

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|---------------------------------|---|---------------------|
| South of 136, LLC |) | |
| (Property Identification Number |) | PCB 18- |
| 14-000-048-05) |) | (Tax Certification) |
| |) | |
| |) | |

NOTICE

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

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

South of 136, LLC
Attn: Nick Biggs
P.O. Box 68
Oakville, Iowa 52646

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the APPEARANCE and RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Roberto M. Durango
Roberto M. Durango
Assistant Counsel
Division of Legal Counsel

DATED: November 30, 2017

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

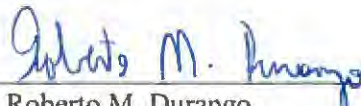
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| South of 136, LLC |) | |
| (Property Identification Number |) | PCB 18- |
| 14-000-048-05) |) | (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

By:  _____
Roberto M. Durango
Assistant Counsel
Division of Legal Counsel

DATED: November 30, 2017

Illinois Environmental Protection Agency
1021 North Grand Avenue East
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| South of 136, LLC |) | |
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| 14-000-048-05) |) | (Tax Certification) |
| |) | |
| |) | |

RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

The Illinois Environmental Protection Agency (Illinois EPA) hereby files its Recommendation pursuant to Section 125.204(a) of the regulations of the Illinois Pollution Control Board (the Board), 35 Ill. Adm. Code 125.204(a).

1. On August 7, 2017, the Illinois EPA received a request from South of 136, LLC (Scott Herndon) (log number TC-138460, Exhibit A) for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to Section 125.204(a) of the Board's regulations, 35 Ill. Adm. Code 125.204(a).
2. The facility's address is:

| |
|---------------------|
| South of 136, LLC |
| 10557 E. 1800th St. |
| Macomb, IL 61455 |
3. The proposed water pollution control facilities in this request are located at NW 1/4 of Section 7, T5N, R1W of the 4th P.M. in McDonough County, at the above street address and consist of the following:

Livestock waste management facilities consisting of: two concrete manure pits (approximately 281 ft. x 71 ft. x 8 ft. each); the concrete slatted portion of the floor over the manure pits that capture and contain waste generated in the barns above; and eight (approximately 6 ft. x 6 ft. each) pump outs pits to allow manure removal from the manure pits.


4. 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.
5. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2014), and Section 125.200(a)(1) of the Board's regulations, 35 Ill. Adm. Code 125.200(a)(1), define pollution control facilities as:

[A]ny 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, as the terms air pollution and water pollution are defined in the Act; 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.
6. If it is found that the claimed facility or relevant portion thereof is a pollution control facility as defined in Section 125.200(a)(1) of the Board's regulations, 35 Ill. Adm. Code 125.200(a)(1), the Board has the authority to enter a finding and issue a certificate to that effect, pursuant to Section 11-20 of the Property Tax Code, 35 ILCS 200/11-20 (2014) and Section 125.216 of the Board's regulations, 35 Ill. Adm. Code 125.216.
7. Pursuant to Section 125.204(a) of the Board's regulations, 35 Ill. Adm. Code 125.204(a), if the Illinois EPA receives a tax certification application it must file a recommendation on the application with the Board.
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 may be considered pollution control facilities, with the primary purpose of eliminating,

preventing, or reducing water pollution, or as otherwise provided in Section 125.200(a)(1) of the Board's regulations, 35 Ill. Adm. Code 125.200(a)(1), and are eligible for tax certification from the Board.

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Roberto M. Durango
Assistant Counsel
Division of Legal Counsel

Dated: November 30, 2017
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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

Memorandum



To: Charles Gunnarson, Division of Legal Counsel

From: Al Keller, Manager, Permit Section *AKL*

Date: November 13, 2017

Re: South of 136, LLC – Macomb
Recommendation of Tax Certification
Log # TC-138460
Property Index# 14-000-048-05

The Bureau of Water received a request on August 7, 2017 from Scott Herndon 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:

South of 136, LLC
10557 E. 1800th St.
Macomb, IL

NW ¼ of Section 7, T5N, R1W of the 4th PM in McDonough County

The livestock waste handling facilities consisting of two (2) concrete manure pits (approximately 281 ft. x 71 ft. x 8 ft. each), the concrete slatted portion of the floor over the manure pits that capture and contain waste generated in the barns above, and eight (8) (approximately 6 ft. x 6 ft. each) pumpout pits to allow manure removal from the manure pits. 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.

SAK:WH:Tax Cert Recommendation.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: South of 136, LLC

Date: November 8, 2017

Type: Agchem
 Livestock

Reviewer: WH

Log number: TC-138460

Contact: Nick Biggs

P.O. Box 68

Oakville, IA 52646

Phone: 309-259-0008

Applicant: Scott Herndon
8960 North 450th Rd.
Macomb, IL 61455

Property Index#:

Facility: South of 136, LLC
10557 E. 1800th St.
Macomb, IL

Parcel#: 14-000-048-05

County: McDonough

Legal Description:

NW ¼ of Section: 7 Twp: 5N R: 1W PM: 4th

Signature: Scott Herndon

Title: Owner

Date Control Devices installed: Under
Construction. To be completed by 10/20/2017

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 two (2) concrete manure pits (approximately 281 ft. x 71 ft. x 8 ft.) and the concrete slatted portion of the floor over the manure pits that capture and contain waste generated in the barns above. Each concrete manure pit has four (4) (approximately 6 ft. x 6 ft. each) pumpout pits to allow manure removal from the manure pit. The facility collects, transports and stores livestock waste prior to cropland application.

Pollution control facilities requested by the applicant:

Two (2) concrete manure pits (281 ft. x 71 ft. x 8 ft. each) - Section D of the application form.

Concrete slatted floor - Section D of the application form.

Eight pumpout pits (6 ft. x 6 ft.) - Section D of the application form,

A process flow diagram with narrative is provided through an email received 11/08/ 2017.

Recommended Action: Issue tax certification.

Han, Wei

From: Nick Biggs <nickb@trioak.com>
Sent: Wednesday, November 08, 2017 8:20 AM
To: Han, Wei
Cc: Nick Biggs; Herndon, Jessica (jl-herndon@wiu.edu)
Subject: [External] RE: South of 136 LLC TC-138460

Wei Han,

Please find my answers to your questions in red.
If you have any questions give me a call.

Nick Biggs

From: Han, Wei [mailto:Wei.Han@Illinois.gov]
Sent: Thursday, November 2, 2017 5:26 PM
To: Nick Biggs
Subject: South of 136 LLC TC-138460

Mr. Biggs,

The Agency received the subject application on August 7, 2017. Please provide the following information for the Agency to complete the review:

1. The property tax identification number. If the livestock facility does not have such a number, please provide the tax ID for the land where the facility is located. Tax ID # 14-000-048-05
2. The section number of the property's legal description. Section number 7, New Salem Twp., T-5-N, R-1-W, McDonough Co.
3. A process flow diagram from manure generation to land application, along with narratives about such process. Pig Eats the feed > Pig Produces Fecal material from digestion> Pig drops fecal matter on slatted floor> Fecal matter falls through slatted floor to concrete holding facility (The Pit)> Fecal Matter (Manure) is held in pit till application to crop fields> Custom applicator stirs and applies manure to crop fields (usually one time per year)at agronomic accepted rates.
4. Expected date that construction will be completed. October 20, 2017
5. Please confirm that there are two pits with the application, each has dimensions 281'x71'x8'. There are two pit each 281' x 71' x 8'.
6. Does each manure pit has 8 pumpout pits attached? Or the total number of pumpout pits is eight for two manure pits?
Each barn pit has 4 pump outs. Total pump outs on the sight is 8.

Please let me know if you have any questions.

Thank you,

Wei Han
Facility Evaluation Unit

TC-138460

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 <i>South of 136 LLC (Scott Herndon)</i> | | Person to Contact for Additional Details <i>Nick Biggs</i> |
| | Person Authorized to Receive Certification <i>Scott Herndon</i> | | Street Address <i>P.O. Box 68</i> |
| | Street Address <i>8960 North 450th Road</i> | | Municipality, State & Zip Code <i>Oakville, Iowa 52646</i> |
| | Municipality, State & Zip Code <i>Macomb, IL 61455</i> | | Telephone Number <i>309-259-0008</i> |
| | Telephone Number <i>309-333-7613</i> | | Municipality <i>Macomb</i> |
| | Location of Facility Quarter Section <i>NW</i> | | Township <i>T-5-N</i> |
| | Range <i>R-1-W</i> | | County <i>McDonough</i> |
| | Street Address <i>10557 E 1800th Street</i> | | Township <i>New Salem</i> |
| | Property Identification Number | | Book Number |
| | Sec. B MANUFACTURING OPERATIONS | | |
| Nature of Operations Conducted at the Above Location <i>Livestock Barn Wean to Finish operation</i> | | | |
| Water Pollution Control Construction Permit No. | | Date Issued | |
| <i>NA</i> | | | |
| NPDES PERMIT No. | | Date Issued | Expiration Date |
| <i>NA</i> | | | |
| Air Pollution Control Construction Permit No. | | Date Issued | |
| <i>NA</i> | | | |
| Air Pollution Control Operating Permit No. | | Date Issued | |
| <i>NA</i> | | | |
| Sec. C MANUFACTURING PROCESS | Describe Unit Process <i>Bring in weaned pigs. House, feed and water till pigs are market sized</i> | | |
| | Materials Used in Process <i>Grain based diet and water</i> | | |
| Sec. D POLLUTION CONTROL FACILITY DESCRIPTION | Describe Pollution Abatement Control Facility <i>(2)</i> | | |
| | <i>The concrete manure pit located under two swine buildings and the slatted concrete floor over the concrete manure pit, along with 8, 6 Foot by 6 Foot concrete manure pumpout areas. Pits Are 28' long 7 1/2" wide 8' deep</i> | | |

RECEIVED
 AUG 07 2017
 ROW/WDC IEP4 PERMIT SECTION

| | | | |
|---|--|--|---|
| Sec. E | (1) Nature of Contaminants or Pollutants | | |
| POLLUTION CONTROL FACILITY - CONTAMINANTS | | | Material Retained, Captured or Recovered |
| | Contaminant or Pollutant | DESCRIPTION | DISPOSAL OR USE |
| | Livestock Waste | Livestock Waste | |
| | | | |
| | | | |
| | (2) Point(s) of Waste Water Discharge <u>None</u> | | |
| | Plans and Specifications Attached | | Yes <input 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>Under Construction</u> status of installation on date of application <u>Under Construction</u> | | |
| ACCOUNTING DATA | (5) a. | FAIR CASH VALUE IF CONSIDERED REAL PROPERTY: | \$ <u>546,000</u> |
| | b. | NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY: | \$ <u>0</u> |
| | c. | PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY: | \$ <u>0</u> |
| | d. | PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY: | \$ <u>0</u> |
| | e. | PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE: | % <u>42</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 Property Tax Code. | | |
| SIGNATURE | Sign: _____ Title: <u>Owner</u> | | |
| 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 pollution control facilities are claimed, file separate applications. If attachments are needed, record them consecutively on an index sheet. | | |
| | Facilities listed in the tax records and the person to be contacted for further details or for inspection of the facility should be identified by street address or legal description. A plat map location is required for facilities located in unincorporated areas. The property identification number is required. | | |
| INSTRUCTIONS | 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 pollution control facility. Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an average 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 19278 Springfield, IL 62794-9278 | Al Keller Permit Section Division of Water Pollution Control | Donald E. Sutton Permit Section Division of Air Pollution Control |



McDonough County, Illinois

1 Courthouse Square
 Macomb, IL 61455
 Phone: 309-833-2474

Online Property Inquiry

Information for Parcel 14-000-048-05, Tax Year 2016 Payable 2017

I Want To...

| Property Information | | |
|---|---|-------------------------------------|
| Tax Year 2016 | Alternate Pin | Images/Sketches No images found. |
| Township NEW SALEM | Tax Code 14004 | |
| Tax Status Taxable | Property Class 0011 - Homesite-Dwelling | |
| Owner Name and Address HERNDON, SCOTT L LIV TST 8960 N 450TH RD MACOMB, IL 61455 | Mailing Name and Address HERNDON, SCOTT L LIV TST 8960 N 450TH RD MACOMB, IL 61455 | |
| Site Address | Legal Description S7 T5 R1 W S1 NW | |
| Net Taxable Value 61,510 | Tax Rate 9.1237 | Total Tax \$5,611.98 |
| Public Notes deeds 04-3074 | | |

Start a New Search
 Go to County Website

View:
 Appraisal
 Assessments
 Billing & Collection
 Exemptions
 Farmland
 Genealogy
 Legal Description
 Names
 Sales
 Site Addresses
 Taxing Bodies

Print:
 Current Page
 Full Report
Shop:
 Pay Taxes
 View Cart

| Payments | | | | | | | | | |
|--------------|------------|-------------------|----------------|---------------|-----------------|-------------------|-------------------|---------------|--|
| Installment | Date Due | Tax Billed | Penalty Billed | Cost Billed | Drainage Billed | Total Billed | Amount Paid | Total Unpaid | |
| First | 06/16/2017 | \$2,805.99 | \$0.00 | \$0.00 | \$0.00 | \$2,805.99 | \$2,805.99 | \$0.00 | |
| Second | 09/01/2017 | \$2,805.99 | \$0.00 | \$0.00 | \$0.00 | \$2,805.99 | \$2,805.99 | \$0.00 | |
| Total | | \$5,611.98 | \$0.00 | \$0.00 | \$0.00 | \$5,611.98 | \$5,611.98 | \$0.00 | |

| Payment Detail | | | | |
|----------------|----------------|------------|--------------------------|-------------------|
| Installment | Receipt Number | Date Paid | Paid By | Amount |
| First | 2016014437 | 06/13/2017 | HERNDON, SCOTT L LIV TST | \$2,805.99 |
| Second | 2016014438 | 06/13/2017 | HERNDON, SCOTT L LIV TST | \$2,805.99 |
| Total | | | | \$5,611.98 |

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LLC FILE DETAIL REPORT

| | | | |
|---------------------------|------------------------------------|-------------------|--|
| File Number | 06165265 | | |
| Entity Name | SOUTH OF 136, LLC | | |
| Status | ACTIVE | On | 03/01/2017 |
| Entity Type | LLC | Type of LLC | Domestic |
| File Date | 03/01/2017 | Jurisdiction | IL |
| Agent Name | SCOTT L. HERNDON | Agent Change Date | 03/01/2017 |
| Agent Street Address | 8960 N 450TH RD | Principal Office | 8960 NORTH 450TH ROAD MACOMB IL 614550000 |
| Agent City | MACOMB | Managers | View |
| Agent Zip | 61455 | Duration | PERPETUAL |
| Annual Report Filing Date | 00/00/0000 | For Year | |
| Series Name | NOT AUTHORIZED TO ESTABLISH SERIES | | |

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STATE OF ILLINOIS

COUNTY OF SANGAMON

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)
)
)
)

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of November 30, 2017, the attached **APPEARANCE** and **RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, 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 in Springfield, Illinois:

[1st Class U.S. Mail]

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

[1st Class U.S. Mail]

South of 136, LLC
Attn: Nick Biggs
P.O. Box 68
Oakville, Iowa 52646

[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/ Roberto M. Durango
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