

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WRB Refining LLC)
(Property Identification Number) PCB 014-
19-1-08-35-00-00-001) (Tax Certification)
)

NOTICE


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

Michael Kemp
404 Phillips Building
Bartlesville, Oklahoma 74004

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
Assistant Counsel
Division of Legal Counsel

DATED: March 19, 2014

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

WRB Refining LLC)
(Property Identification Number) PCB 014-
19-1-08-35-00-00-001) (Tax Certification)
)

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
Assistant Counsel
Division of Legal Counsel

DATED: March 19, 2014
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

WRB Refining LLC)
(Property Identification Number) PCB 014-
19-1-08-35-00-00-001) (Tax Certification)
)

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 June 29, 2011, the Illinois EPA received a request from WRB Refining LLC (log number TC-11-11, 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: WRB Refining LLC
900 S. Central Ave
Roxanna, Illinois 62084

3. The proposed water pollution control facilities in this request are located at Section 36 NW1/4, T5N, R9W in Madison County, at the above street address and consist of the following:

Replacement of a hot lime softening system used for demineralizing boiler feed water with a reverse osmosis system.

These facilities are further described in Exhibit A.

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

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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 are not “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. Specifically, the Illinois EPA finds that the primary purpose of the reverse osmosis system is to demineralize water, not eliminating, preventing, or reducing water pollution.

WHEREFORE, the Illinois EPA recommends that the Board deny the

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requested tax certification. The applicant has 35 days after the date of service to file a petition with the Board to contest the Illinois EPA's recommendation (35 Ill. Adm. Code 125.204).

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Vera Herst
Assistant Counsel
Division of Legal Counsel

Dated: March 19, 2014
Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

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STATE OF ILLINOIS

COUNTY OF SANGAMON

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)

PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on March 19, 2014, 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]

Michael Kemp
404 Phillips Building
Bartlesville, Oklahoma 74004

[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
1021 North Grand Avenue East
P.O. Box 19276-
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

Memorandum

To: Connie Tonsor, Division of Legal Counsel

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

Date: November 21, 2011

Re: WRB Refining LLC - Denial
Recommendation of Tax Certification
Log # TC-11-11
Property Identification # 19-1-08-35-00-000-001

The Bureau of Water received a request on June 29, 2011 from WRB Refining LLC 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:

WRB Refining LLC
404 Phillips Building
Bartlesville, OK 74004

Facility location: 900 S. Central Avenue in Roxana, Illinois.

Replacement of a hot lime softening system used for demineralizing boiler feed water with a reverse osmosis system.

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 are not 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 primary purpose of the reverse osmosis system is to demineralize boiler feed water not eliminate, prevent, or reduce water pollution.

Page 2
Log No. TC-11-11

The Bureau of Water therefore recommends that the Board deny the requested tax certification for these facilities.

If you have any questions regarding the above, please contact Jaime Rabins at 217/782-0610.

SAK:JAR:TC1111.docx

cc: Tax Cert File

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

Subject: WRB Refining LLC
Data: TC-11-11
Reviewed By: Jaime Rabins

Page 1 of 1
Date: July 13, 2011

Applicant: WRB Refining LLC
404 Phillips Building
Bartlesville, OK 74004

Facility location: 900 S. Central Avenue in Roxana, Illinois.

On June 29, 2011 the Agency received a request to make a recommendation regarding the tax certification for the following:

Replacement of a hot lime softening system used for demineralizing boiler feed water with a reverse osmosis system.

The above project does not meet the definition of Pollution Control Facilities as defined in 35 IAC 125.200(a) because the primary purpose of the reverse osmosis system is to demineralize boiler feed water not eliminate, prevent, or reduce water pollution.

Action: Recommend for denial of Pollution Control Facilities.

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

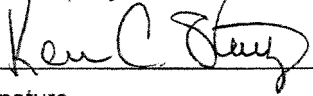
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 P. O. Box 19276, Springfield, IL 62794-9276

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 WRB Refining LLC			
	Person Authorized to Receive Certification Michael Kemp		Person to Contact for Additional Details Jay Rankin	
	Street Address 404 Phillips Building		Street Address 900 S. Central Ave., P.O. Box 76	
	Municipality, State & Zip Code Bartlesville, OK 74004		Municipality, State & Zip Code Roxana, IL 62084	
	Telephone Number (918) 661-9055		Telephone Number (618) 255-2737	
	Location of Facility Quarter Section	Township 5 N	Range 9 W	Municipality Roxana
	Street Address 900 S. Central Ave.		County Madison	Township Wood River
	Property Identification Number		Parcel Number 19-1-08-35-00-000-001	
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Petroleum Refining		
Water Pollution Control Construction Permit No. NA		Date Issued		
NPDES PERMIT No. IL0000205		Date Issued 04/14/04	Expiration Date 04/14/09	
Air Pollution Control Construction Permit No. NA		Date Issued		
Air Pollution Control Operating Permit No. 95120306		Date Issued 11/07/03		
Sec. C MANUFACTURING PROCESS	Describe Unit Process See Site 15 Closure Project attachment.			
	Materials Used in Process Well Water, Steam, lime, salt			
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility See Site 15 Closure Project attachment.			

POLLUTION CONTROL FACILITY - CONTAMINANTS	Sec. E (1) Nature of Contaminants or Pollutants		
		Material Retained, Captured or Recovered	
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
	Lime Sludge	Reverse Osmosis	Waste Water Treatment Plant
		Effluent	
	(2) Point(s) of Waste Water Discharge		
	Mississippi River per NPDES Permit		
		Plans and Specifications Attached	Yes <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 05/01/03	status of installation on date of application 100%	
ACCOUNTING DATA	(5) a.	TOTAL INSTALLED COST	\$ 3,208,357.00
	b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 16,041.00
	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:	% To Be Determined

SIGNATURE	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 - PTRRC Title

INSTRUCTIONS	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.		
	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:	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	

APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
POLLUTION CONTROL FACILITY
WRB – Wood River Refinery

Project: Site 15 Closure Project

Section C – Manufacturing Process

Process Description:

The Wood River Refinery uses high pressure steam to provide heat necessary for the refining process and to drive turbines to power compressors and pumps. The refinery generates the steam in gas fired boilers. Well water produced by wells on the refinery property provides the water necessary to produce the steam. Raw well water must be pretreated as it contains too high dissolved mineral content to be used as boiler feed water in high pressure boilers. Well water previously was heated and deaerated to remove oxygen then mixed with lime to remove the minerals which cause water hardness. Lime sludge is produced as a byproduct of hot lime softening. The sludge from this treating was sent to the Site 15 disposal site at the Wood River Refinery along with other sludges to decant for disposal. The lime treated water was then sent to zeolite softeners for final removal of hardness before being sent to the Boiler Feed Water System for use in boilers and steam generators throughout the refinery.

Section D – Pollution Control Facility Description

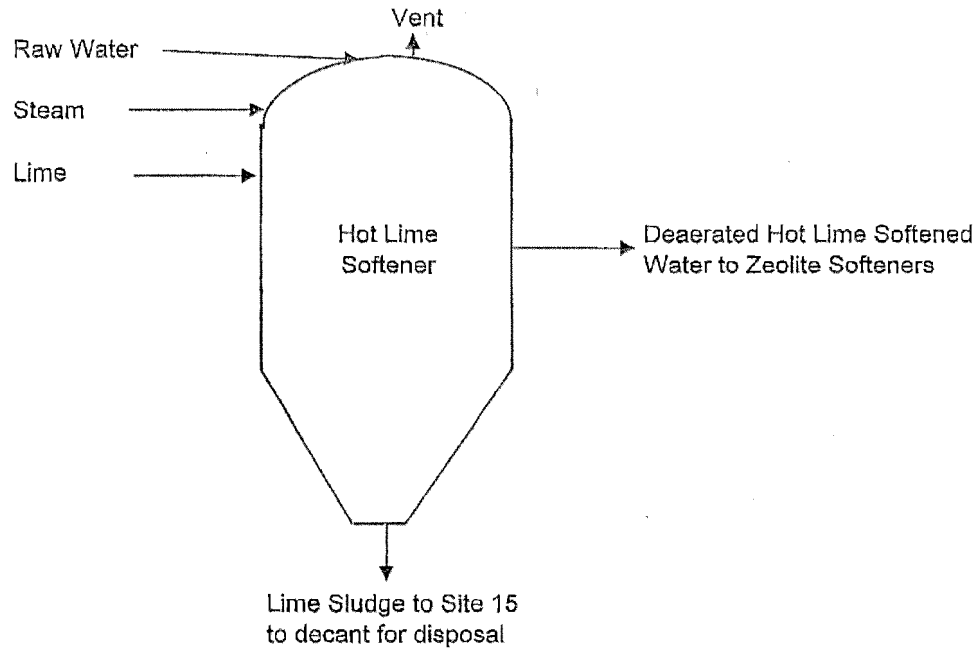
Site 15 was a permitted RCRA surface impoundment site located at the Wood River Refinery. At one time, Site 15 served as the disposal site for hazardous wastes including primary solids and oily sludges from the Wood River Refinery Waste Water Treatment Plant. Prior to the implementation of this pollution control project, Site 15 remained in service, receiving lime sludge from the boiler feed water hot lime softening step. Water from Site 15 decanted into Smith Lake. Closure of Site 15 was required to fulfill the terms of an EPA consent order and to prevent water pollution into Smith Lake.

Wood River Refinery personnel determined that the most cost effective and environmentally effective means to close Site 15 and thus prevent water pollution was to eliminate the boiler feed water hot lime softening step which produced the lime sludge routed to Site 15. To replace the hot lime treating system a leased Reverse Osmosis Treating unit was installed. The Reverse Osmosis system does not use lime, but instead uses pressure and a semi permeable membrane to remove the minerals from the raw water. Because the Reverse Osmosis system removes almost all the minerals from the raw water, the zeolite softeners are only needed as a final "polishing" step in the production of high quality Boiler Feed Water. The Reverse Osmosis system eliminated the production of lime sludge byproduct from Boiler Feed Water production. As part of this project, Site 15 was closed and solidified in place.

This project was implemented solely for the purpose of preventing water pollution by allowing the closure of Site 15 and thus stopping the decanting of water from a RCRA surface impoundment site to Smith Lake. The Wood River Refinery could have chosen to save capital and operating costs by continuing to operate the lime softening process and shipping the produced lime sludge to another waste disposal site. This option would not have prevented water pollution as effectively as the Reverse Osmosis option does. The closure of Site 15 and installation of the Reverse Osmosis Treating unit increased Wood River operating costs and thus the Wood River Refinery sees no financial benefit due to the addition of this Pollution Control Facility.

BFW Reverse Osmosis / Site 15 Consent Order Diagram

Hot Lime Softening Process



Reverse Osmosis Softening Process
(no sludge generated)

