BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Rooth Farms--Joy (Property Identification Number 01-02-36-100-002)

)) PCB 20-) (Tax Certification)

NOTICE

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an <u>APPEARANCE</u> and <u>RECOMMENDATION OF THE ILLINOIS</u> ENVIRONMENTAL PROTECTION AGENCY, copies of which are herewith served upon you.

Ron Rooth 912 130th Avenue Joy, Illinois 61260

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: October 25, 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

Rooth Farms--Joy (Property Identification Number 01-02-36-100-002)

)) PCB 20-) (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

mitte By:

Jacob H. Smith Assistant Counsel Division of Legal Counsel

DATED: October 25, 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

Rooth Farms--Joy (Property Identification Number 01-02-36-100-002)

)) PCB 20-) (Tax Certification))

<u>RECOMMENDATION OF THE ILLINOIS</u> <u>ENVIRONMENTAL PROTECTION AGENCY</u>

)

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.

- On September 27, 2018, the Illinois EPA received a request from Ron Rooth on behalf of Rooth Farms (log number TC-140368, 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: 853 130th Avenue Joy, IL 61260

The proposed water pollution control facility in this request is located in the

SE ¼ of Section 36, T15N, R5W of the 4th P.M. in Mercer County, at the above

street address and consist of the following facilities:

Livestock waste handling facilities consisting of one (1) concrete manure pit (approximately 51 ft. x 391 ft. x 8 ft.), the concrete slatted portion of the floor over the manure pit that capture and contain waste generated in the barn above, and ten (10) pumpout pits (approximately 5 ft. x 6 ft. x 8 ft. each) to allow manure removal from the manure pit, PVC perimeter drainage pipes (approximately 885 ft. x 6 in.) located around the footing of manure pit to prevent flotation of the pit, and one (1) plastic inspection/sampling port (approximately 8 ft. x 12 in.) on the perimeter drainage pipe.

THIS FILING SUBMITTED ON RECYCLED PAPER

These livestock waste management facilities are 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.

- 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).
- 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.

7. Additionally, there was a discrepancy between the application and the "Narrative Description of Pollution Control Facility with Diagram." The application indicates only one building while the Narrative Description indicates that there are two. This was clarified in subsequent communication, and the application is correct in that only one building is on this property.

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: October 25, 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, DIRECTOR

Memorandum

To: Charles Gunnarson, Division of Legal Counsel

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

Date: October 21, 2019

Re: Rooth Farms – Joy Recommendation of Tax Certification Log # TC-140368 Property Index# 01-02-36-100-002

The Bureau of Water received a request on September 27, 2018 from Ron Rooth 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:

Rooth Farms 953 130th Ave. Joy, IL 61260

SE ¼ of Section 36, T15N, R5W of the 4th PM in Mercer County

The livestock waste handling facilities consisting of one (1) concrete manure pit (approximately 51 ft, x 391 ft. x 8 ft.), the concrete slatted portion of the floor over the manure pit that capture and contain waste generated in the barn above, ten (10) pumpout pits (approximately 5 ft. x 6 ft. x 8 ft. each) to allow manure removal from the manure pit, PVC perimeter drainage pipes (approximately 885 ft. x 6 in.) located around the footing of manure pit to prevent flotation of the pit, and one (1) plastic inspection/sampling port (approximately 8 ft. x 12 in.) on the perimeter drainage pipe. 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

4302 N. Main St., Rockford, IL 61103 (815)987-7760 595 S. State, Elgin, IL 60123 (847)608-3131 2125 S. First St., Champaign, IL 61820 (217)278-5800 2009 Mall St., Collinsville, IL 62234 (618)346-5120

Watershed Unit Tax Certification Review Sheet

Project Name: Rooth Farms	Date: November 28, 2018	
	Type: 🔲 Agchem	
	🔀 Livestock	
Reviewer: WH	100000000000000000000000000000000000000	
	Contact: Same	
Log number: TC-140368		
Applicant: Ron Rooth	Phone: 309-781-8990	
912 130 th Ave.		
Joy, IL 61260	Property Index#: 01-02-36-100-002	
Facility: Rooth Farms	Parcel#:	
953 130 th Ave.	Company Manager	
Joy, IL 61260	County: Mercer	
Legal Description:	Signature: Ron Rooth	
SE ¼ of Section: 36 Twp: 15N R: 5W PM: 4 th		
36 % OF Section, 30 Twp, 15W R. 5W PWI: 4	Title: Owner	
Date Control Devices installed: September 2018		

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 391 ft. x 51 ft. x 8 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 ten (10) pumpout pits (approximately 5 ft. x 6 ft. x 8 ft. each) to allow manure removal from the manure pit. PVC perimeter drainage pipe (approximately 885 ft. x 6 in.) with plastic inspection port (approximately 12 in. dia x 8 ft. depth) is located around the footing of the manure pit to prevent flotation of the pit. The facility collects, transports and stores livestock waste prior to cropland application.

Pollution control facilities requested by the applicant through Descriptiom of Pollution Control Facilities, Section 2 of the application form and the attachments:

One (1) concrete manure pit (391 ft. x 51 ft. x 8 ft.)

Concrete slatted floor;

Ten (10) pumpout pits for the manure pit (approximately 5 ft. x 6 ft. x 8 ft. each)

PVC perimeter drainage tile (approximately 885 ft. x 6 in.)

Plastic inspection port (approximately 12 in. Dia x 8 ft. Depth)

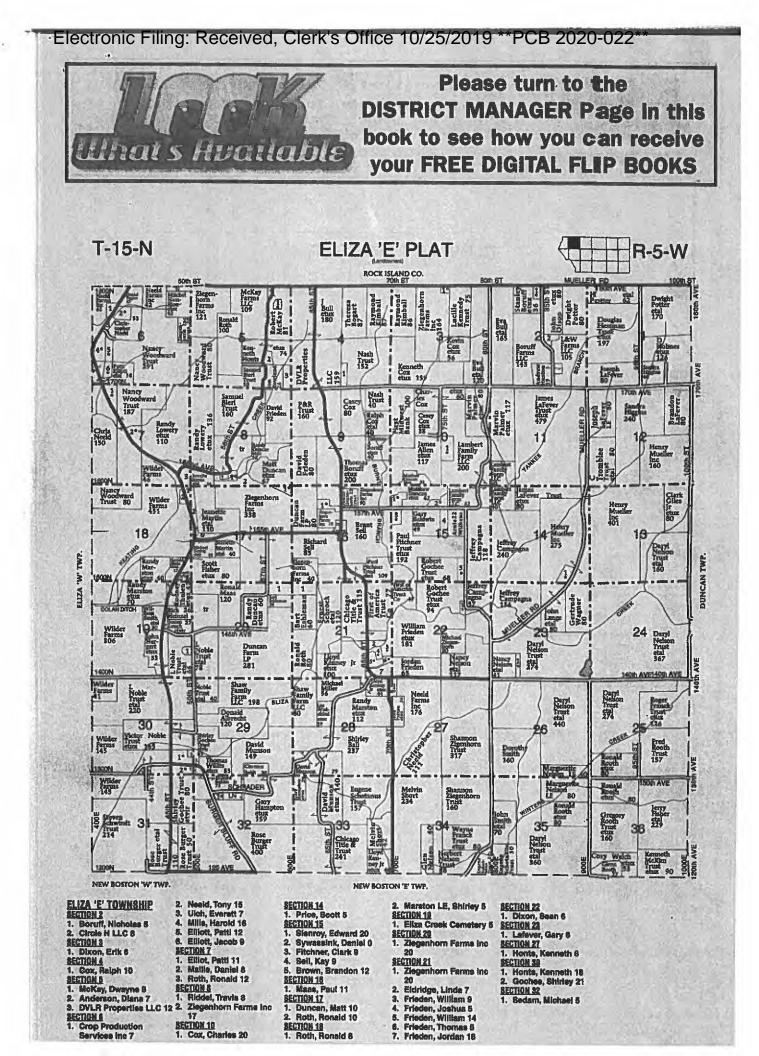
A process flow diagram with narrative is provided by the attachment of the application. Additional information about details of pollution control facilities are provided through the email.

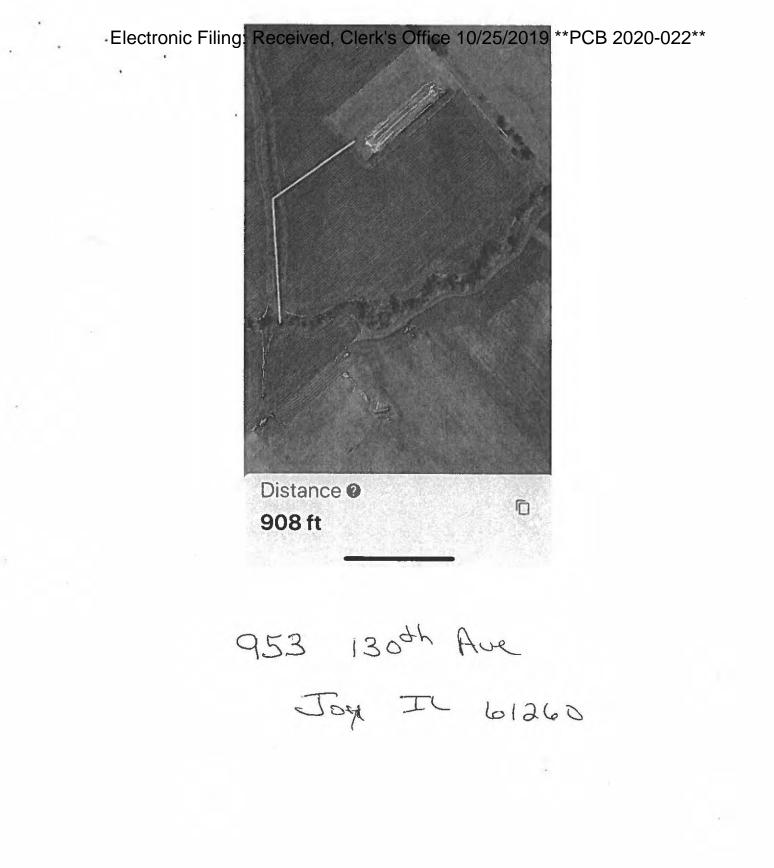
Recommended Action: Issue tax certification.

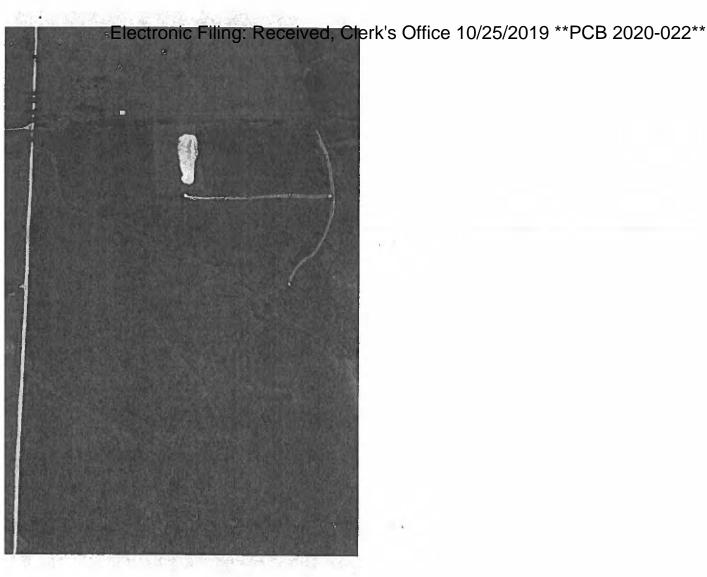
taxcert review sheet

Electronic	Filing: Received,	Clerk's Office 1	0/25/2019 **PC	CB 2020-022**
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	Illinois Envi	ironmental	Protection	n Agency
TRANS, AVAR	2			
1021 North Gra	nd Avenue East · P.O. E	Box 19276 · Springfie	ld • Illinois • 62794	-9276 • (217) 782-3397
SEP 27 2018	and the second se	Certification (Prop		ent)
02. 21 20.0	Po	ollution Control Fa	acility	
EPA	N		FOR AGENCY US	EONLY
WWW Ch Enter Sectio		File Number:		Date Rec'd:
Facility Type (check on		Certification Number:		Date:
This form is to be used for	 any application for certification 	on of property tax treatm	ent for a pollution contro	I facility for air or water from the es (air and water). Where both air
water operations are relat		The calor control taointy c	annoa. Do norma gpo	
If attachments are needer	d, record them consecutively	on an index sheet.		
			James 16 18 6	
You may complete this i	form online, save a copy lo	cally, print, sign and su	iomit it to:	
Illinois EPA		Illinois		Pastian
Attention: Ray E. Pill Division of Air Pollution			ion: AI Keller, Permit on of Water Pollution (
	venue East, P.O. Box 1927		North Grand Avenue E	
Springfield, IL 62794			gfield, IL 62794-9276	
I. Applicant Inform	nation:			
Company Name:	Koot	h Farms	5	
Person Authorized to	0 0		son to Contact	
Receive Certification	KON Kooth	for	Additional Details	SAME
Street Address:	912 1304	h Ase Stre	eet Address:	
City:	Joy	_ State: TL_ City		State:
Zip:		: 339-781 -3990 Zip:		Phone:
Email Address:	John deeps 644020	Chat mail. con Ema	ail Address:	
II. Facility Informa	tion:			
Facility Location: Qua	rter Section: 36 T	ownship: TISN	Range: R5 W	
	hicipality:		Township: El	124
Note: A plat map locati	ion is requested for facilitie	es located outside of m	unicipal boundaries.	
Address: 953	5 130th		City: Joy	
State: TL Zip Code:	Loldo County	mercen	Book Number: 20	DIL Mercen Co Plat
and the second	er: 01-02-36-100		Pa	ign 24 - Coopy Attald
			lentify a parcel of real	property for assessment and
taxation purposes.				
Manufacturing Opera				
Nature of Operations (Conducted at the Above Lo	ocation:		
	Δ			
SUIN	e Product.	ion		
Permit Information:			1. 17. 19. 19. 19. 19.	
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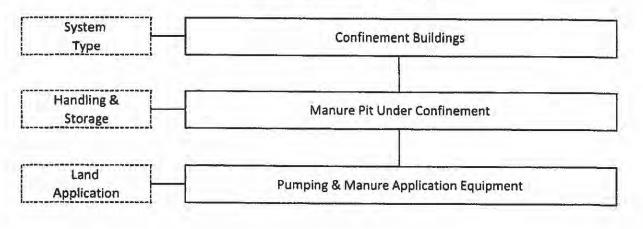


953 130th Ave Joy ILL 61260

Total Distance 862 ft. (263 m)

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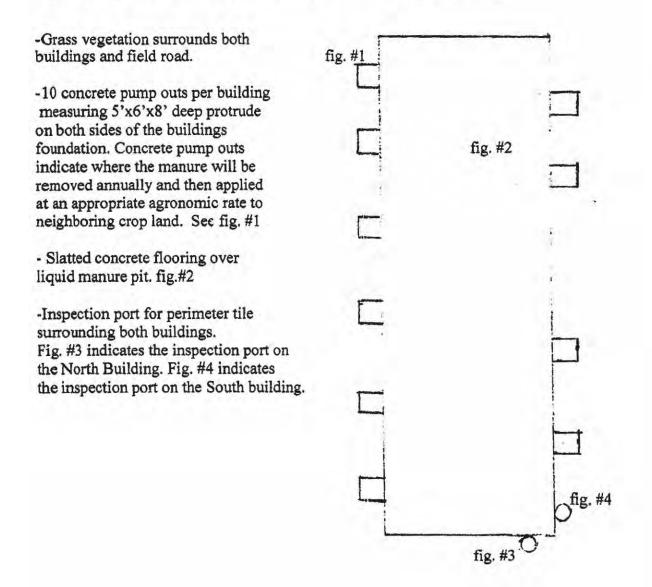
Manure Generation Flow Diagram



Narrative Description of Pollution Control Facility with Diagram

Two wean to finish hog buildings measuring $(51' \times 391' \times 8' \text{ deep pit})$ each. Buildings consist of concrete foundations and concrete slatted floors over 100% of the $(51' \times 391' \times 8' \text{ deep pits})$. 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:



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):

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.

1	Material Retained, Captured or Recovered		
Contaminant or Pollutant	Description	Disposal or Use	
Swine Mansne	Swine Manure	Fentitizen for Crops	

" . Lish 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 O Yes O 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? O Yes

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: 9-14-18

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 complected production Oct 1 CORRENtly Dat OUNI 2018

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))

Printed Name:

NNE fitle:

No No

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

Signature:

9-20-18 Date:

Han, Wei

From:	ron rooth <johndeere644020@hotmail.com></johndeere644020@hotmail.com>
Sent:	Wednesday, November 28, 2018 7:51 AM
To:	Han, Wei
Subject:	[External] Re: Rooth Farms TC-140368

The guarter section is SE section of 36. The ft of tile for perimeter of building is 885 ft. Its just one building with one inspection port. Thanks

Get Outlook for Android

From: Han, Wei <Wei.Han@Illinois.gov> Sent: Tuesday, October 23, 2018 9:21:54 AM To: ron rooth Subject: RE: Rooth Farms TC-140368

Hi,

Thank you for the information. Here are questions I have for the information you provided.

- 1. The quarter section index should be NW, NE, SW, or SE. That can be found from the legal description of your property on your tax bill. Please provided me a quarter section index for Section 36.
- 2. The 700 feet drainage tile is not sufficient to surround a building with dimensions 51 by 391 feet. Please confirm the length of drainage tile or the dimensions of the building.

Please let me know if you have any questions.

Wei Han Illinois Environmental Protection Agency BOW/DWPC/Permit Section 1021 North Grand Avenue E. P.O. Box 19276 Springfield, IL 62794-9276

Phone: 217-524-3034 Email: Wei.Han@Illinois.gov

From: ron rooth <johndeere644020@hotmail.com> Sent: Monday, October 22, 2018 8:24 AM To: Han, Wei <Wei.Han@Illinois.gov> Subject: [External] Re: Rooth Farms TC-140368

Sorry forgot the length and diameter we put in 700 ft around the building of 6 inch PVC tile it has one sample port. It's just one building

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To: Han, Wei Subject: Re: Rooth Farms TC-140368

The building sets in section 36 N N quarter in Eliza township the tile is made of plastic it has it's own sample port and we just have one building. Thanks Ron

Get Outlook for Android

From: Han, Wei <<u>Wei.Han@Illinois.gov</u>> Sent: Wednesday, October 17, 2018 11:46:03 AM To: johndeere644020@hotmail.com Subject: Rooth Farms TC-140368

Mr. Ron Rooth,

The application for Illinois Property Tax Certification received September 27, 2018 for the subject facility has been reviewed and the following information is missing from the application:

- 1. Quarter section (SW, SE, NW, or NE) of the legal description.
- Length, diameter, and construction material (HDPE, plastic, or metal) of the perimeter drainage tile. Please indicate if the length is for two buildings or single building, and if each manure pit has a monitoring port, or one monitoring port for two pits.

Please provide the information listed above so the Agency can complete the review of the subject application. Please include the above log number on all correspondence.

If you have any questions or comments concerning the above items, please contact me.

Wei Han Illinois Environmental Protection Agency BOW/DWPC/Permit Section 1021 North Grand Avenue E. P.O. Box 19276 Springfield, IL 62794-9276

Phone: 217-524-3034 Email: Wei.Han@Illinois.gov

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Smith, Jacob H

From: Sent: To: Subject: Han, Wei Thursday, October 24, 2019 5:02 PM Smith, Jacob H FW: Rooth Farms; Log # TC-140368

Jacob - Additional info.

Wei Han, P.E. Illinois Environmental Protection Agency BOW/DWPC/Permit Section 1021 North Grand Avenue E. P.O. Box 19276 Springfield, IL 62794-9276

Phone: 217-524-3034 Email: Wei.Han@Illinois.gov

From: ron rooth <johndeere644020@hotmail.com> Sent: Thursday, October 24, 2019 4:56 PM To: Han, Wei <Wei.Han@Illinois.gov> Subject: [External] Re: Rooth Farms; Log # TC-140368

Our neighbor scott fisher has 2 building. We are west of him quarter mile

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From: ron rooth <<u>iohndeere644020@hotmail.com</u>> Sent: Thursday, October 24, 2019 4:54:48 PM To: Han, Wei <<u>Wei.Han@Illinois.gov</u>> Subject: Re: Rooth Farms; Log # TC-140368

Yes just one building. Only one.

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From: Han, Wei <<u>Wei.Han@Illinois.gov</u>> Sent: Thursday, October 24, 2019 4:51:51 PM To: ron rooth <<u>iohndeere644020@hotmail.com</u>> Subject: FW: Rooth Farms; Log # TC-140368

Ron,

Please see the following email. I believe that I have confirmed with you by email about the number of buildings to be certified. However, the narrative of the pollution control facility included in the application states "two wean to finish hog buildings...".

Can you confirm, again, that only one building is to be certified?

Thanks,

Wei Han, P.E. Illinois Environmental Protection Agency BOW/DWPC/Permit Section 1021 North Grand Avenue E. P.O. Box 19276 Springfield, IL 62794-9276

Phone: 217-524-3034 Email: <u>Wei.Han@Illinois.gov</u>

From: Smith, Jacob H Sent: Thursday, October 24, 2019 1:20 PM To: Han, Wei <<u>Wei.Han@Illinois.gov</u>> Subject: Rooth Farms; Log # TC-140368

Wei- I am reviewing this application to send to the Board. The application states there are two buildings, but the recommendation only refers to one building. I reviewed the email correspondence between you and Mr. Rooth and I am unsure if he means there is just one building that has a perimeter tile or if there is just one building. I checked on Google Earth, and it appears that there are two buildings.

Please advise.

Jake Smith



Jacob H. Smith Assistant Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East Springfield, Illinois 62794-9276 Jacob.H.Smith@illinois.gov Office: (217)524-1629 | Fax (217)782-9807

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STATE OF ILLINOIS	ý
COUNTY OF SANGAMON)
)

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of October 25, 2019, the attached <u>APPEARANCE</u> and <u>RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL</u> <u>PROTECTION AGENCY</u>, 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:

Ron Rooth 912 130th Avenue Joy, Illinois 61260

Copies also provided electronically as follows:

Illinois Department of Revenue via email at REV.PropTaxApp.illinois.gov 101 West Jefferson P.O. Box 19033 Springfield, Illinois 62794

[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/ Jacob H. Smith
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