

6. **CONTACT NAME**

A. Company/Organization Name Cummings Westlake LLC
 B. Name of Individual to Contact: Dale Cummings
 C. Mailing Address (Street or P.O. Box): 12837 Louetta, Suite 201
 D. City, State, and Zip: Cypress, TX 77429
 E. Telephone number and fax number: (713) 266-4456 X-1
 F. E-Mail address (if available): dcummings@cwlp.net

7. **RELEVANT RULE, REGULATION, OR STATUTORY PROVISION**

For each media, please list the specific environmental rule or regulation that is met or exceeded by the installation of this property.

MEDIUM	Rule/Regulation/Law
Air	30 TAC 106.512
Water	
Waste	

8. **DESCRIPTION OF PROPERTY (Complete for all applications)**

Describe the property and how it will be used at your facility. **Do not simply repeat the description from the Equipment & Categories List.** Include sketches of the equipment and flow diagrams of the processes where appropriate. Use additional sheets, if necessary.
Wise County Power Company installed two heat recovery steam generators in 2003 to reduce air emissions. Please see attached description.

Land: If a use determination is being requested for land, provide a legal description and an accurate drawing of the property in question.

9. **PARTIAL PERCENTAGE CALCULATION**

This section is to be completed for Tier III and IV applications. For information on how to conduct the partial percentage calculation, see the application instructions document. Attach calculation documents to completed application.

10. **PROPERTY CATEGORIES AND COSTS**

List each control device or system for which a use determination is being sought. Provide additional attachments for more than 3 properties.

Property	Taxable on 1/01/94?	DFC Box	ECL #	Estimated Cost	Use %
Land					
Property <u>Heat recovery steam generators</u>	<u>No</u>	<u>7</u>	<u>B-8</u>	<u>\$46,000,000</u>	<u>62.1%</u>
_____	_____	_____	_____	_____	_____
Totals				<u>\$46,000,000</u>	

11. EMISSION REDUCTION INCENTIVE GRANT

(For more information about these grants, see the Application Instruction document).

Will an application for an Emission Reduction Incentive Grant be filed for this property/project?

Yes No

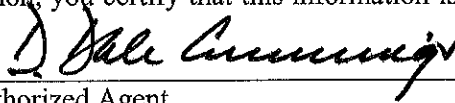
12. APPLICATION DEFICIENCIES

After an initial review of the application, the TCEQ may determine that the information provided with the application is not sufficient to make a use determination. The TCEQ may send a notice of deficiency, requesting additional information that must be provided within 30 days of the written notice.

13. FORMAL REQUEST FOR SIGNATURE

By signing this application, you certify that this information is true to the best of your knowledge and belief.

Name:



Date: 4/18/08

Title:

Authorized Agent

Company:

Cummings Westlake LLC

Under Texas Penal Code, Section 37.10, if you make a false statement on this application, you could receive a jail term of up to one year and a fine up to \$2,000, or a prison term of two to 10 years and a fine of up to \$5,000.

14. DELINQUENT FEE/PENALTY PROTOCOL

This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol. (Effective September 1, 2006)

ATTACHMENT TO WISE COUNTY POWER COMPANY, LP TCEQ APPLICATION

The Wise County plant is constructed as a Combined Cycle facility, and as such utilizes two Heat Recovery Steam Generators (HRSGs) as key components of its process. The HRSGs are designed to capture exhaust gases from a combustion turbine, and to convert this heat energy into high pressure and temperature steam. Heat transfer occurs through banks of finned tubes in the HRSG that contain water on the inside, contacted by the hot exhaust gases on the outside.

The use of a HRSG in Combined Cycle facilities results in an improvement in efficiency of the thermal cycle of a traditional power plant from approximately 36% to 50%. This allows more electrical energy to be produced for a given heat input than is possible by a simple cycle or traditional steam boiler/turbine (Rankin cycle) configuration. Since less fuel is utilized per kilowatt of power produced, less exhaust gas emissions (NO_x , CO, CO_2 , etc) are produced as a result. The HRSG's primary purpose of capturing and converting waste heat therefore results in positive environmental benefits.

Wise County Power Company is claiming 61.2% of the cost of the HRSG is pollution control equipment.

The calculation is based upon the difference between the thermal efficiency in simple cycle versus combined cycle mode.

Efficiency gain due to HRSG: $(50\%/36\%) - 1 = 38.8\%$

Environmental benefit : $(1 - \text{efficiency gain of } 38.8\%) = 61.2\%$

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 10, 2012

Mr. Dale Cummings
Agent
Cummings westlake LLC
12837 Louetta Ste 201
Cypress, Texas 77429

Re: Notice of Negative Use Determination
Wise County Power Company LP
Wise County Power Plant
Highway 155
Poolville (Wise County)
Application Number: 12202

Dear Mr. Cummings:

This letter responds to Wise County Power Company LP's Application for Use Determination, received April 21, 2008, pursuant to the Texas Commission on Environmental Quality's (TCEQ) Tax Relief for Pollution Control Property Program for the Wise County Power Plant.

The TCEQ has completed the review for application #12202 and has issued a Negative Use Determination for the property in accordance with Title 30 Texas Administrative Code (TAC) §17.4 and §17.6. Heat recovery steam generators are used solely for production; therefore, are not eligible for a positive use determination.

Please be advised that a Negative Use Determination may be appealed. The appeal must be filed with the TCEQ Chief Clerk within 20 days after the receipt of this letter in accordance with 30 TAC §17.25.

If you have questions regarding this letter or need further assistance, please contact Ronald Hatlett of the Tax Relief for Pollution Control Property Program by telephone at (512) 239-6348, by e-mail at ronald.hatlett@tceq.texas.gov, or write to the Texas Commission on Environmental Quality, Tax Relief for Pollution Control Property Program, MC-110, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

A handwritten signature in cursive script that reads "cgoodin".

Chance Goodin, Team Leader
Stationary Source Programs
Air Quality Division

CG/RH

Mr. Dale Cummings
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cc: Chief Appraiser, Wise County Appraisal District, 400 E Business US 380, Decatur, Texas 76234