

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

CNS Farms )  
(Property Identification Number ) PCB 015-  
05-09-200-003) (Tax Certification  
 ) Water)

**NOTICE**

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

Charles Schelkopf  
2435 Bethany Rd.  
Sycamore, Illinois 601078

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

**PLEASE TAKE NOTICE** that I have today filed with the Office of the Clerk of the Pollution Control Board an **APPEARANCE AND THE RECOMMENDATION** of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Vera Herst  
Vera Herst  
Assistant Counsel  
Division of Legal Counsel

DATED: August 4, 2014

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

CNS Farms	)
(Property Identification Number	) PCB 015-
05-09-200-003)	) (Tax Certification
	) Water)

**A P P E A R A N C E**

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Vera Herst  
 Vera Herst  
 Assistant Counsel  
 Division of Legal Counsel

DATED: August 4, 2014  
 Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276  
 (217)782-5544

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

CNS Farms )  
(Property Identification Number ) PCB 015-  
05-09-200-003 ) (Tax Certification  
 ) Water)

**RECOMMENDATION**

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, 35 Ill. Adm. Code 125.204.

1. On January 14, 2013, the Illinois EPA received a request from CNS Farms (log number TC-05-13, 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 applicant’s address is: 28918 Glidden Road.  
Sycamore, Illinois 601078
3. The proposed water pollution control facilities in this request are located at Section 9, T41N, R4E of 3rd PM in DeKalb County, at the above street address and consist of the following:  
  
Livestock waste management facilities consisting of one 32 ft. x 116 ft. x 6 ft. deep manure pit with concrete slatted floors; one 32 ft. x 52 ft. x 7 ft. deep manure pit with concrete slotted floor; 64 ft. x 162 ft. x 8 ft. deep manure pit with concrete slatted floor and four 6 ft. x 6 ft. by 8 ft. deep concrete pump outs; one 102 ft. x 193 ft. x 10 ft. deep manure pit with concrete slatted floors and eight 6 ft. x 6 ft. x 10 ft. deep concrete pump outs.  
  
These livestock waste management facilities are used to collect, transport and/or store livestock wastes prior to cropland application, and are further described in Exhibit A.
4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2012), defines “pollution control facilities” as:

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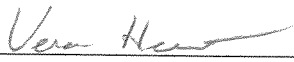
“any system, method, construction, device or appliance appurtenant thereto or any portion of any building or equipment, that is designed, constructed, installed or operated for the primary purpose of: (a) eliminating, preventing, or reducing air or water pollution ...or (b) treating, pretreating, modifying 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.”

5. Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5.
  
6. Based on the information in the application and the purpose of the facilities, 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.

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WHEREFORE, the Illinois EPA recommends that the Board issue the requested tax certification.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Vera Herst  
Assistant Counsel  
Division of Legal Counsel

Dated: August 4, 2014  
Illinois Environmental Protection Agency  
1021 North Grand Ave. E.  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

# Memorandum

To: Charles Gunnarson, Division of Legal Counsel

From: Al Keller, P.E., Manager, Permit Section

A handwritten signature in black ink, appearing to be 'AK', written over the 'From:' line.

Date: July 28, 2014

Re: CNS Farms - Kingston Township  
Recommendation of Tax Certification  
Log #TC-05-13  
Property Identification # 05-09-200-003

The Bureau of Water received a request on January 14, 2013 from CNS 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:

Charles Schelkopf  
CNS Farms  
28918 Glidden Road  
Sycamore, Illinois 60178

Section 9, Township 41N, Range 4 East of the 3<sup>rd</sup> P.M in DeKalb County

Livestock waste management facilities consisting of :

- 32' x 116' by 6' deep manure pit with concrete slatted floors
- 32' x 52' by 7' deep manure pit with concrete slatted floors
- 64' x 162' by 8' deep manure pit with concrete slatted floors and four 6' x 6' by 8' deep concrete pump-outs
- 102' x 193' by 10' deep pit with concrete slatted floors and eight 6' x 6' by 10' deep concrete pump-outs

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

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 Jamie Cowles at 217/782-0610.

SAK:JMC:TC-05-13

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

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462  
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312)814-6026

# Watershed Unit Tax Certification Review Sheet

Project Name: CNS Farms Location: DeKalb County

Reviewer: JMC Date: April 1, 2013

Log number: TC-05-13 Type:  Agchem  
 Livestock

Applicant: Charles Schelkopf R2435 Bethany Road Sycamore, Illinois 60178 Contact: Charles Schelkopf

Phone: 217-257-7701

Facility: CNS Farms 28918 Glidden Road Sycamore, Illinois 60178 Property ID: 05-09-200-003

Signature: Charles Schelkopf

Legal Description: S: 9 Twp: 41N R: 4E 3rd PM: Title: Owner

Date Control Devices installed: 1/1/13 Provided Fair cash Value: \$400,000

- 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:

32' x 116' by 6' Deep Pit with Concrete Slatted Floors  
 32' x 52' by 7' Deep Pit with Concrete Slatted Floors  
 64' x 162' by 8' Deep Pit with concrete slatted floors and four 6' x 6' by 8' Deep Concrete Pump-outs  
 102' x 193' by 10' Deep Pit with concrete slatted floors and Eight 6' x 6' by 10' Deep Concrete Pump-outs

The structures and collection systems are used to collect and dispose of animal waste properly and are considered pollution control systems.

See attached permit or AC 92071566 for full explanation if facilities.

[1/14/2013: Received ]-[1/24/13 Logged in]

APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)  
 POLLUTION CONTROL FACILITY  
 AIR  WATER

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
 P. O. Box 19276, Springfield, IL 62794-9276

This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter, 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

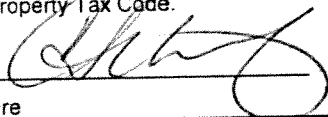
FOR AGENCY USE					
File No.	Date Received	Certification No.	Date		
Sec. A  APPLICANT	Company Name CNS Farms		Person to Contact for Additional Details		
	Person Authorized to Receive Certification Dr. Charles Schelkopf		Dr. Charles Schelkopf		
	Street Address 2435 Bethany Road		Street Address 2435 Bethany Road		
	Municipality, State & Zip Code Sycamore, IL 60178		Municipality, State & Zip Code Sycamore, IL 60178		
	Telephone Number (815) 756-3279		Telephone Number (815) 756-3279		
	Location of Facility Quarter Section	Township	Range	Municipality	Township
	9-NE	T41N	R4E	Kingston	T41N
	Street Address 28918 Glidden Rd.		County	Book Number	
	Property Identification Number		Parcel Number	0509200003	
Sec. B  MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location 4450 hd swine finishing facility in 4 separate buildings				
	Water Pollution Control Construction Permit No.		Date Issued		
	NPDES PERMIT No.		Date Issued	Expiration Date	
	Air Pollution Control Construction Permit No.		Date Issued		
	Air Pollution Control Operating Permit No.		Date Issued		
Sec. C  MANUFACTURING PROCESS	Describe Unit Process				
	Materials Used in Process				
Sec. D  POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility				
	Manure structures that include a:600 hd swine finishing building, including the concrete slatted floors, the 6' deep manure pit (32' x 116'); 200 hd swine finishing building, including the concrete slatted floors, the 7' deep manure pit (32' x 52'); 1250 hd swine finishing building, including the concrete slatted floors, the 8' deep manure pit (64' x 162'), and four, 6' x 6', 8' deep concrete pumpouts; 2400 hd swine finishing building, including the concrete slatted floors, the 10' deep manure pit (102' x 193'), and the eight, 6' x 6', 10' deep concrete pumpouts				

IL 532-0222  
 APC 151 (Rev. 8/00)

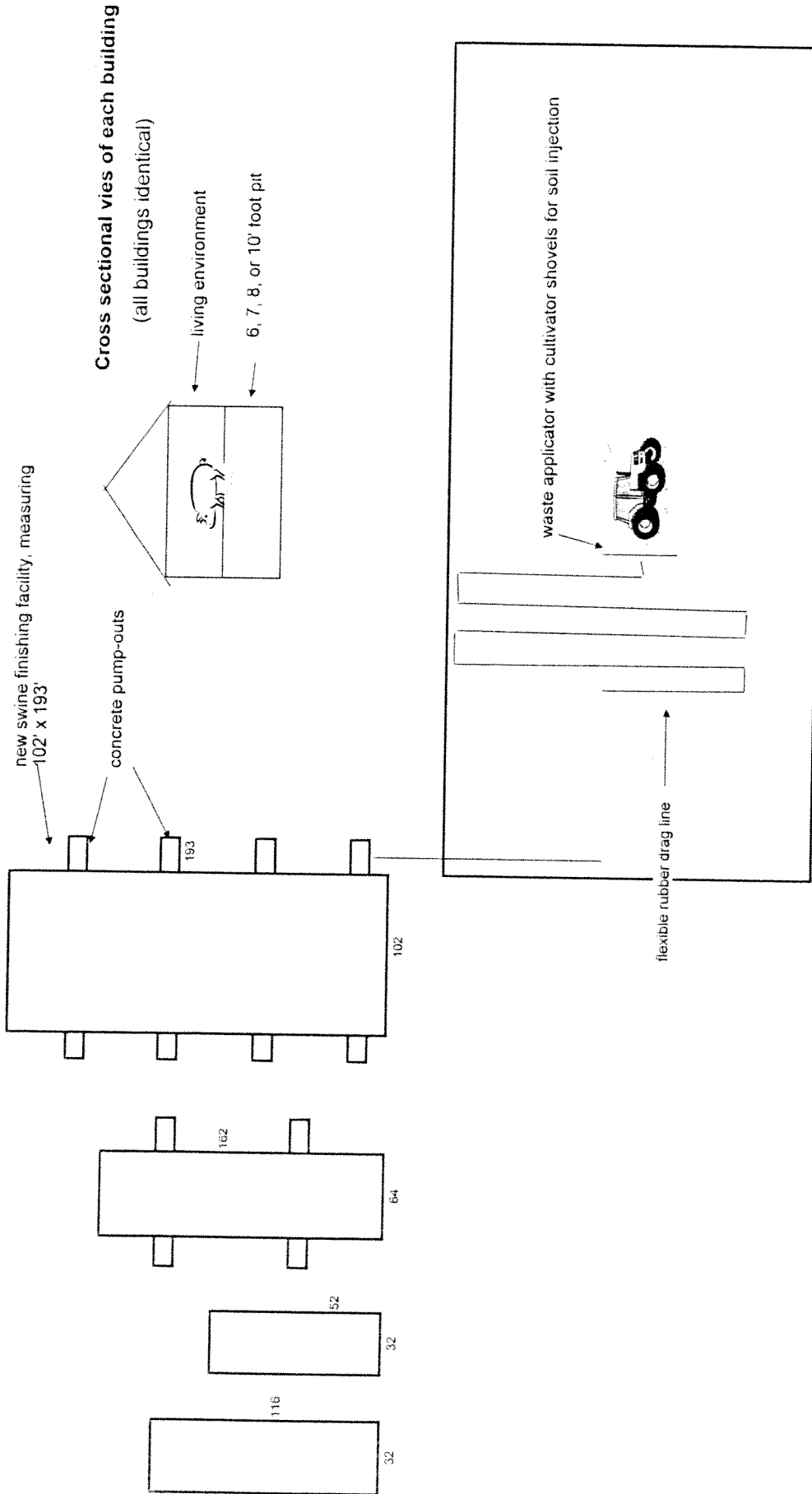
Tax Certification for Pollution Control Facilities  
 Page 1 of 2  
 8/00

RECEIVED  
 JAN 24 2013  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
 WATERSHED MANAGEMENT SECTION  
 BUREAU OF WATER  
 ROW/WPC/PERMIT SECTION



Sec. E	(1) Nature of Contaminants or Pollutants			
	Liquid swine waste			
			Material Retained, Captured or Recovered	
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE	
	Liquid swine waste	From finishing pigs	Land applied to adjacent fields	
POLLUTION CONTROL FACILITY - CONTAMINANTS	(2) Point(s) of Waste Water Discharge			
	Waste is pumped from the pit for land application			
	Plans and Specifications Attached		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	(3) Are contaminants (or residues) collected by the control facility?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	(4)	Date installation completed <u>01/01/13</u> status of installation on date of application _____		
	(5) a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ <u>400,000</u>	
	b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$	
	c.	PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$	
	d.	PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$	
	e.	PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% <u>35</u>	
Sec. F	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. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.			
	SIGNATURE	 _____ Signature	_____ Member Title	
Sec. G	INSTRUCTIONS FOR COMPILING AND FILING APPLICATION			
	General: Separate applications must be completed for each control facility claimed. Do not mix types (water and air). Where both air and water operations are related, file two applications. If attachments are needed, record them consecutively on an index sheet.			
	Sec. A	Information refers to applicant as listed in the tax records and the person to be contacted for further details or for inspection of facilities. Define facility location by street address or legal description. A plat map location is required for facilities located outside of municipal boundaries. The property identification number is required.		
	Sec. B	Self-explanatory. Submit copies of all permits issued by local pollution control agencies. (e.g. MSD Construction Permit)		
	Sec. C	Refers to manufacturing processes or materials on which pollution control facility is used.		
	Sec. D	Narrative description of the pollution control facility, indicating that its primary purpose is to eliminate, prevent or reduce pollution. State the type of control facility. State permit number, date, and agency issuing permit. A narrative description and a process flow diagram describing the <u>pollution control facility</u> . Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an <u>average</u> analysis of the influent and effluent of the control facility stating the collection efficiency.		
	Sec. E	List air contaminants, or water pollution substances released as effluents to the manufacturing processes. List also the final disposal of any contaminants removed from the manufacturing processes. Item (1) - Refers to pollutants and contaminants removed from the process by the pollution control facility. Item (2) - Refers to water pollution but can apply to water-carried wastes from air pollution control facilities. 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. Item (3) - If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value in dollars reclaimed by sale or reuse of the collected substances. State the cost of reclamation and related expense. Item (4) - State the date which the pollution control facility was first placed in service and operated. If not, explain. Item (5) - This information is essential to the certification and assessment actions. This accounting data must be completed to activate project review prior to certification by this Agency.		
	Sec. F	Self-explanatory. Signature must be a corporate authorized signature.		
		Submit to:	Attention:	Attention:
		Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276	AJ Keller Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control

CNS Farms, LLC



The swine waste in contained in concrete pits contained under the buildings. Swine waste falls through concrete slats into the 5 inch thick concrete pits. The waste is pumped from the pits by placing a flexible hose into concrete pump outs attached to the concrete pits. This flexible hose is available in lengths up to 2 1/2 miles and is attached in the field to a drawbar that flows the waste into channels created by field cultivator shovels. This process injects the waste directly into the soil, leaving no opportunity for run-off and maximizes the fertilizer value of the waste. All waste is injected to further reduce odor & potential runoff. The tractor operator is always in full view of the piping in the event that a breach would occur in the piping system.

STATE OF ILLINOIS )  
 )  
COUNTY OF SANGAMON )

**PROOF OF SERVICE**

I, the undersigned attorney at law, hereby certify that on July 30, 2014, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

**[1<sup>st</sup> Class U.S. Mail]**

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

**[1<sup>st</sup> Class U.S. Mail]**

Charles Schelkopf  
2435 Bethany Rd.  
Sycamore, Illinois 601078

**[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/ Vera Herst  
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)

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