

ILLINOIS POLLUTION CONTROL BOARD

August 7, 2025

CLINT KINSEY, K-1 VIOLA)	
(Property Identification Number)	
11-11-21-300-009),)	
)	
Petitioner,)	
)	
v.)	PCB 26-9
)	(Tax Certification - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A. Tin):

On July 11, 2025, the Illinois Environmental Protection Agency (Agency) filed a recommendation that the Board certify specified facilities of Clint Kinsey as “pollution control facilities” for preferential tax treatment under the Property Tax Code. *See* 35 ILCS 200/11-5 *et seq.* (2024); 35 Ill. Adm. Code 125. On July 23, 2025, Kinsey submitted to the Agency updated information, including the dimensions of its facilities. On July 29, 2025, the Agency filed an amended recommendation that the Board certify specified facilities. Kinsey’s swine livestock waste management facility is located at 817 240th Street in Viola, Mercer County. In this order, the Board describes the legal framework for tax certifications, discusses the Agency’s amended recommendation, and certifies that Kinsey’s identified manure management structures are pollution control facilities.

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 (2024); *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 (2024); *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 (2024); *see also* 35 Ill. Adm. Code 125.216(a).

AGENCY RECOMMENDATION

The Agency states that it received a tax certification application from Kinsey on December 2, 2024.¹ Rec. at 1. On July 11, 2025, the Agency filed a recommendation with the Board, attaching Kinsey’s application and the Agency’s technical memorandum. On July 29, 2025, the Agency filed an amended recommendation also including the attachments. The Agency’s amended recommendation identifies the facilities at issue:

One (1) concrete manure pit measuring 252 ft. (length) x 48 ft. (width) x 8 ft. (depth) and concrete slatted flooring over the manure pit. The manure deep pit has six (6) pumpout pits measuring 5 ft. (length) x 5 ft. (width) x 8 ft. (depth) to allow manure removal from the pit. *Id.*

The Agency states that “[t]hese livestock waste management facilities are used to collect, transport, and/or store livestock waste prior to cropland application.” *Id.*

The Agency recommends that the Board certify that the manure management structures are pollution control facilities as defined in Section 11-10 of the Property Tax Code (35 ILCS 200/11-10 (2024)) with the “primary purpose of eliminating, preventing, or reducing water pollution.” Rec. at 2; Rec., Agency Technical Memorandum.

TAX CERTIFICATE

Based upon the Agency’s recommendation, Kinsey’s application, and the Board’s technical review, the Board finds and certifies that Kinsey’s manure management structures identified in this order are pollution control facilities under the Property Tax Code (35 ILCS 200/11-10 (2024)). The Board makes no finding regarding the assessed value of those facilities. 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 (2024); *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 (2024)). The Clerk therefore will provide Kinsey and the Agency with a copy of this order.

IT IS SO ORDERED.

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.* (2024)). *See* 35 ILCS 200/11-60 (2024). 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 amended 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
Clint Kinsey 697 250th Street Viola, Illinois 61486 clintkinsey71@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: Emma Hudspath 2520 West Iles Ave. P.O. Box 19276 Springfield, IL 62794 emma.hudspath@illinois.gov	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 7, 2025, by a vote of 5-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board