

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Kerr Farms)
(Property Identification Number) **PCB 19-**
1236300004) **(Tax Certification)**
)

NOTICE

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**, copies of which are herewith served upon you.


Jeremy Kerr
2004 E. County Road 1600
Carthage, Illinois 62321

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

Copies also provided electronically as follows:

Illinois Department of Revenue
via email at REV.PropTaxApp@illinois.gov
101 West Jefferson
Springfield, Illinois 62794

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 

Jacob H. Smith
Assistant Counsel
Division of Legal Counsel

DATED: May 16, 2019

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

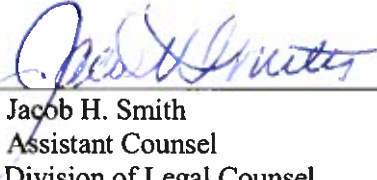
Kerr Farms)
(Property Identification Number) **PCB 19-**
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APPEARANCE

The undersigned, as one of its attorneys, hereby enters an APPEARANCE on behalf of Respondent,
Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: _____


Jacob H. Smith
Assistant Counsel
Division of Legal Counsel

DATED: May 16, 2019

Illinois Environmental Protection Agency
1021 North Grand Avenue East
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Kerr Farms)
(Property Identification Number) **PCB 19-**
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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 of the regulations of the Illinois Pollution Control Board ("Board"), 35 Ill. Adm. Code 125.204.

1. On December 21, 2018, the Illinois EPA received a request from Jeremy Kerr on behalf of Kerr Farms (log number TC-140766, 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:

Kerr Farms
1221 N. County Road 1200
Warsaw, IL 62739

The proposed water pollution control facility in this request is located in the SW $\frac{1}{4}$ of Section 36, T5N, R8W of the 3rd P.M. in Hancock County, at the above street address and consist of the following facilities:

The livestock waste handling facilities consisting of one (1) concrete manure pit (approximately 281 ft. x 71 ft. x 10 ft.), the concrete slatted portion of the floor over the manure pit that capture and contain waste generated in the barn above, eight (8) pumpout pits (approximately 6 ft. x 6 ft. x 10 ft. each) to allow manure removal from the manure pit.

This livestock waste management facility is used to collect, transport, and/or store livestock waste prior to cropland application, and is further described in Exhibit A.

3. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2018), and Section 125.200(a) of the Board's regulations, 35 Ill. Adm. Code 125.200(a), define

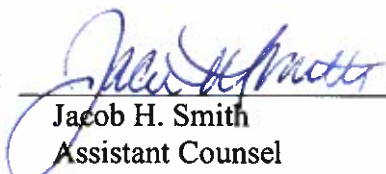
"pollution control facilities" as:

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 (2018), 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 is 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: 
Jacob H. Smith
Assistant Counsel
Division of Legal Counsel

Dated: May 16, 2019

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, ACTING DIRECTOR

Memorandum

To: Charles Gunnarson, Division of Legal Counsel

From: Darin E. LeCrone, Manager, Industrial Unit, Permit Section

DEL

Date: **MAY 13 2019**

Re: Kerr Farms – Warsaw
Recommendation of Tax Certification
Log # TC-140766
Property Index# 1236300004

The Bureau of Water received a request on December 21, 2018 from Jeremy Kerr 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:

Kerr Farms
1221 N County Road 1200
Warsaw, IL 62401

SW ¼ of Section 36, T5N, R8W of the 3rd PM in Hancock County

The livestock waste handling facilities consisting of one (1) concrete manure pit (approximately 281 ft. x 71 ft. x 10 ft.), the concrete slatted portion of the floor over the manure pit that capture and contain waste generated in the barn above, and eight (8) pumpout pits (approximately 6 ft. x 6 ft. x 10 ft. each) to allow manure removal from the manure pit. The facility collects, transports and stores livestock waste prior to cropland application.

The facility is 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.

DEL:WH:Tax Cert Recommendation.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Kerr Farms

Date: March 28, 2019

Reviewer: WH

Type: Agchem
 Livestock

Log number: TC-140766

Applicant: Jeremy Kerr
2004 E. County Road 1600
Carthage, IL 62321

Contact: Same

Phone: 319-931-7007

Facility: Kerr Farms
1221 N County Road 1200
Warsaw, IL 62739

Property Index#: 1236300004

Parcel#:

Legal Description:

SW ¼ of Section: 36 Twp: 5N R: 8W PM: 4th

County: Hancock

Signature: : Jeremy Kerr

Date Control Devices installed: June 2016

Title: Owner

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 one (1) concrete manure pit (approximately 281 ft. x 71 ft. x 10 ft.) and the concrete slatted portion of the floor over the manure pit that capture and contain waste generated in the barn above. The concrete manure pit has eight (8) pumpout pits (approximately 6 ft. x 6 ft. x 10 ft. each) to allow manure removal from the manure pit. The facility collects, transports and stores livestock waste prior to cropland application.

Pollution control facilities requested by the applicant through Description of Pollution Control Facilities, Section 2 of the application form and the email attachments received 03/28/2019:

One (1) concrete manure pit.

Concrete slatted floor;

Eight (8) pumpout pits for the manure pit.

A process flow diagram is provided by the application received 12/21/2018. Additional information about details of pollution control facilities are provided through the email.

Recommended Action: Issue tax certification.



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 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.

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DEC 21 2018

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
BOW/WPC/PERMIT SECTION

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>Kerr Farms</u>	Person to Contact
Person Authorized to Receive Certification: <u>Jeremy Kerr</u>	for Additional Details: <u>Jeremy Kerr</u>
Street Address: <u>2004 E County Road 1600</u>	Street Address: <u>2004 E County Road 1600</u>
City: <u>Carthage</u> State: <u>IL</u>	City: <u>Carthage</u> State: <u>IL</u>
Zip: <u>62321</u> Phone: <u>319-931-7007</u>	Zip: <u>62321</u> Phone: <u>319-931-7007</u>
Email Address: <u>jeremykerr58@gmail.com</u>	Email Address: <u>jeremykerr58@gmail.com</u>

II. Facility Information:

Facility Location: Quarter Section: SW36 Township: 5-North Range: 8-West
Municipality: Hancock Township: Montebello

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

Address: 1221 N County Road 1200 City: Warsaw
State: IL Zip Code: 62379 County: Hancock Book Number: _____

Property Index Number: 1236300004

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:

Wean-to-finish swine production facility (2480 head).

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):

Manure storage pit built in accordance with the regulations set by the Livestock Management Facilities Act. The entire pit is constructed of steel reinforced concrete. The walls are 8" thick and 10' tall. The outer dimensions of the pit are 71' 2" x 281'. The top of the pit is covered with concrete slats. These slats contain 1" slots every 5" to allow manure to pass through into the storage pit.

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

The primary purpose of the pit is to contain manure in an impermeable reservoir until it can be safely applied to nearby crop land. Containing this manure protects ground water from contamination and prevents runoff into a nearby stream which is a tributary to Bear Creek.

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).

Illinois Department of Agriculture Livestock Management Facilities Act - Livestock Waste Regulation.

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
Water Contaminant	Swine Manure	Injected into soil per EPA guidelines
Air Contaminant	Swine Manure	Injected into soil per EPA guidelines

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: Jun 1, 2016

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

Status of installation on date of application:

Pit structure was approved by Illinois Department of Agriculture on June 1, 2016 and put into service immediately upon approval.

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))

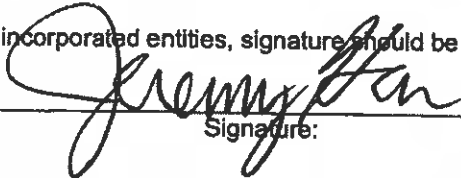
Jeremy Kerr

Printed Name:

Owner

Title:

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



Signature:

12/21/2018

Date:

Public Land Survey System (PLSS)

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Instructions: This web page will allow you to enter an Illinois address and determine its legal description to the section level-of-detail. The Public Land Survey System (PLSS) is used in legal descriptions and employs a grid system described in terms of numbered townships, ranges, and sections. Please follow the instructions below. Note: If the Google Maps application below is not displayed, make sure to enable Javascript on your internet browser.

1. Enter your address in the box below and click "Search Address." Address location is provided by Google geolocation service.
2. Please check that location is accurate. If not, see step 4.
3. An information window will appear listing the County, Township, Range, and Section for the marker location. Also listed is the Principal Meridian from which that area was surveyed, USGS 7.5-minute Quadrangle name, Civil Township or Precinct name, and Latitude/Longitude coordinates.
4. If you would like to move the marker due to an incorrect geolocation, first close the information window by clicking on the "X" in the top right corner, then drag the marker to a new location. A new information window will appear with the new location information.

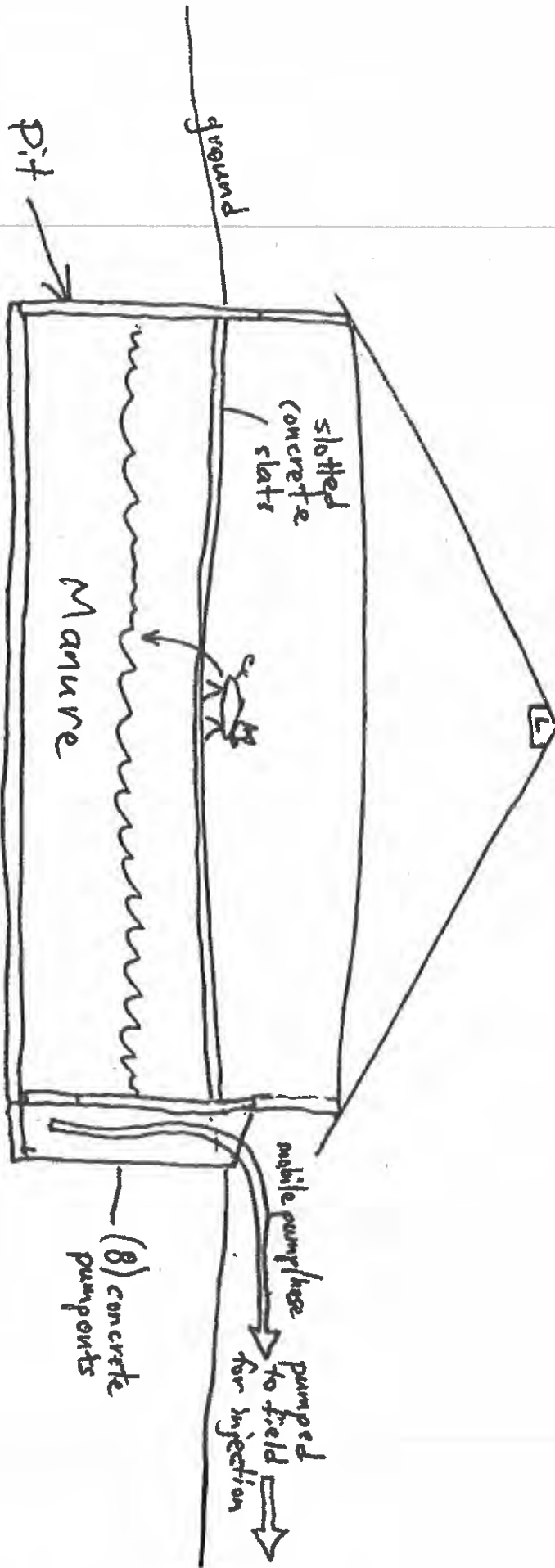
1221 N County Road 1200, Warsaw, IL

Search Address Refresh Page



ISGS PLSS Data Explanation

The data set within the Google Maps viewer contains Illinois Public Land Survey System (PLSS) boundaries.



Han, Wei

From: Jeremy Kerr <jeremykerr58@gmail.com>
Sent: Thursday, March 28, 2019 1:39 PM
To: Han, Wei
Subject: [External] Re: Kerr Farms TC-140766

Hello Wei,

The (8) pumpout pits are 6' x 6' x 10' deep and they are constructed of 8" thick concrete walls. Can you confirm that my application was received in 2018? Please let me know if you need anything else from me.

Thanks,
Jeremy Kerr
Ph: (319) 931-7007

On Wed, Mar 27, 2019 at 4:52 PM Han, Wei <Wei.Han@illinois.gov> wrote:

Mr. Kerr,

The Agency has received your application for tax certification for a swine farm located in Cambridge IL. The following information is needed in order to complete our review:

1. The construction material (concrete, steel, etc.), and dimensions (length, width, and depth) of the eight pumpout pits attached to the manure pit.

Please let me know if you have any questions.

Thanks,

Wei Han, P.E.

Illinois Environmental Protection Agency

BOW/DWPC/Permit Section

1021 North Grand Avenue E.

STATE OF ILLINOIS

COUNTY OF SANGAMON

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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of May 16, 2019, 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:

Jeremy Kerr
2004 E. County Road 1600
Carthage, Illinois 62321

Copies also provided electronically as follows:

Illinois Department of Revenue
via email at REV.PropTaxApp.illinois.gov
101 West Jefferson
P.O. Box 19033
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[Electronic Filing]

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

/s/ Jacob H. Smith
Assistant Counsel
Division of Legal Counsel
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217.782.9143 (TDD)

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