

Instructions for Form 312 Effluent Equipment Tax Credit

This form must be completed by any taxpayer claiming an Effluent Equipment Tax Credit on CBT-100, CBT-100U, CBT-100S, or BFC-1 in accordance with N.J.S.A. 54:10A-5.31, P.L. 2001, c.32, Section 1. A completed Form 312 must be included with the return to validate the claim.

Unused tax credits may be claimed in subsequent tax years subject to the limitations set forth on this form.

Parts IV and V are used to calculate the allowable credit and carryover. Taxpayers filing Forms CBT-100, CBT-100S, or BFC-1 complete Part IV and CBT-100U filers complete Part V.

Combined Return Filers

If filing a combined return, the form must be completed by the member that earned the credit. All combined return filers must check the combined return filers box at the top of the form and complete Part V, Section A.

Members Opting Not to Share. In general, tax credits are earned by a member of the combined group and are shareable with the combined group. However, members are not required to share their credits. See N.J.S.A. 54:10A-4.6.i and TB-90(R), *Tax Credits and Combined Returns*. In addition to Section A, members that choose not to share must also complete Part V, Section B and fill in the oval at the top of the form to indicate they are not sharing the credit.

Part I – Qualifications

To be eligible for the tax credit, the answer to all questions in Part I **must** be “YES.” If the answer to any of the questions is “NO,” the taxpayer is **not** entitled to the Effluent Equipment Tax Credit.

Taxpayers that have received the determination of environmentally beneficial operation from the Commissioner of the Department of Environmental Protection **must** include a copy of each determination along with Form 312 with the tax return. Also, taxpayers must include an affidavit stating that the treatment equipment or conveyance equipment is or will be used exclusively in New Jersey.

Note: No amount of cost included in the calculation of this tax credit shall be included in the costs for calculation of any other credit against the tax imposed pursuant to section 5 of P.L. 1945, c.162 (N.J.S.A. 54:10A-5).

Part II – Effluent Treatment and Conveyance Equipment

Complete the information requested in each of the columns (A) through (I) for each piece of equipment. If additional space is needed, include a rider in like format containing the information required in columns (A) through (I).

The cost amount to be reported in column (C) is the invoice cost of the equipment.

Column (D) must reflect the total of the amount of any loan from the Department of Environmental Protection made pursuant to section 5 of P.L. 1981, c. 278 as amended (N.J.S.A. 13:1E-96) plus the amount of any Sales and Use Tax paid pursuant to P.L. 1966, c.30 as amended (N.J.S.A. 54:32B-1 et seq.).

Enter in column (G) the number of months that the equipment was used in New Jersey during the period covered by the return.

The prorated credit amount, reported in column (H), is computed by multiplying column (F) by column (G) and dividing the result by 12.

Enter the totals of the amounts reported in columns (H) and (I) in the space provided. Combined return filers, include in column (I) any amounts shared with other members in prior years.

Part III – Calculation of Available Credit

Follow the instructions on lines 4 through 8 to calculate the total Effluent Equipment Tax Credit.

Part IV – Calculation of Allowable Credit Amount (for CBT-100, CBT-100S, and BFC-1 Filers only)

For CBT-100, CBT-100S, and BFC-1 filers, the allowable Effluent Equipment Tax Credit for the current year is calculated in Part IV. Combined return filers do not complete Part IV, and must complete Part V instead. The amount of this credit in addition to the amount of any other tax credits taken is limited to 50% of the taxpayer's total tax liability and cannot exceed an amount that would reduce the total tax liability below the statutory minimum.

Line 10 – The minimum tax is assessed based on the New Jersey Gross Receipts as follows:

New Jersey Gross Receipts	CBT-100/BFC-1	CBT-100S
Less than \$100,000	\$500	\$375
\$100,000 or more but less than \$250,000	\$750	\$562
\$250,000 or more but less than \$500,000	\$1,000	\$750
\$500,000 or more but less than \$1,000,000	\$1,500	\$1,125
\$1,000,000 or more	\$2,000	\$1,500

If a taxpayer is filing a separate return and is a member of an affiliated or controlled group that has a total payroll of \$5,000,000 or more for the return period, the minimum tax is \$2,000. Tax periods of less than 12 months are subject to the higher minimum tax if the prorated total payroll exceeds \$416,667 per month.

Line 14 – Taxpayers claiming multiple credits must list any credits already applied to the tax liability to ensure accuracy of the calculation for maximum credit allowable.

Part V – Calculation of Allowable Credit Amount for Combined Return Filers

For CBT-100U filers, the total and allowable Effluent Equipment Tax Credit for the current year is calculated in Part V. All combined return filers must complete Section A. Members that choose not to share their credit must also complete Section B.

Section A – To be completed by ALL combined return filers

This section calculates the amount of credit allowable for the group. If a member chooses not to share their credit with the group, Section A must still be completed to ensure the credit allowed for the member does not exceed the amount that would otherwise be allowed against the group tax liability.

The amount of the credit calculated in this section cannot exceed 50% of the group tax liability otherwise due and cannot reduce the tax liability to an amount less than the aggregate statutory minimum tax of the group members.

Line 18 – Multiply the number of taxable group members by \$2,000 and enter the result.

Line 22 – Combined groups claiming multiple credits must list any credits already applied to the group tax liability to ensure accuracy of the calculation for maximum credit allowable.

Section B

This section is used to calculate the amount of credit allowable for members that choose not to share their credit with the group. Section B is completed based on the member's share of the group tax liability. The amount of the credit calculated in this section cannot exceed 50% of the member's tax liability otherwise due and cannot reduce the tax liability to an amount less than \$2,000. The amount of the credit is also limited to the amount that would otherwise be allowed against the group tax liability if the member had been sharing the credit.

Line 30 – Members claiming multiple credits must list any credits already applied to the member's tax liability to ensure accuracy of the calculation for maximum credit allowable.