

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Darren Brown)	
(Property Identification Number)	PCB 17-
04-17-200-0000))	(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

Darren Brown
11038 Highway 18
Magnolia, IL 61336

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the **APPEARANCE** and **RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

DATED: May 23, 2017

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

Darren Brown)	
(Property Identification Number)	PCB 17-
04-17-200-0000))	(Tax Certification)
)	

APPEARANCE

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: May 23, 2017

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Darren Brown)	
(Property Identification Number)	PCB 17-
04-17-200-0000))	(Tax Certification)
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RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

The Illinois Environmental Protection Agency (Illinois EPA) hereby files its Recommendation pursuant to Section 125.204(a) of the regulations of the Illinois Pollution Control Board (the Board), 35 Ill. Adm. Code 125.204(a).

1. On January 5, 2017, the Illinois EPA received a request from Darren Brown (log number TC-137315, Exhibit A) for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to Section 125.204(a) of the Board's regulations, 35 Ill. Adm. Code 125.204(a).

2. The facility's address is: Darren Brown
11038 Highway 18
Magnolia, IL 61336

3. The proposed water pollution control facilities in this request are located at SW 1/4 of Section 29, T31N, R1W of the 3rd P.M. in Putnan County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (approximately 265 ft. x 71 ft. x 8 ft. deep) with 8 concrete manure pump-out pits (approximately 5ft. x 5ft. each) and the portion of concrete slotted flooring over the manure pit.

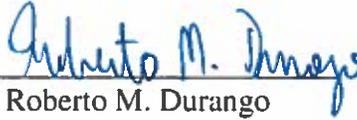
4. These livestock waste management facilities are used to collect, transport and/or store livestock wastes prior to cropland application, and are further described in Exhibit A.
5. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2014), and Section 125.200(a)(1) of the Board's regulations, 35 Ill. Adm. Code 125.200(a)(1), define pollution control facilities as:

[A]ny 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: eliminating, preventing, or reducing air or water pollution, as the terms "air pollution" and "water pollution" are defined in the Act; or 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.
6. If it is found that the claimed facility or relevant portion thereof is a pollution control facility as defined in Section 125.200(a)(1) of the Board's regulations, 35 Ill. Adm. Code 125.200(a)(1), the Board has the authority to enter a finding and issue a certificate to that effect, pursuant to Section 11-20 of the Property Tax Code, 35 ILCS 200/11-20 (2014) and Section 125.216 of the Board's regulations, 35 Ill. Adm. Code 125.216.
7. Pursuant to Section 125.204(a) of the Board's regulations, 35 Ill. Adm. Code 125.204(a), if the Illinois EPA receives a tax certification application it must file a recommendation on the application with the Board.

8. 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, with the primary purpose of eliminating, preventing, or reducing water pollution, or as otherwise provided in Section 125.200(a)(1) of the Board's regulations, 35 Ill. Adm. Code 125.200(a)(1), 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: May 23, 2017
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) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

Memorandum

To: Charles Gunnarson, Division of Legal Counsel

From: Al Keller, Manager, Permit Section 

Date: May 15, 2017

Re: Darren Brown – Magnolia
Recommendation of Tax Certification
Log # TC-137315
Property Identification # 04-17-200-0000

The Bureau of Water received a request on January 5, 2017 from Darren Brown 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:

Darren Brown
11038 Highway 18
Magnolia, IL 61336

SW ¼ Section 29, Township 31N, Range 1W of the 3rd PM in Putnam County.

Livestock waste management facilities consisting of one concrete manure pit (approximately 265 ft. x 71 ft. x 8 ft. deep) with 8 concrete manure pump out pits (approximately 5 ft. x 5 ft. each) and the portion of concrete slotted flooring over the manure pit.

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 Thaddeus Faught at 217/782-0610.

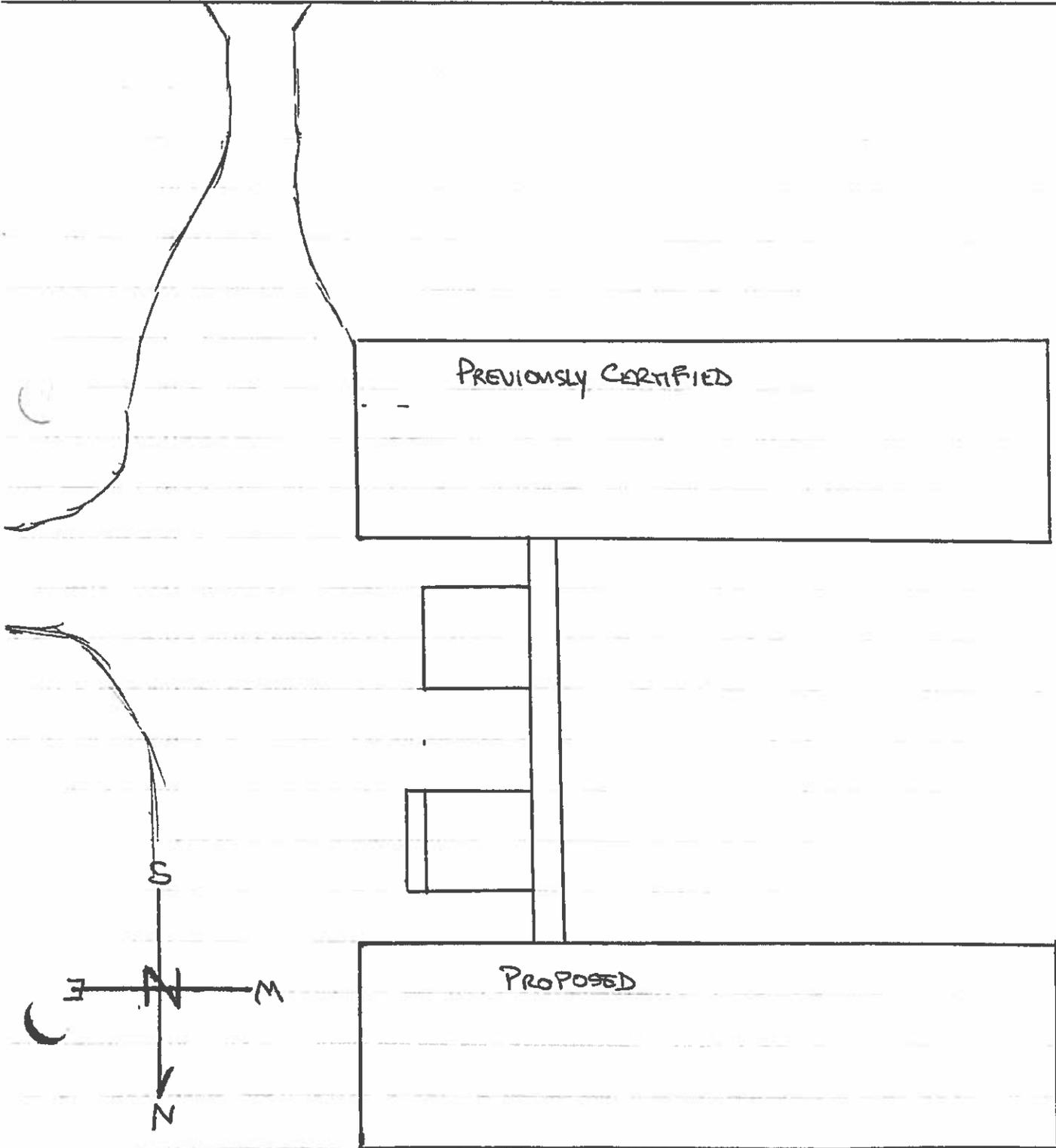
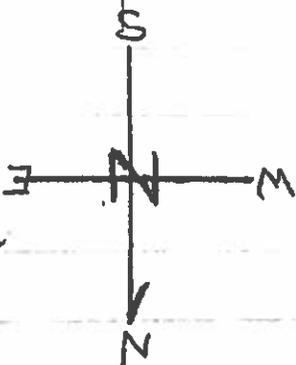
SAK:TJF:TC-137315.docx

cc: Tax Cert File

Route 18

PREVIOUSLY CERTIFIED

PROPOSED



Watershed Unit Tax Certification Review Sheet

Project Name: Darren Brown
Reviewer: Thaddeus Faint
Log No.: TC-137315

Location: Magnolia
Date: 1/25/17
Type: Agchem
 Livestock

Applicant: Darren Brown
11747 Stagcreek Rl.
Magnolia, IL 61336

Contact: Darren Brown
Phone: 815-866-1654

Facility: 11038 Highway 18
Magnolia, IL 61336

Property ID: 04-17-200-0000

Legal Description: SW 1/4 Section 29, T21N, R1W of 3rd PM

County: Putnam

Date Control Devices Installed: 6/21/16

Provided Fair Cash Value: No- not on new form

Signature: Darren Brown

Title: Manager

- 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:

One concrete manure pit (approximately 265 ft. x 71 ft. x 8 ft. deep) w/ concrete slats w/ 8 concrete pump-out pits (each 5 ft x 5 ft)

Narrative description of the above facilities is in the "Describe the Pollution Control Facility" and "Nature of Operations Conducted at the Above Location" boxes on the application received 1/5/17 and a 5/9/17 11:04 am email from Darren Brown.

Schematic of waste flow on page entitled "Waste Flow" sent by applicant in a 5/9/17 10:06 am email from Darren Brown

Other:

See response from Darren Brown stating facility is in Section 29 and the pits cover the entire pit.

From: Faught, Thaddeus Thaddeus.Faught@Illinois.gov
Subject: Illinois EPA tax certification for swine facility
(TC-137315)

Date: May 5, 2017, 4:41:58 PM
To: ddbrown74@gmail.com

Hello Darren,

As we just discussed, this is regarding your tax certification application you sent in for a swine facility in Magnolia.

I am following up our conversation with this email to get your responses in writing.

We just need a few items to complete your application.

YES THIS IS CORRECT DOWN BELOW
THE SLATS COVER THE ENTIRE PIT
D. Brown

- 1) Can you please confirm that the facility is located in Section 29 (of Township 31North and Range 1West)? We just want to confirm that since the Section was written under "Book Number" on the application.
- 2) Please confirm if the slats cover the entire 265' by 71'2" pit or if they only partially cover the pit.
- 3) Please provide a schematic/flow diagram showing the flow of the waste (manure) from its generation (animals) to the final disposal (land application) to verify that the facility is a pollution control facility.

Let me know if you have any questions on what we need.
Thanks,
Thaddeus Faught
Illinois EPA
217-782-3362

RECEIVED
MAY - 9 2017
SW/WS/IFAS

Faught, Thaddeus

From: Darren Brown <ddbrown74@gmail.com>
Sent: Tuesday, May 9, 2017 11:09 AM
To: Faught, Thaddeus
Subject: [External] Scannable Document - sent from Scannable
Attachments: Scannable Document on May 9, 2017, 11_08_46 AM.pdf; ATT00001.txt

Faught, Thaddeus

From: Darren Brown <ddbrown74@gmail.com>
Sent: Tuesday, May 9, 2017 11:04 AM
To: Faught, Thaddeus
Subject: Re: [External] Scannable Document - sent from Scannable

They are 5'by5' and there are 8 of them,,

Darren Brown
ddbrown74@gmail.com
815-866-1654

> On May 9, 2017, at 10:58 AM, Faught, Thaddeus <Thaddeus.Faught@Illinois.gov> wrote:

>
> Hello Darren,
> Sorry, I think we will need one more item (in addition to the items requested below) based off your sketch.
> It appears to show a pump out port.
>
> Can you verify how many pump-out ports/pits you have around the pit and indicate their size (6 ft x 6 ft, etc.)?

>
> Thanks,
> Thaddeus Faught
> Illinois EPA
> 217-782-3362

> -----Original Message-----

> From: Faught, Thaddeus
> Sent: Tuesday, May 9, 2017 10:51 AM
> To: 'Darren Brown'
> Subject: RE: [External] Scannable Document - sent from Scannable

>
> Thanks Darren.
> We will still need a response in writing to the first 2 items on the attached email as well.

>
> Thanks again,
> Thaddeus Faught
> Illinois EPA
> 217-782-3362

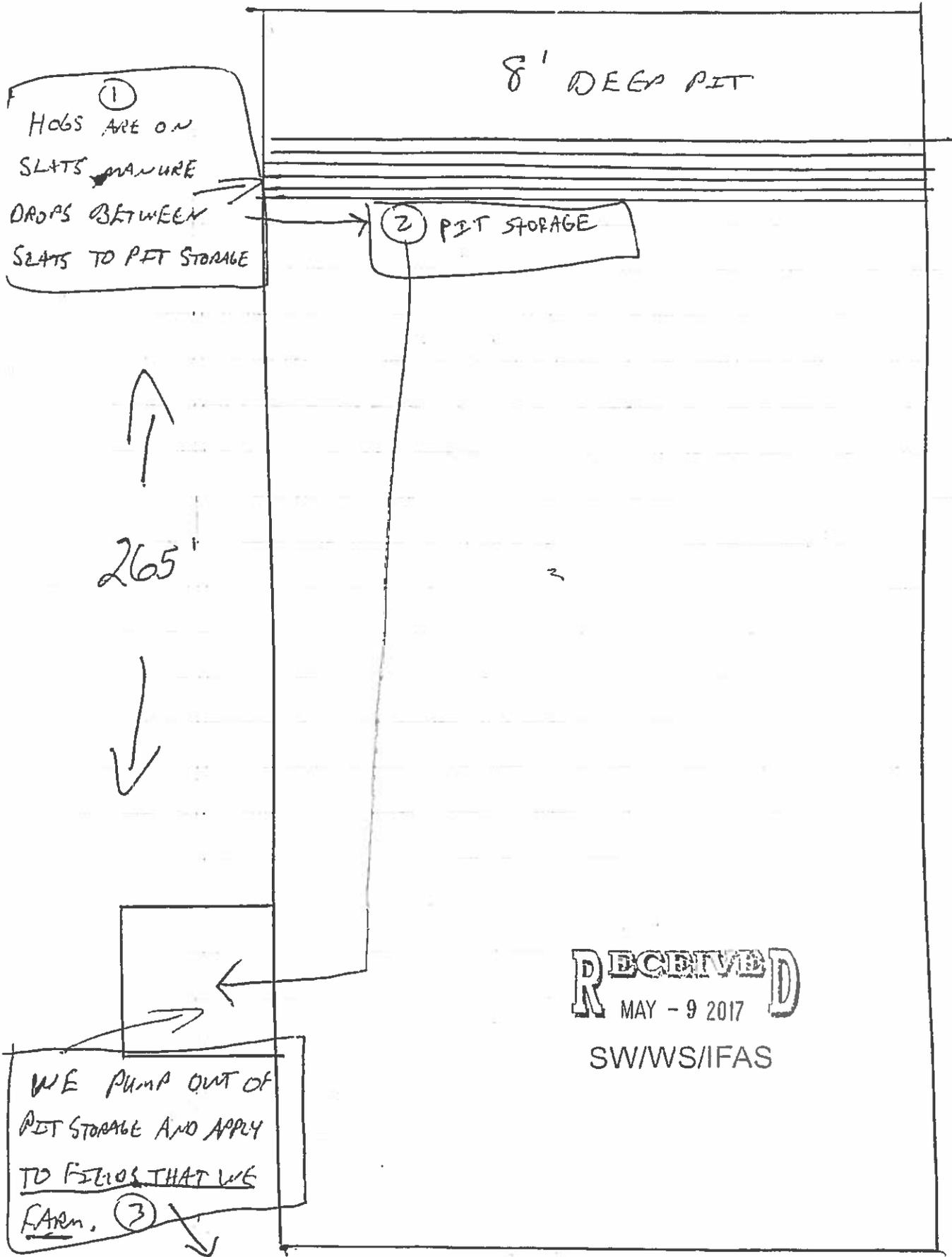
> -----Original Message-----

> From: Darren Brown [<mailto:ddbrown74@gmail.com>]
> Sent: Tuesday, May 9, 2017 10:06 AM
> To: Faught, Thaddeus
> Subject: [External] Scannable Document - sent from Scannable

>
> Attached is the sketch thank you very much for all your help..

>
>
>

WASTE FLOW



RECEIVED
 MAY - 9 2017
 SW/WS/IFAS

← 9 1/2" →

Faught, Thaddeus

From: Darren Brown <ddbrown74@gmail.com>
Sent: Tuesday, May 9, 2017 10:06 AM
To: Faught, Thaddeus
Subject: [External] Scannable Document - sent from Scannable
Attachments: Scannable Document on May 9, 2017, 10_04_30 AM.pdf; ATT00001.txt

Attached is the sketch thank you very much for all your help..

Faught, Thaddeus

From: Faught, Thaddeus
Sent: Friday, May 5, 2017 4:42 PM
To: 'ddbrown74@gmail.com'
Subject: Illinois EPA tax certification for swine facility (TC-137315)

Hello Darren,

As we just discussed, this is regarding your tax certification application you sent in for a swine facility in Magnolia. I am following up our conversation with this email to get your responses in writing.

We just need a few items to complete your application.

- 1) Can you please confirm that the facility is located in Section 29 (of Township 31North and Range 1West)? We just want to confirm that since the Section was written under "Book Number" on the application.
- 2) Please confirm if the slats cover the entire 265' by 71'2" pit or if they only partially cover the pit.
- 3) Please provide a schematic/flow diagram showing the flow of the waste (manure) from its generation (animals) to the final disposal (land application) to verify that the facility is a pollution control facility.

Let me know if you have any questions on what we need.

Thanks,

Thaddeus Faught
Illinois EPA
217-782-3362



Illinois Environmental Protection Agency

7C-137314

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Application for Certification (Property Tax Treatment) Pollution Control Facility

FOR AGENCY USE ONLY	
File Number: _____	Date Rec'd: _____
Certification Number: _____	Date: _____

Facility Type (check one): Air Water

This form is to be used for any application for certification of property tax treatment for a pollution control facility for air or water from the Illinois EPA. Separate applications must be completed for each control facility claimed. Do not mix types (air and water). Where both air and water operations are related, file two applications.

If attachments are needed, record them consecutively on an index sheet.

You may complete this form online, save a copy locally, print, sign and submit it to:

Illinois EPA
 Attention: Ray E. Pitapil, Permit Section
 Division of Air Pollution Control
 1021 North Grand Avenue East, P.O. Box 19276
 Springfield, IL 62794-9276

Illinois EPA
 Attention: Al Keller, Permit Section
 Division of Water Pollution Control
 1021 North Grand Avenue East, P.O. Box 19276
 Springfield, IL 62794-9276

RECEIVED
 JAN 05 2017
 BOW/WPC/PERMIT SECTION
 IEPA

I. Applicant Information:

Company Name: <u>Darren Brown</u>	Person to Contact for Additional Details: <u>Darren Brown</u>
Person Authorized to Receive Certification: <u>Darren Brown</u>	Street Address: <u>11747 Stagecoach Rd.</u>
Street Address: <u>11747 Stagecoach Rd</u>	City: <u>Magnolia</u> State: <u>IL</u>
City: <u>Magnolia</u> State: <u>IL</u>	Zip: <u>61336</u> Phone: <u>815-866-1654</u>
Zip: <u>61336</u> Phone: <u>815-866-1654</u>	Email Address: <u>ddbrown74@gmail.com</u>
Email Address: <u>ddbrown74@gmail.com</u>	

II. Facility Information:

Facility Location: Quarter Section: SW Township: 31N Range: 1W
 Municipality: PARCEL # 04-17-200-0000 Township: 31N
 Note: A plat map location is requested for facilities located outside of municipal boundaries.
 Address: 11038 Highway 18 City: Magnolia
 State: IL Zip Code: 61336 County: Putnam Book Number: SECTION # 29
 Property Index Number: 00M3GCS TAX CODE 04002 9-PROPERTY CLASS-0021

Note: The Property Index Number is the numerical reference used to identify a parcel of real property for assessment and taxation purposes.

Manufacturing Operations Information:

Nature of Operations Conducted at the Above Location:

The structure is a swine finishing facility where swine are housed on concrete slats with a below ground concrete pit used as waste storage

Permit Information:

WPC Construction Permit Number: _____	Date Issued: _____
NPDES Permit Number: _____	Date Issued: _____ Exp. Date: _____
APC Construction Permit Number: _____	Date Issued: _____
APC Operating Permit Number: _____	Date Issued: _____ Exp. Date: _____

Note: Submit copies of all relevant permits issued by local pollution control agencies. (e.g. MSD Construction Permit)

This Agency is authorized to request this information under 415 ILCS 5/4(b)(2012). Disclosure of this information is voluntary and no penalties will result from the failure to provide the information. However, the absence of the information could prevent your application from being processed or could result in denial of your application.

Manufacturing Process Information:

Please provide information on the manufacturing process and materials on which pollution control facility is used, including each major piece of equipment associated with the pollution control facility (or low sulfur dioxide emission coal fueled device).
Description of the Process:

Materials Used in the Process:

Pollution Control Facility Information:

Please provide a narrative description of the pollution control facility (or low sulfur dioxide emission coal fueled device), and an explanation of why its primary purpose is to eliminate, prevent or reduce pollution. State the type of control facility, as well as a narrative description and a process flow diagram describing the pollution control facility. Include an average analysis of the influent and effluent of the control facility stating the collection efficiency, if applicable.

Describe the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

A concrete pit with dimensions of 265' by 71'2" by 8' deep is used to store livestock waste until the appropriate time to apply the MANURE TO AGRICULTURAL FIELDS AT AGRONOMIC RATES

Describe the Primary Purpose of the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

Identify the statute or regulation (federal or state), or local ordinance, if any, requiring the installation of the subject pollution control facility (or low sulfur dioxide emission coal fueled device).

Nature of Contaminants or Pollutants:

List air contaminants or water pollution substances released as effluents to the manufacturing processes. Also list the final disposal of any contaminants removed from the manufacturing processes.

Contaminant or Pollutant	Material Retained, Captured or Recovered	
	Description	Disposal or Use

Note: Contaminant or pollutant means that which is removed from the process by the pollution control facility.

Point(s) of Waste Water Discharge:

Identify the location of the discharge to the receiving stream. This will typically refer to a source of water pollution but can include water-carried wastes from air pollution control facilities.

Plans and Specifications Attached Yes No

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.

Are contaminants (or residues) collected by the control facility? Yes No

Note: If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value dollars reclaimed by the sale or reuse of the collected substances. State the cost of reclamation and related expense.

Project Status:

Date Installation Completed: 06-21-16

Provide the date the pollution control facility was first placed into service and operated. If not, explain.

Status of installation on date of application:

III. Verification and Signature:

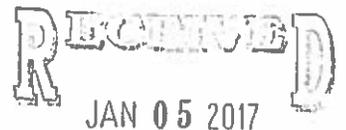
The following information is submitted in accordance with the Illinois Property Tax Code, as amended, and to the best of my knowledge is true and correct.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Darren Brown DARREN BROWN Manager MANAGER
 Printed Name: Title:

For incorporated entities, signature should be from an authorized corporate representative.

Darren Brown 12/27/16
 Signature: Date:



IEPA
BOW/WPC/PERMIT SECTION

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)
)
)

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of May 23, 2017, the attached APPEARANCE and RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, upon the following persons by causing to be mailed a true copy thereof in an envelope duly addressed, bearing proper first class postage, and deposited in the United States mail at Springfield, Illinois:

[1st Class U.S. Mail]

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

[1st Class U.S. Mail]

Darren Brown
11038 Highway 18
Magnolia, IL 61336

[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)

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