



TENNESSEE DEPARTMENT OF REVENUE
Application for Pollution Control
Sales and Use Tax Exemption

1. Pollution Control Purchaser Name _____ FEIN or SSN _____

2. Mailing Address _____
Street City State ZIP Code

3. Sales Tax Account No. _____ Location Identifier _____

4. Location of Pollution Control Project _____
Street City County

5. Purchaser Contact _____
Name Phone Number (Required) Email Address

6. Application is for authorization to (Check one):

- a. purchase qualified pollution control items exempt from sales and use tax
- b. receive a refund or credit for sales and use tax paid on purchases of qualified pollution control items

7. Describe the purchaser's business activities, and list pollution created in the course of conducting the activities.

8. List the federal, state, or local pollution control laws or regulations with which purchaser must comply. Attach copies of correspondence or certificates from regulatory authorities.

9. Pollution Control Compliance Project Start Date _____ Project Completion Date _____
MM/DD/YYYY MM/DD/YYYY

10. Is a contractor providing and installing the pollution control items? Yes No

If yes, provide the following information, and submit a copy of the contract with this application.

Contractor's Name Sales Tax Account No. Begin Contract Date End Contract Date

Contractor's Mailing Address City State ZIP Code Phone No. (Required)

Describe the nature of the contract as it applies to the pollution control system, method, improvement, device, structure, or appliance installed by the contractor that is required to bring the purchaser into compliance with pollution control laws and regulations.

11. Attach a schedule of the pollution control items required, including a description of the use of the item to bring the purchaser into compliance with pollution control laws and regulations. If you have paid sales or use taxes on qualifying pollution control items, you can request a refund or credit once this application is approved. To request a refund or credit, you must file a Claim for Credit or Refund of Sales or Use Tax and attach the Pollution Control Sales and Use Tax Exemption Certificate, issued by the Department of Revenue, along with copies of purchase invoices showing the tax paid.

Affidavit of Applicant

Under penalties of perjury, I declare that to the best of my knowledge this information is true and correct. I understand that any authority given as a result of this application will be limited to the pollution control system, method, improvement, device, structure, or appliance that is required and primarily used to bring the purchaser into compliance with federal, state, or local pollution control laws and regulations. The information contained in this application is subject to audit by the Department of Revenue, and it may result in the assessment of additional taxes, penalties, and interest if the statutory requirements for the sales and use tax exemption are not met.

Print Name _____

Title _____

Signature _____

Date _____

Please mail application to:

Tennessee Department of Revenue
Taxpayer Services Division
500 Deaderick Street
Nashville, TN 37242

Tenn. Code Ann. § 67-6-346 provides a sales and use tax exemption for any system, method, improvement, structure, device, or appliance that is required and primarily used to bring the purchaser into compliance with federal, state, or local pollution control laws or regulations. The exemption also includes sales and use tax on repair parts, and repair and installation services for a pollution control system, method, improvement, structure, device or appliance that is required and primarily used for pollution control. The exemption is available only to purchasers that are required to comply with pollution control laws or regulations when creating pollution in the course of the purchaser's regular business activities. The exemption is not available to entities that process, treat, or control pollution created by others. Entities whose business operations or activities involve soliciting waste or pollutants from the producers of the waste or pollutants to process, treat, or control the pollution will not qualify for the exemption.

In addition to the above exemptions, state law also has separate emission control exemptions for automobile body paint shops and dry cleaners. Tenn. Code Ann. § 67-6-507(i) provides an exemption or credit for 100% of the sales and use tax for equipment purchases by automobile body paint shops, which make the purchases in order to comply with emission control standards and regulations. Tenn. Code Ann. § 67-6-507(j) provides a credit or exemption of 50% of the sales and use tax for purchases of replacement equipment that dry cleaners purchase in order to comply with emission control standards imposed by governmental agencies.

The purchaser must apply for a Pollution Control Sales and Use Tax Exemption Certificate from the Department in order to make tax exempt purchases of qualified pollution control items or to receive a refund or credit for tax paid on qualified pollution control items. If applying for a refund or credit of tax paid on pollution control items, the purchaser must also submit the Claim for Credit or Refund of Sales or Use Tax and provide copies of purchase invoices for the pollution control items showing tax paid. The application for pollution control must be approved before a refund will be initiated or before the purchaser may take the credit on its sales and use tax return.

The purchaser may hire a contractor to construct or install pollution control items that are required to bring the purchaser into compliance with the pollution control laws or regulations. In order for these pollution control items to qualify for exemption, the contractor must provide or install pollution control items that will be owned or leased by the purchaser. In such a case, the purchaser must include the contractor's business information, a description of the nature of the contract as it applies to the purchaser's compliance mandates, and a copy of the contract with the purchaser's application. If the application is approved, the Department will issue a Pollution Control Sales and Use Tax Exemption Certificate to the contractor to make tax exempt purchases of pollution control items that will be provided to and/or installed for the purchaser. The contractor's exemption certificate will be valid only for a specific purchaser's pollution control project. If the sales and use taxes have already been paid by the contractor, the approved application, contract information, refund claim, and copies of purchase invoices will be used to support and initiate a refund or credit directly to the purchaser. Pollution control credits or refunds will not be approved, applied, or paid to the purchaser's contractor.

Instructions:

- 1) - 5) Complete your business information.
- 6) Check box (a) if you are seeking an exemption certificate for yourself or for your contractor to make sales and use tax exemption purchases of pollution control items. Check box (b) if you are seeking a refund or credit of sales and use tax paid on qualified pollution control items. If you are seeking a refund or credit, you also must submit a completed Claim for Credit or Refund of Sales or Use Tax, and attach copies of purchase invoices, and any other documents showing that the sales and use tax has been paid.
- 7) Describe your business activities, and list the pollution created in the course of conducting such activities. Automobile body paint shops or dry cleaners must indicate those business activities.
- 8) Provide citations and copies of federal, state, or local pollution control laws or regulations that the applicant must comply with as it applies to this application. Provide copies of any correspondence or other documents or certificates from federal, state, or local regulatory authorities as they relate to pollution control mandates.

- 9) Provide the start date for this pollution control compliance project and the date the project will be completed.
- 10) If a contractor was hired to construct or install pollution control items, check the box yes, and provide all the requested information for the contractor. If there is more than one contractor for this project, attach a list of the contractors with all requested information and provide copies of each contract.
- 11) Attach a schedule of the pollution control items, and include a description of the use of each item to bring the purchaser into compliance with pollution control laws and regulations. If you have paid sales or use taxes on qualifying pollution control items, you can request a refund or credit once this application is approved. To request a refund or credit, you must file a Claim for Credit or Refund of Sales or Use Tax and attach the Pollution Control Sales and Use Tax Exemption Certificate, issued by the Department of Revenue, along with copies of purchase invoices showing the tax paid.