

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Equistar Chemicals, LP)
(Property Identification Number) PCB 013-
03-20-300-014) (Tax Certification
) Water)
)

NOTICE

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

D. Dale Cummings
1221 McKinney Street, Suite 700
Houston, Texas 77010

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: April 10, 2013

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

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Equistar Chemicals, LP)
(Property Identification Number) PCB 013-
03-20-300-014) (Tax Certification
) Water)
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A P P E A R A N C E

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: April 10, 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

Equistar Chemicals, LP)
(Property Identification Number) PCB 013-
03-20-300-014)) (Tax Certification
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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 October 11, 2011, the Illinois EPA received a request from Equistar Chemicals, LP. (log number TC-19-12, 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: Equistar Chemicals, LP
8805 N. Tabler Road
Morris, Illinois 60450

3. The proposed water pollution control facilities in this request are located at Section 2, T22N, R6E of the 3rd PM in Grundy County, at the above street address and consist of the following:

Industrial treatment facilities consisting of a cyanide analyzer, stormwater tank 1012, containment dyke for vinyl acetate loading area, SIT rail yard retention pond, and DAC railcar containment in shipper/loader area.

These industrial treatment/management systems are used to collect , transport, and/or treat industrial wastewater and/or stormwater that comes in contact with industrial activity, and are further described in Exhibit A.

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4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2010), defines "pollution control facilities" as:

"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."

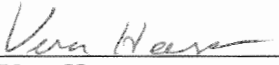
5. Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5.
6. Based on the information in the application and the purpose of the facilities, it is the Illinois EPA's engineering judgment that the described facilities may be considered "pollution control facilities," 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
Assistant Counsel
Division of Legal Counsel

Dated: April 10, 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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Memorandum

To: Connie Tonsor, Division of Legal Counsel

From: Al Keller, P.E., Manager, Permit Section *AK*

Date: March 26, 2013

Re: Equistar Chemicals
Recommendation of Tax Certification
Log # TC-19-12
Property Identification # 03-20-300-014

RECEIVED
Division of Legal Counsel
MAR 27 2013
Environmental Protection
Agency

The Bureau of Water received a request on October 11, 2011 from Equistar Chemicals, LP for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Il. Adm. Code 125.204. We offer the following recommendation.

The water pollution control facilities in this request include the following:

Equistar Chemicals
8805 N. Tabler Road
Morris, IL 60450

Section 2, T22N, R6E of the 3rd PM - Grundy County

Industrial treatment facilities consisting of a cyanide analyzer, stormwater tank 1012, containment dike for vinyl acetate loading area, SIT rail yard retention pond, and DAC railcar containmnet in shipper/loader area.

These industrial treatment/ management systems are used to collect, transport, and/or treat industrial wastewater and/or stormwater that comes into contact with industrial activity.

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 Jamie Cowles at 217/782-3362.

SAK:JMC:TC-19-12

cc: Tax Cert File

TC-19-12

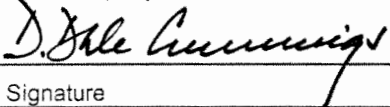
APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
 POLLUTION CONTROL FACILITY
 AIR WATER

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 Equistar Chemicals, LP			
	Person Authorized to Receive Certification D. Dale Cummings		Person to Contact for Additional Details D. Dale Cummings	
	Street Address 1221 McKinney Street, Suite 700		Street Address 1221 McKinney Street, Suite 700	
	Municipality, State & Zip Code Houston, TX 77010		Municipality, State & Zip Code Houston, TX 77010	
	Telephone Number (713) 286-4456		Telephone Number	
	Location of Facility Quarter Section	Township 24N.	Range 8 E	Municipality Morris
	Street Address 8805 N Tabler Road, Morris, IL 60450		County Grundy	Township 24N.
	Property Identification Number 03-20-200-014		Book Number	
	Property Identification Number 03-20-200-014		Parcel Number	
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Chemical Manufacturing		
Water Pollution Control Construction Permit No. attached		Date Issued		
NPDES PERMIT No. IL0002917		Date Issued	Expiration Date	
Air Pollution Control Construction Permit No. see attached		Date Issued		
Air Pollution Control Operating Permit No. 96010018		Date Issued		
Sec. C MANUFACTURING PROCESS	Describe Unit Process Ethylene, Low Density Polyethylene (LDPE), and Linear Low Density Polyethylene (LLDPE)			
	Materials Used in Process Natural gas liquids (ethane, propane), ethylene, catalysts			
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility -SEE ATTACHED-			

Sec. E	(1) Nature of Contaminants or Pollutants		
POLLUTION CONTROL FACILITY - CONTAMINANTS		Material Retained, Captured or Recovered	
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
ACCOUNTING DATA	(2) Point(s) of Waste Water Discharge		
	Plans and Specifications Attached		Yes <input type="checkbox"/> No <input type="checkbox"/>
	(3)	Are contaminants (or residues) collected by the control facility?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(4)	Date installation completed _____ status of installation on date of application _____	
	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$
		c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$
		d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$
		e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	%
	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	 Signature		Authorized Agent _____ 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
			Attention: Donald E. Sutton Permit Section Division of Air Pollution Control

2012 Application For Certification (Property Tax Treatment)

Pollution Control Facility: Water

Project Title	Total Costs as of 8-31-12	
Cyanide Analyzer - Spent Caustic & Waste Water	\$ 38,174	not requi
Tank 1012 Piping and Insulation	\$ 32,000	not requi
NPDES Samplers	\$ 14,550	not requi
Containment Dike for Vinyl Acetate (VA) Loading	\$ 580,642	BOA Perr
SIT Rail Yard Retention Pond	\$ 5,220,599	not requir
DAC railcar containment in Shipper/loader - pollution prevention	\$ 363,289	not requir

Permit #	Description	Regulatory Requirement Analysis
ed	Cyanide analyzer was installed to quantify cyanide in the spent caustic stream. This allows for improved operation of the Waste Water Treatment Plant (WWTP) and prevents cyanide breakthrough in the WWTP, lowering the discharge concentration of cyanide.	No direct requirement other than to reduce discharge concentration of cyanide (Clean Water Act Section 402 and NPDES permit Daily Limit)
ed	Piping modification and Connections to Tank 1012 to better manage storm water during high rainfall events. Lift Station 23 is not connected to a 2.1 MM gallon storage tank to receive water from the combined storm water oily water sewer system. This will prevent oily water from overflowing sewer hubs and entering storm water ditches.	No direct requirement other than compliance assurance and flexibility. General responsibility to manage stormwater.
id	New sampling equipment to monitor outfalls for compliance with NPDES permit limits.	NPDES Permit Total Suspended Solids (TSS) daily requirement based upon dry and wet weather flow 35 IAC 302.208 and 40 CFR 414.101
t # 11090013	A new containment dike was installed for the vinyl acetate truck loading station to prevent material from entering the storm water ditch.	40 CFR Part 68, Risk Management Plan (RMP) Regulations - General Duty to ensure that consequences of chemical releases are mitigated.
d	Storm water retention pond and NPDES outfall installed as part of the Morris rail yard construction project to control storm water discharges to waters of the State.	No direct requirement other than to control storm water discharges to waters of the state. Clean Water Act Requirements, site's NPDES Permit Requirement and Stormwater Pollution Prevention Plan requirements.
d	Containment was installed on the Pyrolysis Gasoline rail car loading to prevent oil from entering storm water ditches.	(SPCC) Regulations (40 CFR Part 112.3 and 112.7)

Watershed Unit Tax Certification Review Sheet

Project Name: Equistar Chemicals

Location: Morris -

Reviewer: JMC

Date: November 21, 2012

Log number: TC-25-10

Type: Industrial Wasterwater/Stormawater

Applicant:

Contact: Dale Cummings

Equistar Chemicals

1221 McKinney Street, suite 700

Houston, TX 77010

Phone: 713-266-4456

Property ID: 03-20-200-014

Facility:

Equistar Chemicals

8805 N. Tabler Road

Morris, IL 60450

County: Grundy

Signature: Dale Cummings

Legal Description:

S: 21 Twp: 24N R: 8E

Title: Designated Representative

Provided Fair cash Value: \$6234704 (does not include cost of sampler see below notes)

Date Control Devices installed: 2012

Wastes: Process water from the manufacturing of Ethylene, Low Density Polyethylene, and Linear Density Polyethylene

Physical Description of Pollution Control Devices:

Cyanide Analyzer – Used to help quatify spent caustic wastestream and reduce the amount of cyanuide in the wastestream.

Stormwater Tank 1012 – Hellyp facility manage stormwater in high events. Will help prevent oily water from entering storm water ditches. In Equistars case all stormwater is considered process water based on facility layout and industrial activities. See NPDES Permit for further info.

NPDES sampler – Measure TSS for NPDES permit. (Not a treatment device and will not be included in the recommendation letter,)

Containment Dikke for Vinyl Acetate Loading – Prevents material from reaching storm ditches.

SIT Rail Yard Dretention Pond – Handles and treats stormwater coming from rail yard.

DAC Railcar containment in Shipper - Prevents oil from entering stormwater.

All systems except sampler are used to treat process of prevent stormwater contamination.

[10/11/2012: Received]

TC-19-12

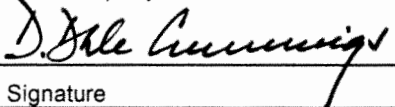
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POLLUTION CONTROL FACILITY**
AIR WATER

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
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	Municipality, State & Zip Code Houston, TX 77010		Municipality, State & Zip Code Houston, TX 77010	
	Telephone Number (713) 266-4456		Telephone Number	
	Location of Facility Quarter Section Township Range		Municipality Township	
	21 24N. 8 E		Morris 24N.	
	Street Address 8805 N Tabler Road, Morris, IL 60450		County Book Number Grundy	
	Property Identification Number 03-20-200-014		Parcel Number	
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Equistar Chemicals, LP

2012 Application For Certification (Property Tax Treatment)

Pollution Control Facility: Water

Project Title	Total Costs as of 8-31-12	Permit #	Description	Reg
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Tank 1012 Piping and Insulation	\$ 32,000	not required	Piping modification and Connections to Tank 1012 to better manage storm water during high rainfall events. Lift Station 23 is not connected to a 2.1 MM gallon storage tank to receive water from the combined storm water oily water sewer system. This will prevent oily water from overflowing sewer hubs and entering storm water ditches.	No direct requirement oth responsibility to manage s
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Containment Dike for Vinyl Acetate (VA) Loading	\$ 580,642	BOA Permit # 11090013	A new containment dike was installed for the vinyl acetate truck loading station to prevent material from entering the storm water ditch.	40 CFR Part 68, Risk Mana ensure that consequences
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STATE OF ILLINOIS

COUNTY OF SANGAMON

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)
)
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PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 10, 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]

D. Dale Cummings
1221 McKinney Street, Suite 700
Houston, Texas 77010

[Electronic Filing]

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

/s/ Vera Herst
Assistant Counsel
Division of Legal Counsel
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