

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Scott Fisher Farms)
(Property Identification Number) PCB 19-
01-02-36-200-003) (Tax Certification)
)

NOTICE

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

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

Scott D. Fisher
1517 45th Street
New Boston, Illinois 61272

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

DATED: October 2, 2018

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

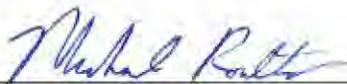
**Scott Fisher Farms
(Property Identification Number
01-02-36-200-003)**

)
) PCB 19-
) (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: 

Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

DATED: October 2, 2018

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

Scott Fisher Farms)
(Property Identification Number) **PCB 19-**
01-02-36-200-003)) **(Tax Certification)**
)

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 ("Board"), 35 Ill. Adm. Code 125.204.

1. On August 9, 2018, the Illinois EPA received a request from Scott Fisher Farms (log number TC-140161, 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 facility's address is:

Scott Fisher Farms
975 130 th Avenue
Joy, IL 61260

The proposed water pollution control facilities in this request are located in the NE ¼ of Section 36, T15N, R5W of the 4th P.M. in Mercer County, at the above street address and consist of the following:

Livestock waste management facilities consisting of two concrete manure pits (each approximately 391 ft. x 51 ft. x 8 ft. deep), the concrete slatted portion of the floors over each manure pit that captures and contains waste generated in the barn above, ten pump out pits associated with each pit (each pump out pit approximately 6 ft. x 5 ft. x 8 ft.) to allow manure removal from the manure pit, and a perimeter drainage tile (approximately 884 ft. x 4 in.) with one monitoring port and flow control valve located around the footing of each manure pit to prevent flotation of the pit.

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

3. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2014), and Section 125.200(a) of the Board's regulations, 35 Ill. Adm. Code 125.200(a), define "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: eliminating, preventing, or reducing air or water pollution ...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.

4. In order to receive preferential tax treatment as pursuant to 35 ILCS 200/11-5 (2014), pollution control facilities must be certified as such by the Board, 35 ILCS 200/11-20 (2014) and 35 Ill. Adm. Code 125.200(a).
5. Upon receipt of a tax certification application, the Illinois EPA must file a recommendation on the application with the Board, 35 Ill Adm. Code 125.204(a).
6. Based on the information in the application and the purpose of the facility, 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: 
Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

Dated: October 2, 2018

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: Darin E. LeCrone P.E., Manager, Industrial Unit, Permit Section *DL*

Date: August 23, 2018

Re: Scott Fisher Farms - Joy
Recommendation of Tax Certification
Log # TC-140161
BOW ID # W1318020004
Property Identification # 01-02-36-200-003

RECEIVED
Division of Legal Counsel
AUG 31 2018
Environmental Protection
Agency

The Bureau of Water received a request on August 9, 2018 from Scott Fisher Farms 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:

Scott Fisher Farms
975 130th Avenue
Joy, IL 61260

NE 1/4 of Section 36, Township 15-North, Range 5-West of the 4th PM in Mercer County.

Livestock waste management facilities consisting of two (2) concrete manure pits each measuring 391 ft. (length) x 51 ft. (width) x 8 ft. (depth). Each pit has 10 concrete pump out pits measuring 6 ft. (length) x 5 ft. (width) x 8 ft. (depth), concrete slatted flooring over the entire manure pit surface area, and 884 linear ft. of 4 inch diameter plastic perimeter drainage pipe with one monitoring port and flow control valve.

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 Darren Gove at 217/782-0610.

DRG:TC-140161_Tax Cert Recommendation_09Aug18.docx

cc: Tax Cert File

Illinois EPA - Bureau of Water - Division of Pollution Control

Title 35 Subtitle A Part 125 Tax Certifications

Illinois EPA Review Notes for:

Agency Recommendation of Pollution Control Facilities.

BOW ID #: W1318020004

Project Name: Scott Fisher Farms

Date application received: 8/9/2018

Reviewer: DRG

Log number: TC-140161

Legal Description:

NE 1/4 of Section 36 Twp: 15-North Range: 5-West PM:

County: Mercer

Facility Contact: Scott Fisher 1517 45th Street,
new Boston, IL 61272

Phone: _309 945-3459

Pollution Control Facility Type:

Swine Livestock Waste Management Facility

Property ID: 01-02-36-200-003

Applicant: Scott Fisher Farms

1517 45th Street
New Boston, IL 61272

Facility: Scott Fisher Farms

975 130th Avenue
Joy, IL 61260

Date Control Devices installed: 8/1/2018

Application Signature by: Scott D. Fisher

Title: Owner

Contents of Application: 3 page application with plat book copy and diagram of waste pits

Is there a pollutant control flow diagram? **Yes**

Is there sufficient diagrams showing the pollution control facilities? **Yes**

This facility generates the following pollutants and prevents their discharge as indicated:

Livestock waste is collected and land applied to cropland.

Physical description of pollution control facilities that ARE recommended:

Livestock waste management facilities consisting of two (2) concrete manure pits each measuring 391 ft. (length) x 51 ft. (width) x 8 ft. (depth). Each pit has 10 concrete pump out pits measuring 6 ft. (length) x 5 ft. (width) x 8 ft. (depth), concrete slatted flooring over the entire manure pit surface area, and 884 linear ft. of 4 inch diameter plastic perimeter drainage pipe with one monitoring port and flow control valve.

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

Notes:

August 21, 2018, I Sent Mr. Fisher and email to obtain a revised facility diagram that shows both structures and their relation to surface water bodies and also to get the ¼ section information.

TC-140161
DRG



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

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. Pilapil, 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

I. Applicant Information:

Company Name:	<u>SCOTT FISHER FARMS</u>		
Person Authorized to Receive Certification	<u>SCOTT D. FISHER</u>	Person to Contact for Additional Details	<u>SAME</u>
Street Address:	<u>1517 45TH ST.</u>		
City:	<u>NEW BOSTON</u>	State:	<u>IL</u>
Zip:	<u>61272</u>	Phone:	<u>309-945-3459</u>
Email Address:	<u>scott.fisher100@gmail.com</u>		

II. Facility Information:

Facility Location: Quarter Section: 536 Township: T15 N Range: R5 W
 Municipality: _____ Township: ELIZA

Note: A plat map location is requested for facilities located outside of municipal boundaries.

Address: 975 130th AVE. City: JOY
 State: IL Zip Code: 61260 County: MERCER Book Number: 2010 Mercer Co. Plat book
 Property Index Number: 01-02-36-200-003 Page 9 (copy attached)

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:

Swine Production

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):

Two concrete manure pits measuring (51' x 391' x 8' deep) each, with 10 concrete pump out pits each (20 total) measuring (5' x 6' x 8' deep). Flooring is a slotted pre-cast concrete positioned over the manure pit in each building. The manure pit in each building is surrounded by 884' of 4" plastic perimeter drainage tile and is connected to a 4" solid tile inspection port and shut off control valve (8' deep with 12" diameter plastic tile access). See attached drawing.

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

Contain the Manure and protect the water supply.

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
Swine Manure	Swine Manure	Fertilizer for Crops

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: 8-01-2018

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

Status of installation on date of application:

Building Construction is currently in process as of 8-01-2018. October 1st 2018 is the expected date for completion and placing both buildings into service.

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))

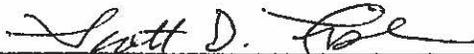
SCOTT D. FISHER

Printed Name:

OWNER

Title:

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



Signature:

8-01-2018

Date:

Narrative Description of Pollution Control Facility with Diagram

Two wean to finish hog buildings measuring (51' x 391' x 8' deep pit) each. Buildings consist of concrete foundations and concrete slatted floors over 100% of the (51' x 391' x 8' deep pits). Finished grade around buildings prevents freshwater from running into pits. Manure storage is adequate to contain 14 months of manure production per building which will safely protect the well and nearby crop from contamination. An inspection port (8' deep with a 12" diameter plastic tile access) provides monitoring access to the perimeter tile around the buildings and soil near the pit area. Manure from the pits will be pumped annually and applied through sub surface injection at an appropriate agronomic rate to nearby cropland.

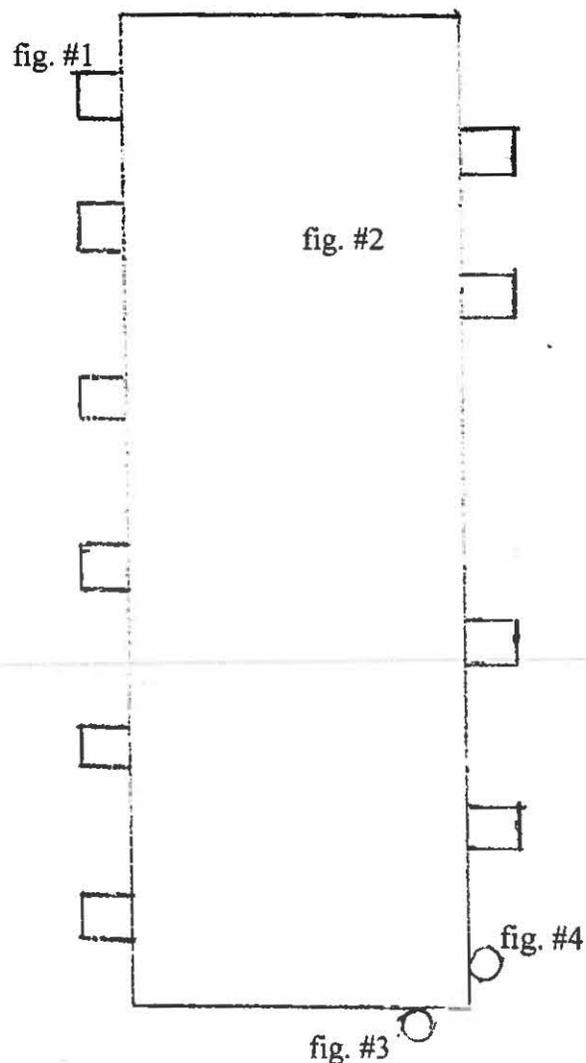
Building (51' x 391' x 8' deep pit) diagram per building as follows:

-Grass vegetation surrounds both buildings and field road.

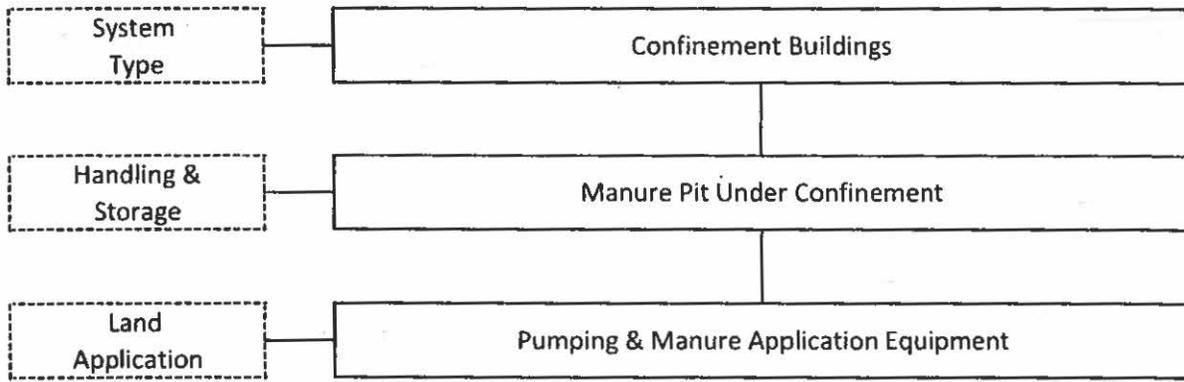
-10 concrete pump outs per building measuring 5'x6'x8' deep protrude on both sides of the buildings foundation. Concrete pump outs indicate where the manure will be removed annually and then applied at an appropriate agronomic rate to neighboring crop land. Sec fig. #1

- Slatted concrete flooring over liquid manure pit. fig.#2

-Inspection port for perimeter tile surrounding both buildings. Fig. #3 indicates the inspection port on the North Building. Fig. #4 indicates the inspection port on the South building.



Manure Generation Flow Diagram



Roubitchek, Mike

From: Scott Fisher <scottfisher100@gmail.com>
Sent: Wednesday, September 26, 2018 8:11 AM
To: Gove, Darren
Subject: Re: [External] Re: Illinois EPA Tax certification request log no. TC-140161

September 26, 2018

Dear Mr. Grove,

The following response to your question pertains to my application regarding the Illinois Environmental Protection Agency Application for Certification (Property Tax Treatment) Pollution Control Facility. The completed application (Illinois EPA Tax certification request log no. TC-140161) was received by your office on August 9th 2018.

The information which I provided in the application "Narrative Description of Pollution Control Facility with Diagram" is complete and without any additional information or diagrams. The reference to fig.1, fig.2, fig.3 and fig.4 were merely showing the location of the items described in the narrative and where they exist on the diagram. I apologize for not using the "fig." reference accurately, the information sent was intended to be a simple outline of how the wean to finish hog buildings are designed.

Please give me a call if you need any additional clarification or information. I can be reached at 309-945-3459.

Sincerely,

Scott Fisher

On Tue, Sep 25, 2018 at 10:32 AM Gove, Darren <Darren.Gove@illinois.gov> wrote:

Mr. Fisher,

Thank you for submittal of the August 24 email with information as requested. In subsequent review of your application it was noted that exhibit titled "Narrative Description of Pollution Control Facility with Diagram" references fig. #1, fig. #2, fig. #3, and fig. #4 and that these figures were not included with the application packet. The Agency is accustomed to the use of the term "fig." as a reference to a separate figure, diagram, or drawing. This being the case, we are concerned that there is missing information in the application.

I have attached the exhibit in question for your convenience.

Please provide the additional figures 1 through 4 if they exist or were intended to exist. If they do not exist and the exhibit was intended to be self-explanatory and self-referencing, please providing a short discussion to clarify the intent of the exhibit and use of the terms fig. #1, fig. #2, fig. #3, and fig. #4. A response by email is preferred.

Thank you for your assistance and sorry for any inconvenience.

Darren Gove

Division of Water Pollution Control, Permit Section

Illinois EPA

1021 N. Grand Ave. East

PO Box 19276

Springfield, IL 62794-9276

ph. 217/782-0610

fax 217/785-1225

From: Scott Fisher <scottfisher100@gmail.com>
Sent: Friday, August 24, 2018 9:50 AM
To: Gove, Darren <Darren.Gove@Illinois.gov>
Subject: [External] Re: Illinois EPA Tax certification request log no. TC-140161

August 24, 2018

Good Morning Darren,

The enclosed attachment should outline your request for additional information. The first image(using google maps) shows the location where the two buildings (manure pits) have been constructed in relation to the potential receiving surface waters at the 975 130th Ave. Joy, Illinois address location. The second image(using google maps measurement tool) shows the distance to the ditches which have the potential to reach surface water at this location.

To answer your second question, this facility location is located on the Northeast Quarter of Section 36.

If you have any further questions please feel free to email or give me a call. I can be reached at 309-945-3459.

Sincerely,

Scott Fisher

On Tue, Aug 21, 2018 at 8:12 AM Gove, Darren <Darren.Gove@illinois.gov> wrote:

Dear Mr. Fisher,

Your application for tax certification received on August 9, 2018 has been reviewed and it was determined that the following information is needed.

1. Please provided additional diagram(s)/drawing(s) that show both of the proposed/existing manure pits in relation to potential receiving surface waters. Please provide the distance and direction to any surface water bodies and or nearby storm sewers or ditches/streams that are tributary to such waters.
2. Please identify the ¼ Section that your facility is located on (e.g. SW ¼ Section 36, SE ¼ Section 36, NE ¼ Section 36, or NW ¼ Section 36).

Please contact me if you have any questions.

Sincerely,

Darren Gove

Division of Water Pollution Control, Permit Section

Illinois EPA

1021 N. Grand Ave. East

PO Box 19276

Springfield, IL 62794-9276

Electronic Filing: Received, Clerk's Office 10/2/2018 **PCB 2019-063**
ph. 217/782-0610

fax 217/785-1225

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

975 130th Ave - Google Maps

<https://www.google.com/maps/place/975+130th+Ave,+Joy,+IL+61260/@41.2572676,-90.9...>

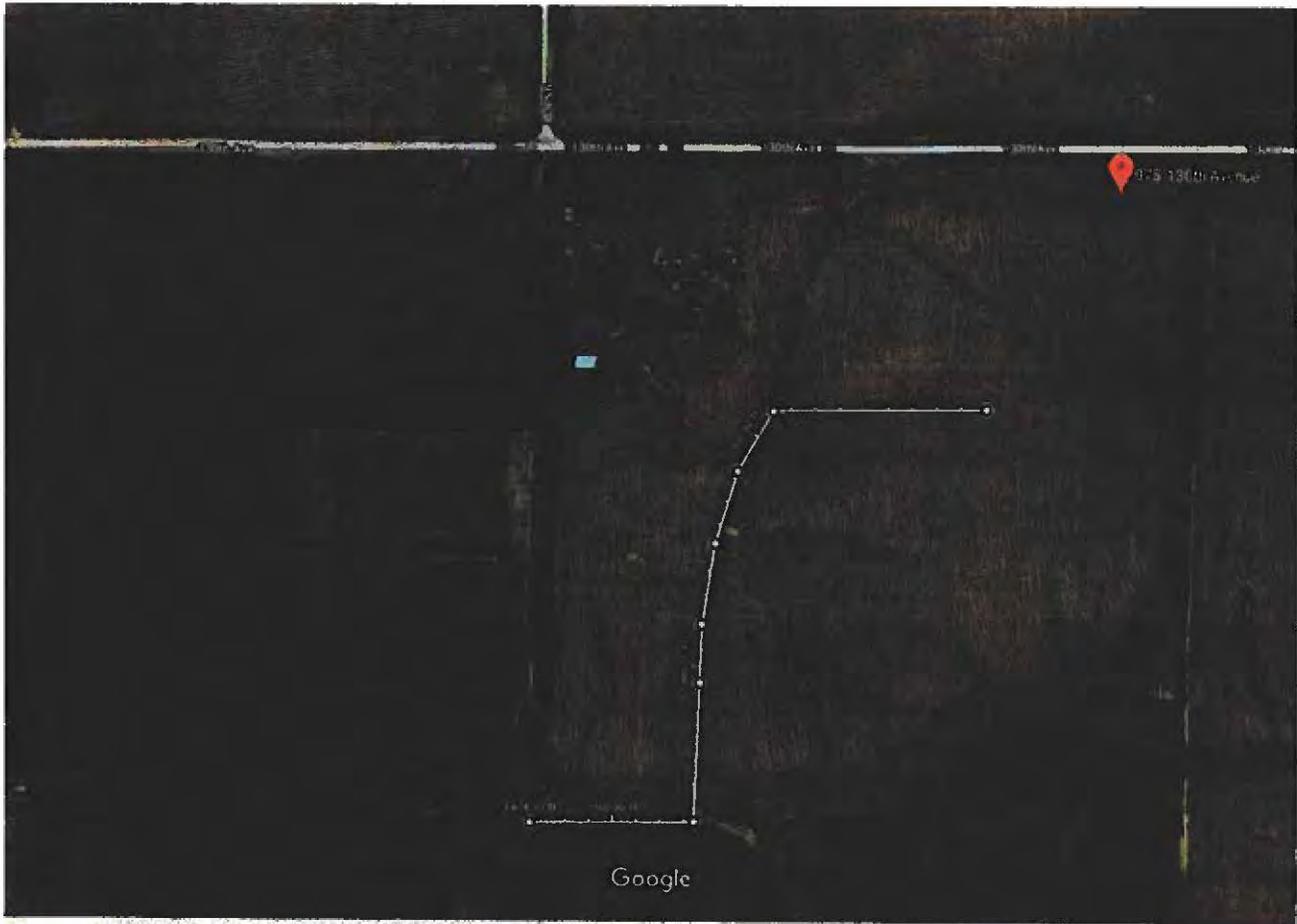


Images ©2018 Google, Map data ©2018 Google, 300 ft

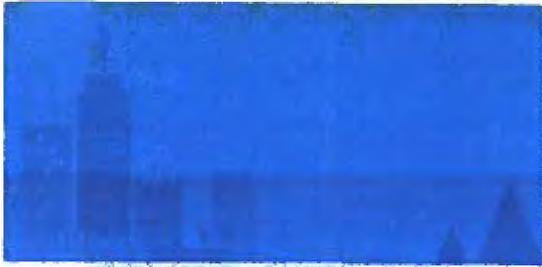
975 130th Ave - Google Maps

<https://www.google.com/maps/place/975+130th+Ave,+Joy,+IL+61260...>

Google Maps 975 130th Ave



Imagery ©2018 Google, Map data ©2018 Google 200 ft



975 130th Ave
Joy, IL 61260

Measure distance
Total distance 1,674.33 ft (510.34 m)

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 October 2, 2018, 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:

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

Scott D. Fisher
1517 45th Street
New Boston, Illinois 61272

[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/ Michael S. Roubitchek
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