or contaminate ground waters, surface waters, and lands of the State of Illinois. The Facility is regulated by the Department of Transportation Pipeline and Hazardous Material Safety Administration ("PHSMA"). The North Containment Pit was installed to meet PHSMA regulations under 49 CFR §195.264(a), which requires that, "a means must be provided for containing hazardous liquids in the event of spillage or failure of an above ground breakout tank."			

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 ROW/WPC/PERMIT SECTION

Sec. E	(1) Nature of Contaminants or Pollutants		
CONTAMINANTS			Material Retained, Captured or Recovered
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
	Leaked and/or Spilled Hazardous Liquid	Leaked and/or Spilled	Discharged if no contamination is present;
		Petroleum	reporting and cleanup procedures commence if
			contaminated
(2) Point(s) of Waste Water Discharge			
N/A. No Waste Water Discharge Associated with the North Containment Pit			
		Plans and Specifications Attached	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
(3)	Are contaminants (or residues) collected by the control facility?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(4)	Date installation completed <u>06/30/10</u> status of installation on date of application <u>Complete</u>		
ACCOUNTING DATA	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 669,779.00
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 33,489.00
		c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 0.00
		d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 0.00
		e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 2.98
Sec. F	The following information is submitted in accordance with the Illinois Property Tax Code, as amended, and to the best of my knowledge, is true and correct. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.		
SIGNATURE	 _____		Director - Tax Services
	Signature	Title	
Sec. G	INSTRUCTIONS FOR COMPILING AND FILING APPLICATION		
General: Separate applications must be completed for each control facility claimed. Do not mix types (water and air). Where both air and water operations are related, file two applications. If attachments are needed, record them consecutively on an index sheet.			
INSTRUCTIONS	Sec. A	Information refers to applicant as listed in the tax records and the person to be contacted for further details or for inspection of facilities. Define facility location by street address or legal description. A plat map location is required for facilities located outside of municipal boundaries. The property identification number is required.	
	Sec. B	Self-explanatory. Submit copies of all permits issued by local pollution control agencies. (e.g. MSD Construction Permit)	
	Sec. C	Refers to manufacturing processes or materials on which pollution control facility is used.	
	Sec. D	Narrative description of the pollution control facility, indicating that its primary purpose is to eliminate, prevent or reduce pollution. State the type of control facility. State permit number, date, and agency issuing permit. A narrative description and a process flow diagram describing the <u>pollution control facility</u> . Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an <u>average</u> analysis of the influent and effluent of the control facility stating the collection efficiency.	
	Sec. E	List air contaminants, or water pollution substances released as effluents to the manufacturing processes. List also the final disposal of any contaminants removed from the manufacturing processes. Item (1) – Refers to pollutants and contaminants removed from the process by the pollution control facility. Item (2) – Refers to water pollution but can apply to water-carried wastes from air pollution control facilities. Submit drawings, which clearly show (a) Point(s) of discharge to receiving stream, and (b) Sewers and process piping to and from the control facility. Item (3) – If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value in dollars reclaimed by sale or reuse of the collected substances. State the cost of reclamation and related expense. Item (4) – State the date which the pollution control facility was first placed in service and operated. If not, explain. Item (5) – This information is essential to the certification and assessment actions. This accounting data must be completed to activate project review prior to certification by this Agency.	
	Sec. F	Self-explanatory. Signature must be a corporate authorized signature.	
		Submit to:	Attention:
		Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276	Al Keller Permit Section Division of Water Pollution Control
			Donald E. Sutton Permit Section Division of Air Pollution Control



Don Hovey Civil Consulting Center
 125 South 465 Street
 Suite 101
 Waukesha, WI 53186-1410
 414.784.1000
 PH: 414.784.1001 Fax
 www.graef.com
 10/20/13

CONSULTANTS:

- PROJECT NO.
- DATE
- PROJECT TITLE
- PROJECT LOCATION
- PROJECT OWNER
- PROJECT ENGINEER
- PROJECT CHECKER
- PROJECT DATE
- PROJECT SCALE
- PROJECT SHEET NO.
- PROJECT SHEET TOTAL

PROJECT INFORMATION:

PROJECT NUMBER: 2013-012-05
 DATE: 10/20/13
 DRAWN BY: TJS
 CHECKED BY: BWS
 APPROVED BY: BWS
 SCALE: 1" = 30'

FACILITY INFORMATION:

FACILITY NAME: PARK
 SHEET NUMBER: 10/20/13

LEGEND

- STOP SIGN
- SPRAWLED BOUNDARY
- SPRAWLED CURB/STRAIGHT
- GRAVEL SURFACE
- ASPHALT/PAVEMENT SURFACE
- WALK SURFACE
- GRASS TIE

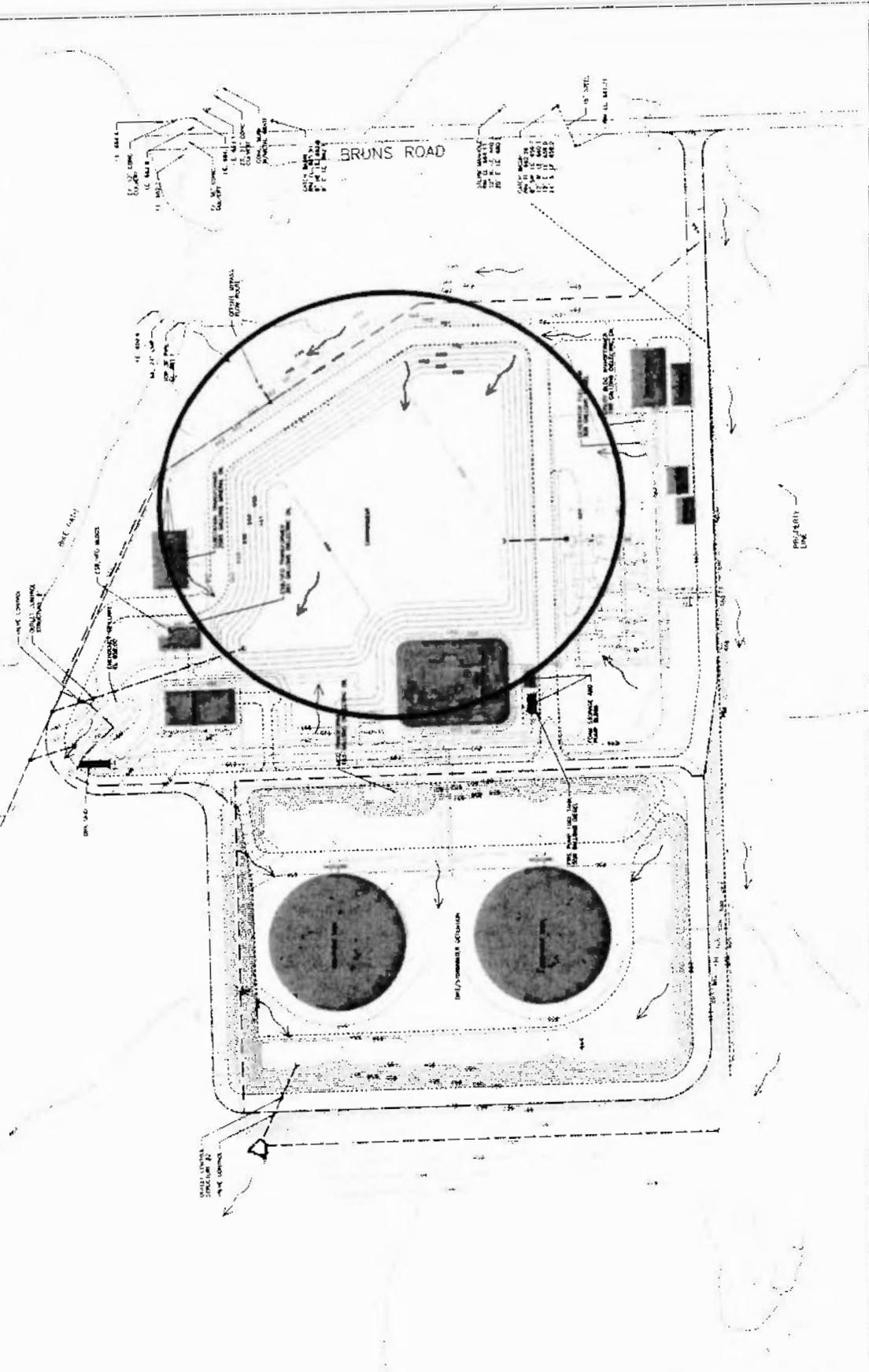


FIG 2

STATE OF ILLINOIS

)
)
)
)
)

COUNTY OF SANGAMON

PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on November 1, 2013, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

[1st Class U.S. Mail]

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

[1st Class U.S. Mail]

Toby Reese
Duff & Phelps, LLC
14850 Quorum Drive, Ste. 500
Dallas, Texas 75254

[Electronic Filing]

Clerk
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James R. Thompson Center
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Chicago, Illinois 60601

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

/s/ Vera Herst
Assistant Counsel
Division of Legal Counsel
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217.782.5544
217.782.9143 (TDD)

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