

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

JOLIET BULK, BARGE & RAIL, LLC )  
Emissions Monitoring Systems )  
 )  
 ) PCB 21-  
 ) (Tax Certification - Air)  
 )  
PROPERTY IDENTIFICATION NUMBER )  
07-29-304-004-0000 or portion thereof )

**NOTICE**

TO: [Electronic filing]  
Don Brown, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

[Service by mail]  
Joliet Bulk, Barge & Rail, LLC  
Att: Katherine Tronsberg Macciocca  
c/o Duff and Phelps, LLC  
2000 Market Street, Suite 2700  
Philadelphia, PA 19103

[Service by mail]  
Steve Santarelli  
Illinois Department of Revenue  
101 West Jefferson  
P.O. Box 19033  
Springfield, Illinois 62794

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Pollution Control Board the **APPEARANCE** and **RECOMMENDATION** of the Illinois Environmental Protection Agency, a paper copy of which is herewith served upon the applicant and a representative of the Illinois Department of Revenue.

Respectfully submitted by,

/s/ Robb H. Layman  
Robb H. Layman  
Assistant Counsel

Date: September 28, 2020

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
Telephone: (217) 524-9137

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OF THE STATE OF ILLINOIS**

JOLIET BULK, BARGE & RAIL, LLC	)	
Emissions Monitoring Systems	)	
	)	PCB 21-
	)	(Tax Certification - Air)
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PROPERTY IDENTIFICATION NUMBER	)	
07-29-304-004-0000 or portion thereof	)	

**APPEARANCE**

I hereby file my Appearance in this proceeding on behalf of the Illinois Environmental Protection Agency.

Respectfully submitted by,

/s/ Robb H. Layman

Robb H. Layman  
Assistant Counsel

Date: September 28, 2020

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PROPERTY IDENTIFICATION NUMBER	)	
07-29-304-004-0000 or portion thereof	)	

**RECOMMENDATION**

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), through its attorneys, and pursuant to 35 Ill. Adm. Code 125.204 of the ILLINOIS POLLUTION CONTROL BOARD’S (“Board”) procedural regulations, files the Illinois EPA’s Recommendation in the above-referenced request for tax certification of pollution control facilities. The Illinois EPA recommends **issuance** of a tax certification covering the subject matter of the request. In support thereof, the Illinois EPA states as follows:

1. On or about June 19, 2020, the Illinois EPA received an application and supporting information from JOLIET BULK, BARGE & RAIL, LLC, (“Joliet BB&R”) concerning the proposed tax certification of certain air emission sources and/or equipment located at its petroleum terminal and storage facility in Joliet, Will County, Illinois. A copy of the application is attached hereto. **[Exhibit A]**.

2. The applicant’s business address is as follows:

Joliet Bulk, Barge & Rail, LLC  
Att: Katherine Tronsberg Macciocca  
c/o Duff and Phelps, LLC  
2000 Market Street, Suite 2700  
Philadelphia, PA 19103

3. The facility address is as follows:

Joliet Bulk, Barge & Rail, LLC  
1035 Laraway Road  
Joliet, IL 60436

4. The subject matter of this request consists of an Emissions Monitoring System for monitoring fugitive emissions of volatile organic materials (VOM) from the various petroleum storage tanks (total capacity of 760,000 barrels) and associated equipment and piping located at the terminal facility. The system was implemented beginning in late 2015 and is comprised of hand-held monitors that are utilized by facility personnel to periodically probe for fugitive VOM emissions. The monitoring system is part of the facility's obligation to monitor for leak detection under the federal New Source Performance Standards promulgated at 40 CFR Part 60.7. *See*, Exhibit A. As indicated in the application, such a system acts to reduce or prevent fugitive VOM emissions from the storage, handling and processing of petroleum products at the facility.

5. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2002), 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, 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."

6. Pollution control facilities are entitled to preferential tax treatment, as provided by 35 ILCS 200/11-5 (2002).

7. Based on information in the application and the primary purpose of the Emissions Monitoring System to prevent or reduce air pollution, it is the Illinois EPA's engineering

judgment that such systems or devices may be considered as “pollution control facilities” in accordance with the statutory definition and consistent with the Board’s regulations at 35 Ill. Adm. Code 125.200. **[Exhibit B]**. In this instance, the subject system or equipment is comprised of a system of emissions monitoring relied upon by the facility for purposes of preventing and/or repairing sources of fugitive emissions and falls within the definition of a pollution control facility.

8. Because the information in the application demonstrates that the Emissions Monitoring System satisfies the aforementioned statutory and regulatory criteria, the Illinois EPA recommends that the Board **issue** the applicant’s requested tax certification.

Respectfully submitted by,

/s/ Robb H. Layman

Robb H. Layman  
Assistant Counsel

DATED: September 28, 2020

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
Telephone: (217) 524-9137

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of September 2020, I electronically filed the following instruments entitled **NOTICE, APPEARANCE and RECOMMENDATION** with:

Don Brown, Clerk  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

and, further, that I did send a true and correct paper copy of the same foregoing instruments, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Steve Santarelli  
Illinois Department of Revenue  
101 West Jefferson  
P.O. Box 19033  
Springfield, Illinois 62794

Joliet Bulk, Barge & Rail, LLC  
Att: Katherine Tronsberg Macciocca  
c/o Duff and Phelps, LLC  
2000 Market Street, Suite 2700  
Philadelphia, PA 19103

/s/ Robb H. Layman

Robb H. Layman  
Assistant Counsel



# Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

## Application for Certification (Property Tax Treatment) Pollution Control Facility

### FOR AGENCY USE ONLY

File Number: _____	Date Rec'd: _____
Certification Number: _____	Date: _____

Facility Type (check one):  Air  Water

This form is to be used for any application for certification of property tax treatment for a pollution control facility for air or water from the Illinois EPA. Separate applications must be completed for each control facility claimed. Do not mix types (air and water). Where both air and water operations are related, file two applications.

If attachments are needed, record them consecutively on an index sheet

You may complete this form online, save a copy locally, print, sign and submit it to:

Illinois EPA  
Attention: Ray E. Pilapil, Permit Section  
Division of Air Pollution Control  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, IL 62794-9276

Illinois EPA  
Attention: Al Keller, Permit Section  
Division of Water Pollution Control  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, IL 62794-9276

### I. Applicant Information:

Company Name: <u>Joliet Bulk, Barge &amp; Rail, LLC</u>	Person to Contact for Additional Details <u>Kathryn Tronsberg Macciocca c/o Duff and Phelps LLC</u>
Person Authorized to Receive Certification: <u>Kathryn Tronsberg Macciocca c/o Duff and Phelps LLC</u>	Street Address: <u>2000 Market Street, Suite 2700</u>
Street Address: <u>2000 Market Street, Suite 2700</u>	City: <u>Philadelphia</u> State: <u>PA</u>
City: <u>Philadelphia</u> State: <u>PA</u>	Zip: <u>19103</u> Phone: <u>(215) 430-6059</u>
Zip: <u>19103</u> Phone: <u>(215) 430-6059</u>	Email Address: <u>Kathryn.Tronsberg@duffandphelps.com</u>
Email Address: <u>Kathryn.Tronsberg@duffandphelps.com</u>	

### II. Facility Information:

Facility Location: Quarter Section: W29 Township: 07 Range: 35N-10E  
Municipality: Joliet Township: 07

Note: A plat map location is requested for facilities located outside of municipal boundaries.

Address: 1035 Laraway Road City: Joliet  
State: IL Zip Code: 60436 County: Will Book Number: 07-29-E  
Property Index Number: 07-29-304-004-0000

Note: The Property Index Number is the numerical reference used to identify a parcel of real property for assessment and taxation purposes.

### Manufacturing Operations Information:

Nature of Operations Conducted at the Above Location:

<u>Petroleum and Petroleum Products Storage Facility</u>
--

### Permit Information:

WPC Construction Permit Number: <u>N/A</u>	Date Issued: _____
NPDES Permit Number: <u>N/A</u>	Date Issued: <u>N/A</u> Exp. Date: <u>N/A</u>
APC Construction Permit Number: <u>Construction Permit ID #197445AAY</u>	Date Issued: <u>3/29/2019</u>
APC Operating Permit Number: <u>N/A</u>	Date Issued: <u>N/A</u> Exp. Date: <u>N/A</u>

Note: Submit copies of all relevant permits issued by local pollution control agencies. (e.g. MSD Construction Permit)

*This Agency is authorized to request this information under 415 ILCS 5/4(b)(2012). Disclosure of this information is voluntary and no penalties will result from the failure to provide the information. However, the absence of the information could prevent your application from being processed or could result in denial of your application.*

— Exhibit A —

**Manufacturing Process Information:**

Please provide information on the manufacturing process and materials on which pollution control facility is used, including each major piece of equipment associated with the pollution control facility (or low sulfur dioxide emission coal fueled device).  
Description of the Process:

Zenith Energy Management, LLC's (the "Company's" or "Zenith's") Joliet Bulk, Barge & Rail Terminal (the "Facility") is located in Joliet, Will County, Illinois. The Facility consists of six (6) storage tanks with a total capacity of 760,000 barrels of petroleum products. The Facility's Phase I was completed in 2015, inclusive of the subject Pollution Control equipment installed at the Facility. Phase 2 was completed in 2018.

Materials Used in the Process:

Petroleum and Petroleum Products

**Pollution Control Facility Information:**

Please provide a narrative description of the pollution control facility (or low sulfur dioxide emission coal fueled device), and an explanation of why its primary purpose is to eliminate, prevent or reduce pollution. State the type of control facility, as well as a narrative description and a process flow diagram describing the pollution control facility. Include an average analysis of the influent and effluent of the control facility stating the collection efficiency, if applicable.

Describe the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

The Facility has acquired and capitalized multiple Hand-Held Emissions Monitors for the purpose of monitoring for potential fugitive Volatile Organic Material ("VOM") emissions resulting from the storage of petroleum and/or petroleum products at the Facility. These Hand-Held Emissions Monitors are utilized to measure inadvertent emissions from the six (6) storage tanks, which possess a total capacity of 760,000 barrels of petroleum products, as well as the inadvertent release of fugitive VOMs from other areas of the Facility.

Describe the Primary Purpose of the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

The Facility's Hand-Held Emissions Monitors monitor for the inadvertent release Volatile Organic Material ("VOM") emissions, etc. from the Facility. The monitoring devices are utilized to ensure the facility stays in compliance with Title 40 Code of Federal Regulation Section 60.7.

Identify the statute or regulation (federal or state), or local ordinance, if any, requiring the installation of the subject pollution control facility (or low sulfur dioxide emission coal fueled device).

Per Title 40 Code of Federal Regulations Chapter 60.7(f) "Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records..."

**Nature of Contaminants or Pollutants:**

List air contaminants or water pollution substances released as effluents to the manufacturing processes. Also list the final disposal of any contaminants removed from the manufacturing processes.

Contaminant or Pollutant	Material Retained, Captured or Recovered	
	Description	Disposal or Use
Volatile Organic Materials ("VOMs")	N/A	N/A

Note: Contaminant or pollutant means that which is removed from the process by the pollution control facility.



**Point(s) of Waste Water Discharge:**

Identify the location of the discharge to the receiving stream. This will typically refer to a source of water pollution but can include water-carried wastes from air pollution control facilities.

Plans and Specifications Attached  Yes  No

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.

Are contaminants (or residues) collected by the control facility?  Yes  No

Note: If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value dollars reclaimed by the sale or reuse of the collected substances. State the cost of reclamation and related expense.

**Project Status:**

Date Installation Completed: Q4 2015

Provide the date the pollution control facility was first placed into service and operated. If not, explain.

The pollution control facility was first placed into service and operated in Q4 2015.

Status of installation on date of application:

Completed.

**III. Verification and Signature:**


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.

**Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))**

Kathryn Tronsberg Macciocca  
Printed Name:

Director - Property Tax  
Title:

For incorporated entities, signature should be from an authorized corporate representative.

  
Signature:

6/18/2020  
Date:



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

### Memorandum

#### Technical Recommendation for Tax Certification Approval

Date: August 18, 2020

To: Robb Layman, Assistant Counsel

From: Bob Bernoteit, Unit Manager, Permits Section <sup>EWB</sup>

Subject: Joliet Bulk Barge & Rail

The Illinois EPA received a request on July 29, 2020, from Midwest Generation, LLC, for an Illinois EPA recommendation regarding tax certification of air pollution control facilities pursuant to 35 Ill. Adm. Code 125.204. In consultation with my staff, I approve the following recommendation:

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

Hand-held Emissions Monitoring project, which was implemented in 2015 to facilitate the monitoring of fugitive emissions of volatile organic materials (VOM) from the six petroleum storage tanks (total capacity 760,000 barrels) located at the product terminal. Because the primary purpose of the project is to reduce or prevent air pollution and will enable the source to assure compliance with the monitoring requirements of 40 CFR Part 60.7, it can be certified as a pollution control facility.

This facility is located at 1035 Laraway Drive, Joliet.  
The property identification number is 07-29-304-004-0000.

Based on the information included in this submittal, it is the Division of Air Pollution Control's engineering judgment that the proposed facility may be considered "Pollution Control Facilities" under 35 IAC 125.200(a), with the primary purpose of preventing or reducing air pollution, or as otherwise provided in this section, and is therefore eligible for tax certification from the Illinois Pollution Control Board. Therefore, it is the Illinois EPA's recommendation that the Board issue the requested tax certification for this facility.

— Exhibit B —