

ILLINOIS POLLUTION CONTROL BOARD

December 19, 2024

SHEFFEY FARMS, INC. – PEARL CITY)	
Property Identification Number 02-17-10-200-)	
1),)	
)	
Petitioner,)	
)	PCB 25-35
v.)	(Tax Certification - Water)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by B.F. Currie):

On December 5, 2024, the Illinois Environmental Protection Agency (Agency) filed a recommendation that the Board certify a specified facility of Sheffey Farms, Inc – Pearl City (Sheffey Farms) as a “pollution control facility” for preferential tax treatment under the Property Tax Code. *See* 35 ILCS 200/11-5 *et seq.* (2022); 35 Ill. Adm. Code 125. Sheffey Farms’ hog finishing operation is located at 9124 West Block Road in Pearl City, Stephenson County. In this order, the Board describes the legal framework for tax certifications, discusses the Agency’s recommendation, and certifies that Sheffey Farms’ identified livestock waste management structure is a pollution control facility.

LEGAL FRAMEWORK

Under the Property Tax Code, “[i]t is the policy of this State that pollution control facilities should be valued, at 33 1/3% of the fair cash value of their economic productivity to their owners.” 35 ILCS 200/11-5 (2022); *see also* 35 Ill. Adm. Code 125.200(a)(2). “For tax purposes, pollution control facilities shall be certified as such by the Pollution Control Board and shall be assessed by the Department [of Revenue].” 35 ILCS 200/11-20 (2022); *see also* 35 Ill. Adm. Code 125.200(a). Under the statute, the Board determines if the facilities are pollution control facilities; however, the Board is not authorized to assess a value of those facilities.

Under Section 125.202 of the Board’s procedural rules, a person may submit an application for tax certification to the Agency. *See* 35 Ill. Adm. Code 125.202. If the Agency receives a tax certification application, the Agency must file with the Board a recommendation on the application, unless the applicant withdraws the application. *See* 35 Ill. Adm. Code 125.204(a). Among other things, the Agency’s filing must recommend that the Board issue or deny tax certification. *See* 35 Ill. Adm. Code 125.204(a)(4). If the Board finds “that the claimed facility or relevant portion thereof is a pollution control facility . . . , the Pollution Control Board . . . shall enter a finding and issue a certificate to that effect.” 35 ILCS 200/11-25 (2022); *see also* 35 Ill. Adm. Code 125.216(a).

AGENCY RECOMMENDATION

The Agency states that it received a tax certification application from Sheffey Farms on April 17, 2024.¹ Rec. at 1. On December 5, 2024, the Agency filed a recommendation with the Board, attaching Sheffey Farms' application (Rec. Exh. A). The Agency's recommendation identifies the facility at issue:

[o]ne (1) concrete manure deep pit measuring 201 ft. (length) x 102 ft. (width) x 8 ft. (depth), precast concrete slatted flooring over the manure pits, and eight (8) pumpout pits measuring 6 ft. (length) x 6 ft. (width) x 8 ft. (depth) each. *Id.*

The Board notes that the application and supporting documents indicate the width of the pit to be 51 feet with four pumpout pits. Pet. at 6, 8, and 13. The Board will use the description found in the application to evaluate this tax certification. The Agency further describes the facility as being "used to collect, transport and/or store livestock waste prior to cropland application." *Id.*

The Agency recommends that the Board certify that the facility is a pollution control facility as defined in Section 11-10 of the Property Tax Code (35 ILCS 200/11-10 (2022)) with the "primary purpose of eliminating, preventing, or reducing water pollution." Rec. at 2; *see also* Rec., Exh. A (Agency memorandum).

TAX CERTIFICATE

Based upon the Agency's recommendation, Sheffey Farms' application, and the Board's technical review, the Board finds and certifies that Sheffey Farms' facility livestock waste management structure identified in this order is a pollution control facility under the Property Tax Code (35 ILCS 200/11-10 (2022)). The Board makes no finding regarding the assessed value of that facility. Under Section 11-25 of the Property Tax Code, the effective date of this certificate is "the date of application for the certificate or the date of the construction of the facility, which ever is later." 35 ILCS 200/11-25 (2022); *see also* 35 Ill. Adm. Code 125.216(a). Section 125.216(d) of the Board's procedural rules states that the Clerk "will provide the applicant and the Agency with a copy of the Board's order setting forth *the Board's findings and certificate, if any.*" 35 Ill. Adm. Code 125.216(d) (quoting in italics 35 ILCS 200/11-30 (2022)). The Clerk therefore will provide Sheffey Farms and the Agency with a copy of this order.

IT IS SO ORDERED.

Member Tin Abstained.

Section 11-60 of the Property Tax Code provides that any applicant or holder aggrieved by the issuance, refusal to issue, denial, revocation, modification or restriction of a pollution control certificate or a low sulfur dioxide emission coal fueled device certificate may appeal the Board's finding and order to the Circuit Court under the Administrative Review Law (735 ILCS 5/3-101 *et seq.* (2022)). *See* 35 ILCS 200/11-60 (2022). Within 35 days after receiving this final Board order, a party to this Board proceeding may file a motion asking the Board to reconsider

¹ The Agency's recommendation is cited as "Rec. at _."

or modify the order. 35 Ill. Adm. Code 101.520. Filing a motion to reconsider this final Board order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Appeal Filed with the Circuit Court	
Parties	Board
Sheffey Farms, Inc. – Pearl City Attn.: Scott Sheffey 2722 South Silberman Road Pearl City, Illinois 61062 snsheffey@gmail.com	Illinois Pollution Control Board Attn.: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Illinois Environmental Protection Agency Attn.: Grace McCarten, Assistant Counsel 1021 North Grand Avenue East PO Box 19276 Springfield, Illinois 62794-9276	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 19, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board