

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

David Klaus	)	
(Property Identification Number	)	PCB 15-
12-000-117-01)	)	(Tax Certification)
	)	
	)	

**NOTICE**

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

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

David Klaus  
17227 Schale Road  
Carlinville, Illinois 62626

**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:   
Roberto M. Durango  
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**

<b>David Klaus</b>	)	
<b>(Property Identification Number</b>	)	<b>PCB 15-</b>
<b>12-000-117-01)</b>	)	<b>(Tax Certification)</b>
	)	

**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:   
 Roberto M. Durango  
 Assistant Counsel  
 Division of Legal Counsel

DATED: June 26, 2015

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1021 North Grand Avenue East  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>David Klaus</b>	)	
<b>(Property Identification Number</b>	)	<b>PCB 15-</b>
<b>12-000-117-01)</b>	)	<b>(Tax Certification)</b>
	)	
	)	

**RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

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 January 28, 2013, the Illinois EPA received a request from David Klaus (log number TC-02-13, 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:

David Klaus
17227 Schale Road
Carlinville, Illinois 62626

The proposed water pollution control facilities in this request are located at Section 12, T10N, R7W of the 3rd P.M. in Macoupin County, at the above street address and consist of the following:

Livestock waste handling facilities consisting of four concrete manure pits (approximately 40 ft. x 200 ft. x 8 ft. deep), and one concrete manure pit (approximately 120 ft. x 170 ft. 8 ft.), with slotted floors beneath the building to collect swine waste. The livestock waste management facilities are used to collect, transport, and/or store livestock wastes prior to cropland application.

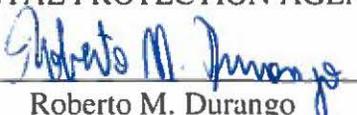
These livestock waste management facilities are used to collect, transport and/or store livestock wastes prior to cropland application, and are further described in Exhibit A.

4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2014), 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 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:   
Roberto M. Durango  
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



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

EXHIBIT

A

# Memorandum

To: Charles Gunnarson, Division of Legal Counsel

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

Date: May 26, 2015

Re: David Klaus  
Carlinville, Illinois  
Recommendation of Tax Certification  
Log # TC-02-13  
Property ID # 12-000-117-01

The Bureau of Water received a request on January 28, 2013 from David Klaus for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Il. Adm. Code 125.204. We offer the following recommendation.

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

David Klaus  
17227 Schale Road  
Carlinville, IL 62626

Section 12, T10N, R7W of the 3<sup>rd</sup> PM in Macoupin County

Livestock waste management facilities consisting of four concrete manure pits (40 ft. x 200 ft. x 8ft.) and one concrete manure pit (120 ft. x 170 ft. x 8 ft.) with slotted floors beneath the building to collect swine waste. These livestock waste management facilities are used to collect, transport, and/or store livestock wastes 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 Jenny Larsen at 217/782-0610.

SAK:JML:Tax Certs\AgChem\LogTC-02-13.docx

cc: Tax Cert File

### Watershed Unit Tax Certification Review Sheet

Project Name: None

Location: Carlinville, IL

Reviewer: Jenny Larsen

Date: June 25, 2014

Log number: TC-02-13

Type:  Agchem

X Livestock

Applicant: David Klaus  
17227 Schale Road  
Carlinville, IL 62626

Contact: David Klaus

Phone: (217)854-3595

Facility:  
17227 Schale Road  
Carlinville, IL 62626

Property ID: 12-000-117-01

County: Macoupin

Legal Description:  
S: 12 T: 10N R: 7W PM: 3rd

Signature: David Klaus

Title: Owner

Date Control Devices installed: 10/2012

Provided Fair cash Value: \$1,500,000

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:**

4 concrete manure pits (40 ft. x 200 ft. x 8 ft.) with slotted floors. 1 concrete manure pit (120 ft. x 170 ft. x 8 ft.) with slotted floors. All of the concrete pits were built for the purpose of collecting swine waste. The waste is pumped into a manure tank and injected into the ground.

Spoke with David Klaus on 8/6/2014. He verified that on the manure pits and not the buildings are requesting to be considered "Pollution Control Facilities".

The primary purpose for this structure is to store swine waste thereby eliminating waste runoff.

Recommended Action: Permit the above mentioned structures.

**APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)  
POLLUTION CONTROL FACILITY**  
AIR  WATER

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
P. O. Box 19276, Springfield, IL 62794-9276

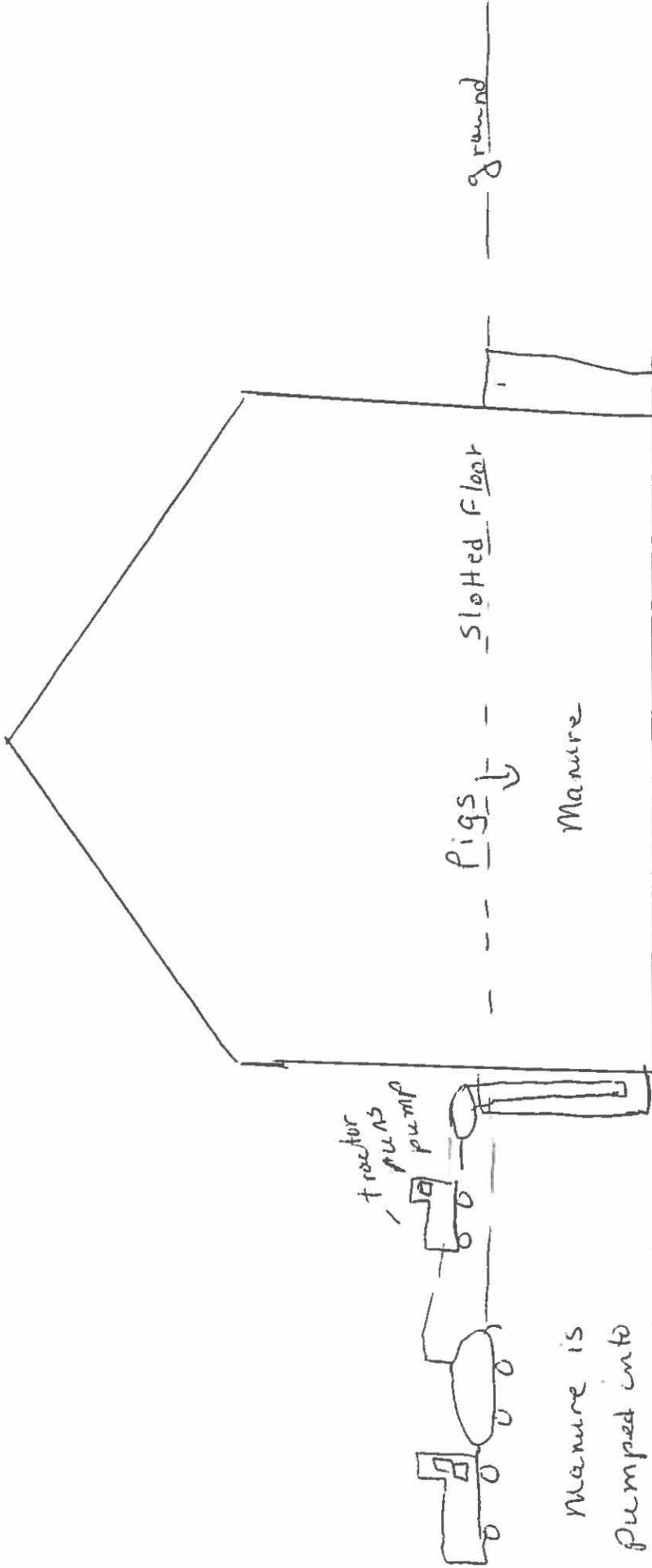
This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter, 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

FOR AGENCY USE			
File No.	Date Received	Certification No.	Date
APPLICANT	Sec. A Company Name		
	Person Authorized to Receive Certification <i>David Klaus</i>		Person to Contact for Additional Details <i>David Klaus</i>
	Street Address <i>17227 Schale Rd</i>		Street Address
	Municipality, State & Zip Code <i>Carlinville IL 62626</i>		Municipality, State & Zip Code
	Telephone Number <i>217-854-3595</i>		Telephone Number
	Location of Facility	Municipality	Township
	Quarter Section <i>E 1/2 SW 1/4 W 1/2 Sec 12</i>	Range <i>10N 7W</i>	<i>Carlinville</i>
	Street Address <i>17227 Schale Rd</i>	County <i>Macoupin</i>	Book Number <i>143</i>
	Property Identification Number <i>12-000-117-01</i>	Parcel Number	
MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location		
	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		
POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility		
<i>see attachments -3</i>			

*10-1-2013*  
*2013*  
*2013*  
*2013*

David Klaus

Section 1



pump out hole

3 on each side of building

tractor pump

Manure is pumped into Manure tank and then injected into ground

figs ↓

ground

Manure

Sloped Floor

The diagram shows 5 wean to finish hog buildings;

4 buildings are 40 x 200 with 8 foot concrete pits underneath each building

2 building permitted by Illinois Dept of Ag in 1998

2 buildings permitted by Illinois Dept of Ag in 2001

1 building 120 x 170 with 8 ft. concrete pit underneath

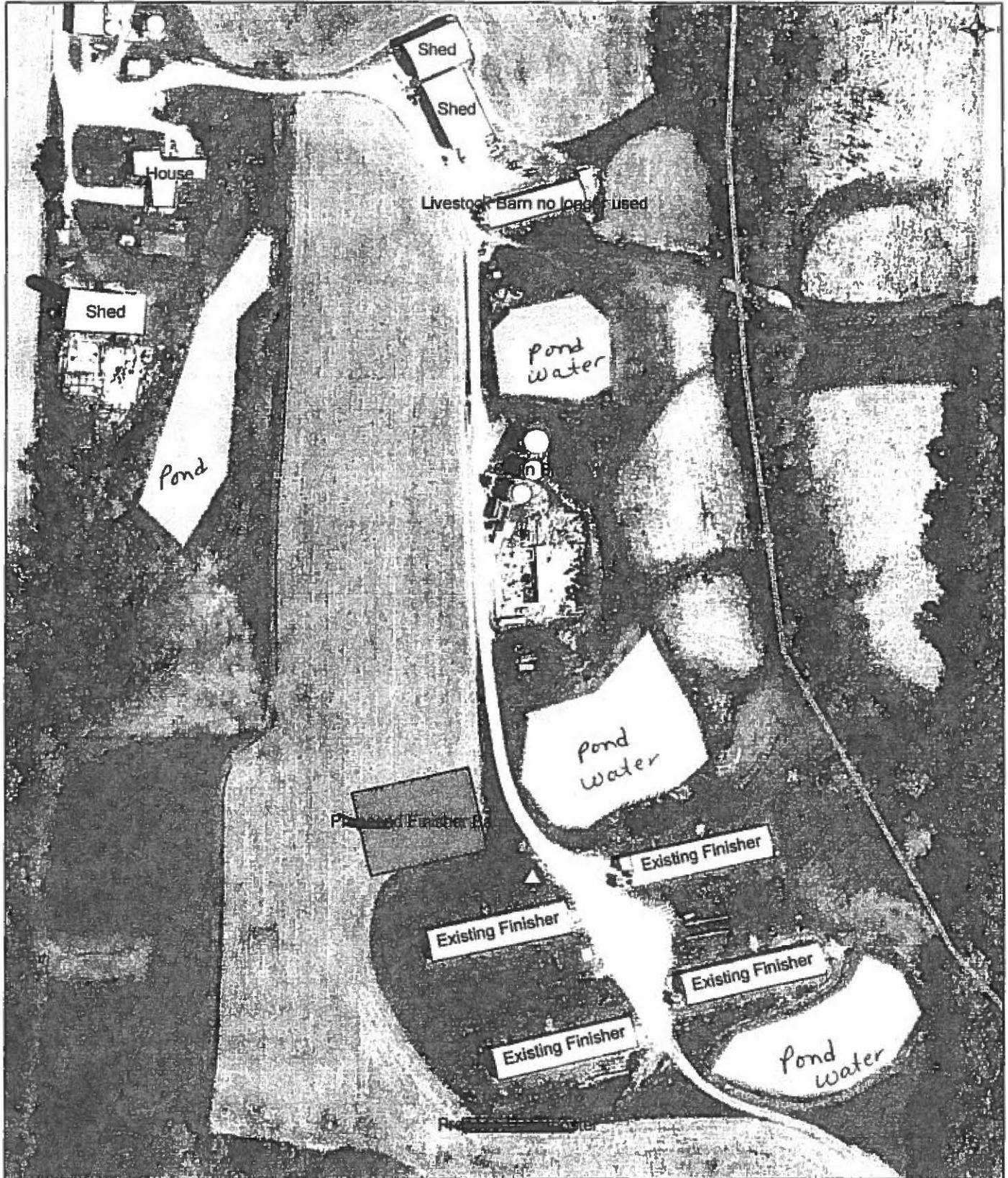
Illinois Dept of Ag permitted in 2012

All building have slatted floors with 8 foot pits underneath

Ponds are used for water supply for the livestock.

Triple D Farms, Inc.

### Facility Layout



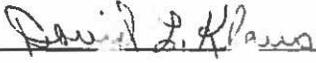
#### Legend

- Water
- Pond or Lake
- Proposed Structures
- Livestock Barns
- Other Farm Building
- Well
- Reser

220

Feet



Sec. E	(1) Nature of Contaminants or Pollutants		
CONTAMINANTS		Material Retained, Captured or Recovered	
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
	Swine manure	animal waste	Fertilizer on fields
ACCOUNTING DATA	(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>10-2012</u> status of installation on date of application <u>complete</u>	
	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 1,500,000 -
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 800,000 -
		c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 276,000.
		d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 100,000
		e. PERCENTAGE OF CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 25
	Sec. F	This application is submitted in accordance with the Illinois Property Tax Code, as amended, and to the best of my knowledge, true and correct. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.	
SIGNATURE	 _____ Signature	_____ Title	
Sec. G	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

STATE OF ILLINOIS  
COUNTY OF SANGAMON

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)  
)  
)

**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  
P.O. Box 19033  
Springfield, Illinois 62794

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

David Klaus  
17227 Schale Road  
Carlinville, Illinois 62626

**[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/ Roberto M. Durango  
Assistant Counsel  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276-  
Springfield, Illinois 62794-9276  
217.782.5544  
217.782.9143 (TDD)

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**