BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

John and Ross Sword (Property Indentification Number 01-05-200-001)

) PCB 015-) (Tax Certification) Water)

NOTICE

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

John and Ross Sword 410 Stephen Dr. Lanark, Illinois 61046

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 <u>APPEARANCE AND THE RECOMMENDATION</u> of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION `AGENCY

Vera Herst

Assistant Counsel

Division of Legal Counsel

DATED: September 8, 2014

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

John and Ross Sword)
(Property Indentification Number) PCB 015-
01-05-200-001)) (Tax Certification
) Water)

APPEARANCE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Vera Herst

Assistant Counsel

Division of Legal Counsel

DATED: September 8, 2014 Illinois Environmental Protection Agency 1021 North Grand Avenue East Post Office Box 19276 Springfield, Illinois 62794-9276 (217)782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

John and Ross Sword)
(Property Indentification Number) PCB 015-
01-05-200-001)) (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.

- On May 10, 2013, the Illinois EPA received a request from John and Ross Sword (log number TC-10-13, 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:

 John and Ross Sword
 25454 Straddle Creek Rd.
 Lanark, Illinois 61046
- 3. The proposed water pollution control facility in this request is located at the NE ¼ of Section 33, T25N, R6E of the 4th PM in Carroll County, at the above street address and consists of the following:

Livestock waste management facilities consisting of one concrete manure pit (approximately 193 ft. x 51 ft. x 8 ft. deep) with 4 concrete manure pump out pits (approximately 6 ft. x 5 ft. x 8 ft. each) and the portion of concrete slotted flooring over the manure pit.

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:

"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 described in (3) above 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.
- 7. Additional facilities in this request are:

The portions of the buildings above the manure pits.

These are also described in Exhibit A.

8. 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 are not 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 therefore not eligible for tax certification from the Board. Specifically, the Illinois EPA finds that the primary purpose of these facilities is to provide an area for feeding animals, keeping animals clean, sheltering animals from outside weather conditions, and reducing bedding needs.

The Swine Handbook Housing & Equipment, Third Edition by Midwest Plan Service (January 1979) (MWPS-8) states that producers raising hogs in confinement have better control of feeding and watering and can more easily moderate and stabilize temperatures and control certain infectious diseases and parasites. This confirms the primary purpose of the buildings above the manure pits is not to eliminate, prevent, or reduce water pollution.

WHEREFORE, the Illinois EPA recommends that the Board grant the requested tax certification to the facilities described in (3) above, and deny the requested tax certification to the facilities described in (7) above. The applicant has 35 days after the date of service to file a petition with the Board to contest this recommendation (35 Ill. Adm. Code 125.204).

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: <u>(/e/e //e/s/</u> Vera Herst

Assistant Counsel

Division of Legal Counsel

Dated: September 8, 2014 Illinois Environmental Protection Agency 1021 North Grand Ave. E. P.O. Box 19276 Springfield, Illinois 62794-9276 217/782-5544

STATE OF ILLINOIS
)
COUNTY OF SANGAMON
)



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, Manager, Permit Section

Date:

August 29, 2014

Re:

John and Ross Sword - Lanark

Recommendation of Tax Certification/Recommendation of Tax Certification Denial

Log # TC-10-13

Property Identification # 01-05-33-200-001

The Bureau of Water received a request on May 10, 2013 from John and Ross Sword for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 II. Adm. Code 125.204. We offer the following recommendation.

The water pollution control facilities in this request include the following:

John and Ross Sword 25454 Straddkle Creek Road Lanark, IL 61046

NE¼ Section 33, Township 25N, Range 6E of the 4th PM in Carroll County.

Livestock waste management facilities consisting of one concrete manure pit (approximately 193 ft. x 51 ft. x 8 ft. deep) with 4 concrete manure pump out pits (approximately 6 ft. x 5 ft. x 8 ft. each) and the portion of concrete slotted flooring over the manure pit.

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

These facilities are 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.

Additional facilities in this request include:

The portions of the buildings above the manure pits.

These facilities are further described in the enclosed applications and supporting documents.

Page No. 2 Log No. TC-10-13

Based on the information included in this submittal, the Bureau of Water has determined that the facilities are not "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. This determination is based on the following factor(s):

The primary purpose of these facilities is to provide an area for feeding animals, keeping animals clean, sheltering animals from outside weather conditions, reduce bedding needs and is not pollution control. The *Swine Handbook Housing & Equipment*, Third Edition by Midwest Plan Service (January 1979) (MWPS-8) states that producers raising hogs in confinement have better control of feeding and watering and can more easily moderate and stabilize temperatures and control certain infectious diseases and parasites. The above information confirms the primary purpose of the buildings above the manure pits is not pollution control.

The Bureau of Water therefore recommends that the Board deny the requested tax certification for these facilities.

If you have any questions regarding the above, please contact Thaddeus Faught at 217/782-0610.

SAK:TJF:TC-10-13.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Reviewer: Log No.:	John + Ross Sword The Llows Fagar TC-10-13	Location: Date: Type:	Lange 3/5/14 D Agchem
Applicant:	John + Ross Sword 410 Stephen Dr. Lanark IL 61046	Contact: Phone:	Ross Sword 815-541-5417
Facility:	25454 Stally Creek Rd.	Property ID:	0 -05-33-200-00
Legal Description:	NEY4 Section 33, TZSN, RGE of 4th 1M	County:	Carroll
Date Control Devices Installed:	11/28/12	Provided Fair Cash Value:	\$124,000
Signature:	John Sword	Title:	Co-owner
Physical Description	☐ Livestock waste is applied to cropland. ☐ Agrichemical rinsate and spillage is recycled through the t ☐ Other: ☐ of Pollution Control Devices:		nd applied.
* one concrete	manure pit (1884 x SIGH x BET doug) wil controll s	slets and 4	concrete pumpost, leach 50+
			Concrete purposts (each 50+ x 66+ x 8 c+ ley
			YGGT
			YGGT
			YGGT
Other:/5/14 46	ste v/ Poss Sword - Ross co		X 8 C x 1 20 y

. Electronic Filiog -, Received. Clerk's Office : <u>09/08/2014 - * * * PCB 2015-068 * * *</u>

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 ant	horized	to re	quest	this
	mation und					
Chap	ter, 120, S	ection :	502a-5.	Disclo	ureof	this
infor	mation is	volunta	ry. Ho	wever,	failur	e to
cemp	dy could	preven	t yeur	applica	ation 1	r cm
being	g processed	ior cou	ld resul	t in den	ial of	your
teresti.	artion for	-arries L		3/3		

	FOR AGENCY USE			\mathbb{W}_{1}
File No.		difference No.	Date MAY 102	2016
Sec. A	Company Name	rtification No.	Date WALLUZ	-019
3 80 . A	John + Ross Sword Person Authorized to Receive Certification	Parson to Con	IEPA	-2E^-
		Ross sw	raction Additional Details 1 21 21 (III)	371
	Ross Sword Street Address	Street Address	2	_
	410 Stephen Dr	000007.407000	•	
j	Municipality, State & Zip Code	Municipality S	State & Zip Code	
₹	Landrk IL 61046		•	
PPLICANT	Telephone Number	Telephone Nu	mber	\dashv
3	815-541-5497	•		
	Location of Facility	Municipality	Township	\dashv
	Quarter Section Township Rar	nge Lanark	•	
	NE Y4 Sec. 33 25 North 6 E	-051	chepry Grove	
	,	County	Book Number	
	25454 Straddle Creek Rd Property Identification Number	Carroll		
		Parcel Number	r	
Sec. B	01-05-33 - 200-001 Nature of Operations Conducted at the Above Loc			
SNS	Water Pollution Control Construction Permit No.	Date Issued		
E P	The state of the s	Vale (Saled		
MANUFACTURING OPERATIONS	NPDES PERMIT No.	Date Issued	Expiration Date	1
	Air Pollution Control Construction Permit No.	Date Issued		1
	Air Pollution Control Operating Permit No.	Date Issued		1
Sec. C	Describe Unit Process		r	-
MANUFACTLRING PROCESS	Materials Used in Process			
Sac. D	Describe Pollution Abatement Control Facility			
POLLUTION CONTROL FACILITY DESCRIPTION C	one 1200 hd swine Finishing 1	facility. One 6	building, 51 x 193, with a grade pit	

IL 532-0222 APC 151 (Rev. 8/00) Tax Cerafication for Pollution Control Facilities

Page 1 of 2

8:00

Sec. E	(1) Na	(1) Nature of Contaminants or Pollutants						
CONTAMINANTS		Material Retained, Captured or Recovered						
	Conta	iminant or Pollutant	DESCRIPTION		DISPOSAL OR			
≨	Liau	ide swine Waste	From Einishing Pigs	Land de	lied to adjuce			
A				1 200 200	17:0 :- 40;40:	7		
, S								
≥°								
3				1				
Ŧ.	(2) Po	int(s) of Waste Water Discharge	:	······································				
<u>ಹ</u>								
Z			Plans and Specification	s Attached	Yes 🗵	No 🗆		
ತ್ತ	(3)	Are contaminants (or residues)	collected by the control facility?		Yes ☑	No 🗆		
<u> </u>			status of installation of	on date of a	oplication			
∃≼	(5)	a. FAIR CASH VALUE IF CONSI			^			
<u> </u>	<u> </u>			***************************************	127,000	····		
<u>§</u>		b. NET SALVAGE VALUE IF CON	SIDERED REAL PROPERTY:		\$			
Ę		c. PRODUCTIVE GROSS ANNU,	AL INCOME OF CONTROL FACILITY:		\$			
POLLUTION CONTROL FACILITY - ACCOUNTING DATA CO		d. PRODUCTIVE NET ANNUAL I	NCOME OF CONTROL FACILITY:		\$			
AC			CILITY BEARS TO WHOLE FACILITY	VALUE	% 40			
Sec. F								
Sec. r	knowle	lowing information is submitted in ac-	cordance with the Illinois Property Taxes claimed herein are "pollution control	Code, as an	nended, and to the	ne best of my		
æ	Illinois	Property Tax Code.	es claimed herein are polition control	racilities as	defined in Section	on 11-10 of the		
SIGNATURE								
¥	John & Swang Coowner							
Si								
<u> </u>	Signat		Title					
Sec. G		INSTRUC	TIONS FOR COMPILING AND FILING AP	PLICATION				
	General	General: Separate applications must be completed for each control facility claimed. Do not mix types (water and air). Where both air and						
	water op	water operations are related, file two applications. If attachments are needed, record them consecutively on an index sheet.						
	Sec. A							
		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	1						
	C C	Self-explanatory. Submit copies of all permits issued by local pollution control agencies. (e.g. MSD Construction Permit)						
	Sec. C	<u> </u>	r materials on which pollution control facility					
	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						
		I fair cash value for real property. Include an average analysis of the influent and effluent of the control facility station the						
		collection efficiency.						
SNS.	Sec. E	ec. 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.						
윤		ltem (1) – Refers to pollutants and contaminants removed from the process by the pollution control facility.						
ž		Item (2) - Refers to water pollution but can apply to water-carried wastes from air pollution control facilities. Submit drawings.						
INSTRUCTIONS		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.						
r								
	Sec. F	Self-explanatory. Signature must be	a corporate authorized signature.					
	Sec. F			Attontion				
	Sec. F	Submit to:	Attention:	Attention:				
	Sec. F	Submit to:	Attention: Al Keller	Donald E. Sut				
	Sec. F	Submit to:	Attention:	Donald E. Sut Permit Section				

John and Ross Sword Finishing Operation

PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on September 8, 2014, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

[1st Class U.S. Mail]

Steve Santarelli Illinois Department of Revenue 101 West Jefferson Post Office Box 19033 Springfield, Illinois 62794 [1st Class U.S. Mail] John and Ross Sword 410 Stephen Dr. Lanark, Illinois 61046

[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)