

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>KH Poppy Farms</b>	)
<b>(Property Identification Number</b>	) <b>PCB 015-</b>
<b>17-30-400-001)</b>	) <b>(Tax Certification</b>
	) <b>Water)</b>

**NOTICE**

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

Keith A. Poppy  
6631 N. 750<sup>th</sup> Avenue  
Lynn Center, Illinois 61262

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: June 26, 2015

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**

**KH Poppy Farms  
(Property Identification Number  
17-30-400-001)**

)  
) **PCB 015-**  
) **(Tax Certification**  
) **Water)**

**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*  
Vera Herst  
Assistant Counsel  
Division of Legal Counsel

DATED: June 26, 2015  
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**

<b>KH Poppy Farms</b>	)
<b>(Property Identification Number</b>	) <b>PCB 015-</b>
<b>17-30-400-001)</b>	) <b>(Tax Certification</b>
	) <b>Water)</b>

**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 December 9, 2014, the Illinois EPA received a request from Keith A. Poppy (log number TC-20-14, 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:	KH Poppy Farms
	6631 N. 750 <sup>th</sup> Avenue
	Lynn Center, Illinois 61262

3. The proposed water pollution control facilities in this request are located at SE Section 30, T15N, R2E of 4<sup>th</sup> PM in Henry County, at the above street address and consist of the following:

Livestock waste handling facilities consisting of two (2) 52 ft. x 203 ft. x 8 ft. deep manure pits, and the slotted concrete portion of the floor over the manure pits that capture and contain waste generated in the barns above, Each pit has five 5 ft. x 6 ft. x 8 ft. deep pumpout pits to allow manure removal from the manure pits. A perimeter drainage tile is located around the footing of each pit to prevent floatation of the manure pits.

These livestock waste management facilities are used to collect, transport and/or store livestock wastes prior to cropland application, and are further described in Exhibit A.

4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2012), defines "pollution control facilities" as:

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“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 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 may be considered “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.

WHEREFORE, the Illinois EPA recommends that the Board issue the requested tax certification.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Vera Herst  
Assistant Counsel  
Division of Legal Counsel

Dated: June 26, 2015  
Illinois Environmental Protection Agency  
1021 North Grand Ave. E.  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

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# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829  
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

## Memorandum

To: Charles Gunnarson, Division of Legal Counsel

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

Date: June 15, 2015

Re: KH Poppy Farms – Lynn Center  
Recommendation of Tax Certification  
Log # TC-20-14  
Property Identification # 17-30-400-001

The Bureau of Water received a request on December 9, 2014 from Keith A. Poppy for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204. We offer the following recommendation.

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

KH Poppy Farms  
6631 N 750 Ave.  
Lynn Center, IL 61262

SE Section 30, Township 15N, Range 2E of the 4th PM in Henry County.

The livestock waste handling facilities consist of two (2) 52 ft. x 203 ft. x 8 ft. deep concrete manure pits, and the slotted concrete portion of the floor over the manure pit that capture and contain waste generated in the barns above. Each pit has five 5 ft. x 6 ft. x 8 ft. deep pumpout pits to allow manure removal from the manure pits. A perimeter drainage tile is located around the footing of each pit to prevent floatation of the manure pits. These facilities collect, transport and store livestock waste prior to cropland application.

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 may be 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 Bureau of Water therefore recommends that the Board issue the requested tax certification for these facilities.

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

SAK:WH:Tax Cert Recommendation.docx

cc: Tax Cert File

## Watershed Unit Tax Certification Review Sheet

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Project Name: KH Poppy Farms

Location: Lynn Center, IL

Reviewer: WH

Date: June 12, 2015

Log number: TC-20-14

Type:  Agchem

Livestock

Applicant: Keith A. Poppy

Contact: Keith A. Poppy

6631 N 750 Ave.

Phone: 309-521-8627

Lynn Center, IL 61262

Property ID: 17-30-400-001

Facility: KH Poppy Farms

County: Henry

6631 N 750 Ave.

Lynn Center, IL 61262

Signature: Keith A. Poppy

Legal Description:

Title: Owner

SE Section: 30 Twp: 15N R: 2E PM: 4th

Date Control Devices installed: 1/1/2013

Provided Fair cash Value: \$492,685

- Wastes:
- Livestock waste is applied to cropland.
  - Agrichemical rinsate and spillage is recycled through the facility and/or land applied.
  - Other: \_\_\_\_\_

### Physical Description of Pollution Control Devices:

The livestock waste handling facilities consist of two (2) 52 ft. x 203 ft. x 8 ft. deep concrete manure pits, and the slotted concrete portion of the floor over the manure pit that capture and contain waste generated in the barns above. Each pit has five 5 ft. x 6 ft. x 8 ft. deep pumpout pits to allow manure removal from the manure pits. A perimeter drainage tile is located around the footing of each pit to prevent floatation of the manure pits. These facilities collect, transport and store livestock waste prior to cropland application.

Recommended Action: Issue tax certification.

TC-20-14

**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
APPLICANT	Sec. A Company Name Kit Puppy Farms		
	Person Authorized to Receive Certification Keith A. Puppy		Person to Contact for Additional Details Same - Keith A. Puppy
	Street Address 6631 N 750 Ave.		Street Address 6631 N 750 Ave.
	Municipality, State & Zip Code Lynn Center, IL 61262		Municipality, State & Zip Code Lynn Center, IL 61262
	Telephone Number (309) 521-8627		Telephone Number (309) 521-8627
	Location of Facility Quarter Section Township Range SE 30 15-N 2E		Municipality Township Henry Andover
	Street Address 6631 N 750 Ave.		County Book Number
	Property Identification Number		Parcel Number 17-30-400-001
	MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location Wear to Finish swine waste control.	
Water Pollution Control Construction Permit No.		Date Issued	
NPDES PERMIT No.		Date Issued Expiration Date	
Air Pollution Control Construction Permit No.		Date Issued	
Air Pollution Control Operating Permit No.		Date Issued	
MANUFACTURING PROCESS	Sec. C Describe Unit Process		
	Materials Used in Process  <b>RECEIVED</b> DEC - 9 2014		
POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility  See Attachments		
	<small>Watershed Management Section</small>		

Sec. F  POLLUTION CONTROL FACILITY - CONTAMINANTS  ACCOUNTING DATA	(1) Nature of Contaminants or Pollutants			
		Material Retained, Captured or Recovered		
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE	
	swine manure		Fertilize for row crops	
	(2) Point(s) of Waste Water Discharge			
	Plans and Specifications Attached			
		Yes <input type="checkbox"/>	No <input type="checkbox"/>	
	(3)	Are contaminants (or residues) collected by the control facility?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(4)	Date installation completed <u>Jan. 2013</u> status of installation on date of application _____			
(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$	492,685.00	
	b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$	-0-	
	c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$	20,000	
	d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$	8000	
	e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	%	53.10	
Sec. F  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. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.			
	<u>Karl A. Papp</u> Signature	<u>owner</u> Title		
Sec. G  INSTRUCTIONS	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 pollution control facility. Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an average 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: Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276	Attention: Al Keller Permit Section Division of Water Pollution Control	Attention: Donald E. Sutton Permit Section Division of Air Pollution Control

**Section D.**

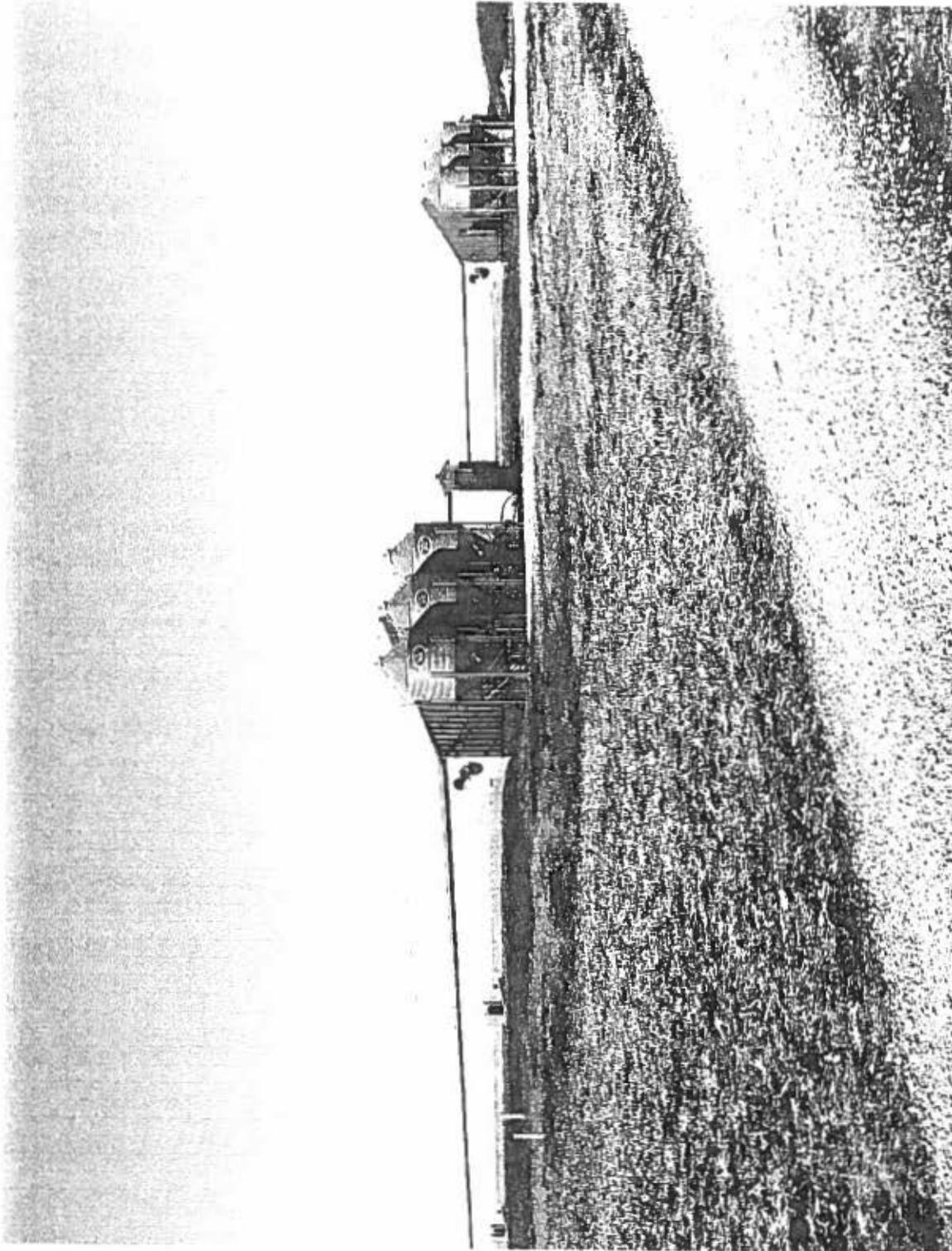
Our pollution control facilities were built under two identical 1200 head wean-to-finish swine barns 75 feet apart. The primary purpose of these facilities is to prevent water pollution. The site is 1200 feet south of our residence and is 1200 feet west of the nearest body of water (a small creek). This creek feeds into the Edwards River approximately 6000 feet north of the site.

Our two 52' X 203' control facilities capture and contain 100% of the waste generated by the hogs in the barns above. The waste is injected at agronomic rates into cropland as fertilizer for the next year's crop.

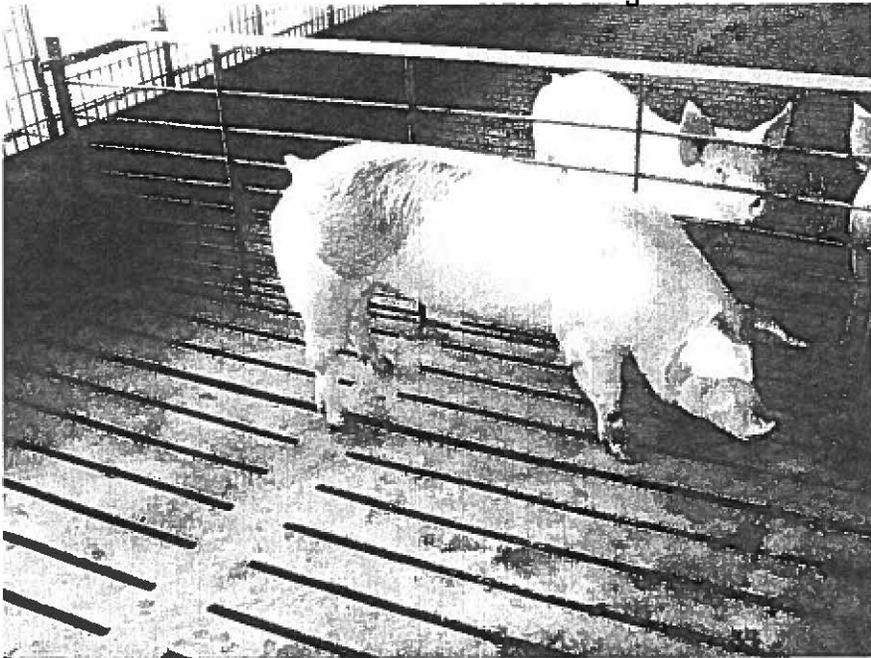
The control facilities consist of two 8 foot pits with 8" walls on 9" thick footings outside of a 5-8" thick floor. Each pit has 72 one foot columns 7' tall supporting 68 twelve foot (8" X 10") support beams. There are 264 concrete gang slats (4' X 10') on top of the support beams. Each underground pit has five 5' X 6' pump-outs to provide access to agitate and suck out the waste. The two facilities are monitored via a perimeter tile around the footings of each. All material used in construction consists of concrete and steel reinforcement with waterstop joints.

Please see attached process flow diagram.

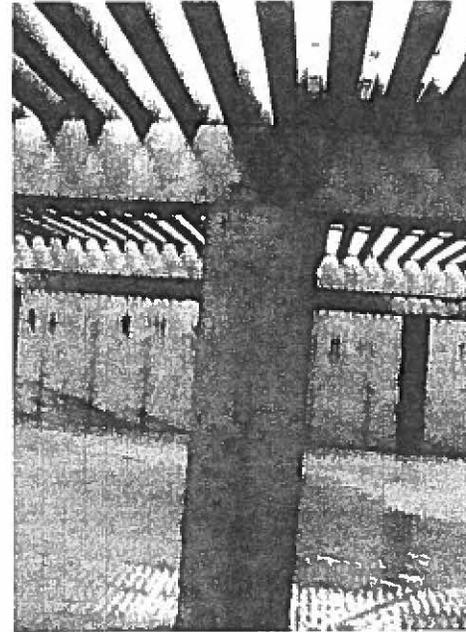
## Pollution Control Facilities



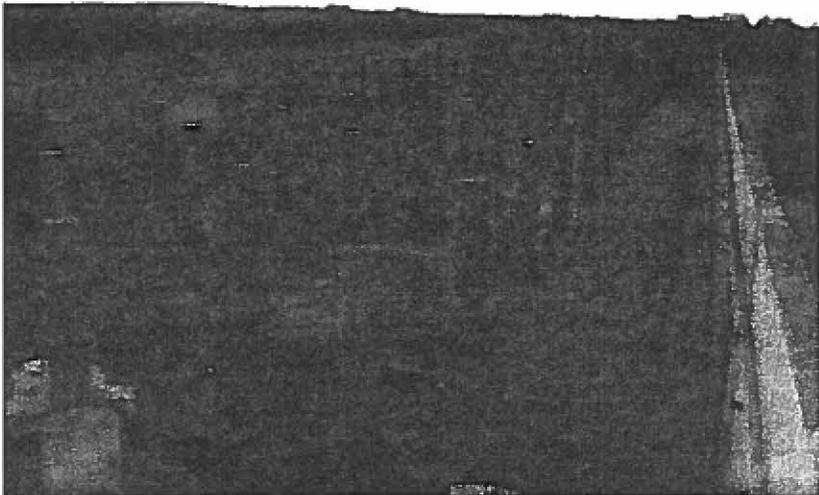
Two 1200 head swine barns over top of pollution control facilities.



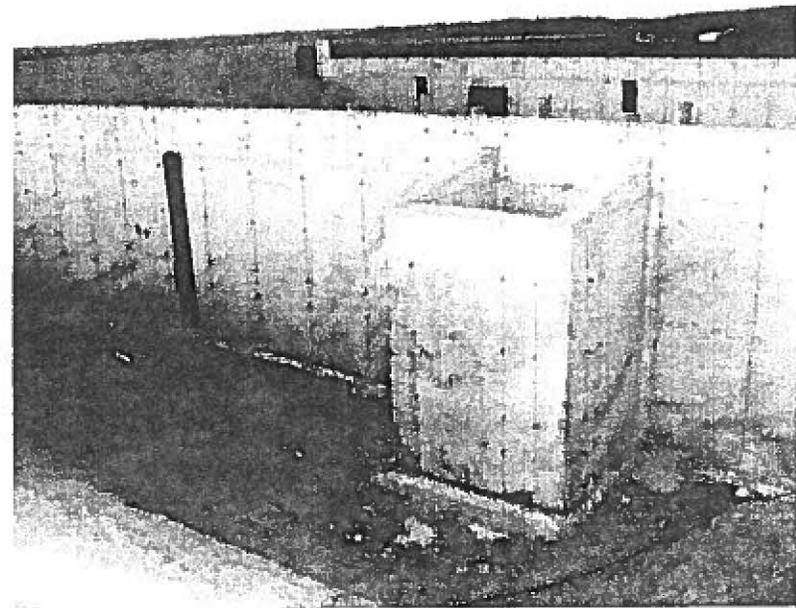
1. Swine waste flows through gang slats.



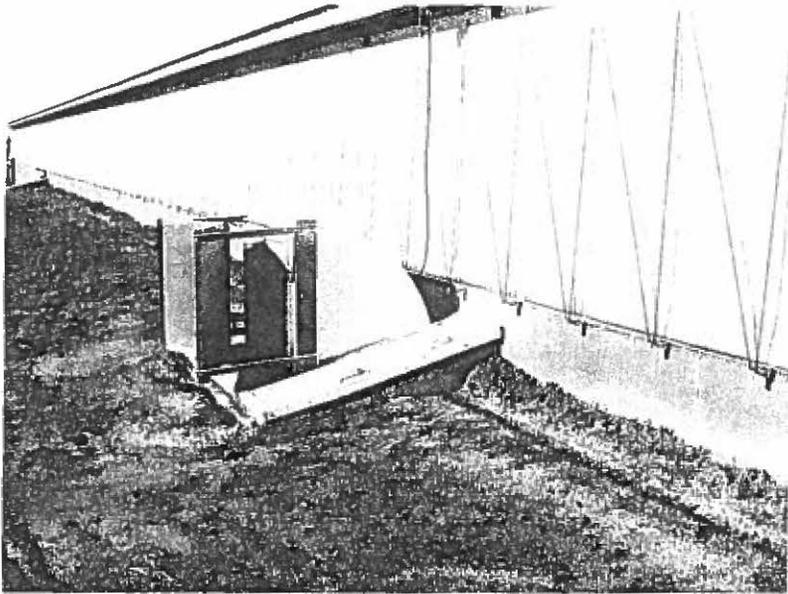
2. Gang slats are supported by support beams atop columns.



3. There are 72 columns in each facility. Each 52x203 ft. facility captures and stores waste up to 14 months.



4. Each fall, waste is pumped out of five 5' x6' pump-outs.



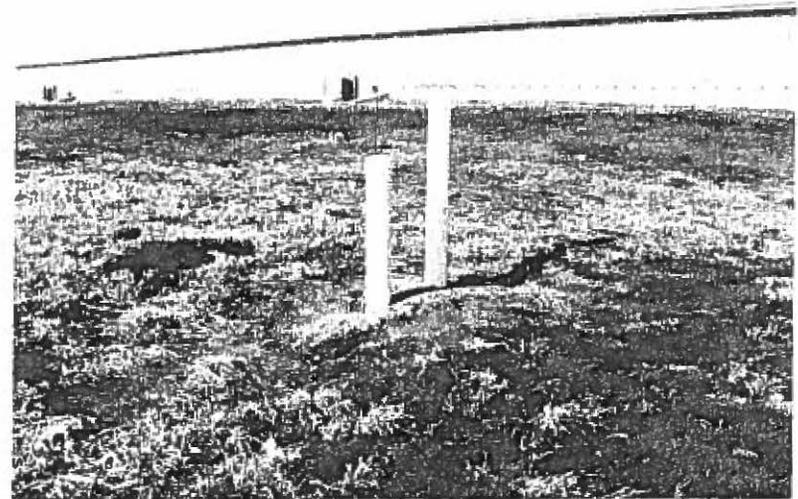
5. These pump-outs are covered with pit ventilation fans that are removed to agitate and load out livestock waste.



6. Each fall we inject livestock waste as fertilizer into surrounding farm fields.

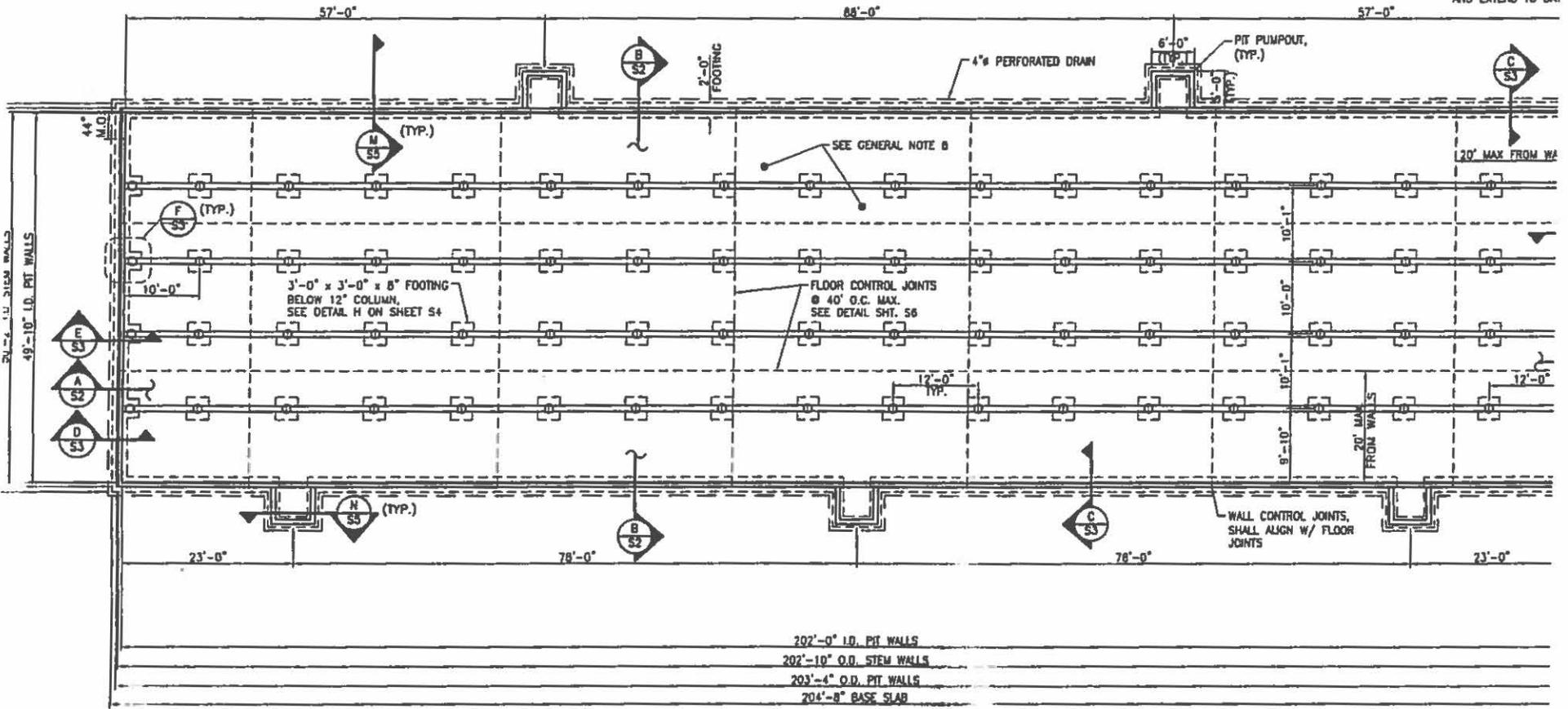


7. A typical corn field following harvest the fall after fertilization with swine waste.



8. The integrity of our pollution control facility is monitored regularly, and quarterly reporting is submitted to the Illinois Department of Agriculture.

5" PERFORATED DR  
DRAIN TO MONITOR  
AND EXTEND TO DA



**CONCRETE PLAN OF PIT**  
SCALE: 3/32" = 1'

**DESIGN CRITERIA:**  
1. ALLOWABLE SOIL BEARING CAPACITY = 1600 psf (NET) COLUMN,  
1900 psf (GROSS) WALLS.

**GENERAL NOTES:**  
1. THE PIT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS AND DETAILS SHOWN ON THIS SHEET AND SHEETS S4, S5, S6, S7, S8, S9, S10, S11, S12, S13, S14, S15, S16, S17, S18, S19, S20, S21, S22, S23, S24, S25, S26, S27, S28, S29, S30, S31, S32, S33, S34, S35, S36, S37, S38, S39, S40, S41, S42, S43, S44, S45, S46, S47, S48, S49, S50, S51, S52, S53, S54, S55, S56, S57, S58, S59, S60, S61, S62, S63, S64, S65, S66, S67, S68, S69, S70, S71, S72, S73, S74, S75, S76, S77, S78, S79, S80, S81, S82, S83, S84, S85, S86, S87, S88, S89, S90, S91, S92, S93, S94, S95, S96, S97, S98, S99, S100.





STATE OF ILLINOIS )  
 )  
COUNTY OF SANGAMON )  
 )

**PROOF OF SERVICE**

I, the undersigned attorney at law, hereby certify that on June 26, 2015, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

**[1<sup>st</sup> Class U.S. Mail]**

Steve Santarelli  
Illinois Department of Revenue  
101 West Jefferson  
Post Office Box 19033  
Springfield, Illinois 62794

**[1<sup>st</sup> Class U.S. Mail]**

Keith A. Poppy  
6631 N. 750<sup>th</sup> Avenue  
Lynn Center, Illinois 61262

**[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  
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