

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Dave & Angie Warner
(Property Identification Number
12-06-35-00-200-004)

)
) **PCB 19-**
) **(Tax Certification)**
)

NOTICE

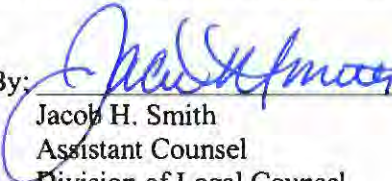
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

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

Dave Warner
14420 N. 470th Street
Martinsville, Illinois 62442

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Jacob H. Smith
Assistant Counsel
Division of Legal Counsel

DATED: August 10, 2018

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

Dave & Angie Warner
(Property Identification Number
12-06-35-00-200-004)

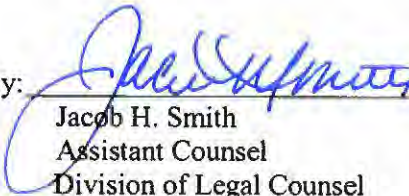
)
) **PCB 19-**
) **(Tax Certification)**
)

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: _____


Jacob H. Smith
Assistant Counsel
Division of Legal Counsel

DATED: August 10, 2018

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

Dave & Angie Warner)
(Property Identification Number) **PCB 19-**
12-06-35-00-200-004)) **(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 of the regulations of the Illinois Pollution Control Board ("Board"), 35 Ill. Adm. Code 125.204.

1. On March 20, 2018, the Illinois EPA received a request from Dave Warner (log number TC-139377, 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 facility's address is:

Dave & Angie Warner
14420 N. 470 th Street
Martinsville, IL 62442

The proposed water pollution control facilities in this request are located in the SE ¼ of Section 35, T11N, R14W of the 2nd P.M. in Clark County, at the above street address and consist of the following:

The livestock waste handling facilities consists of one concrete manure pit (approximately 193 ft. x 101 ft. x 9 ft. deep) with four concrete manure pump out pits (approximately 6 ft. x 6 ft. x 9ft. deep each) and the portion of concrete slatted portion of the floor over the manure pit. The manure pit is surrounded by approximately 637 ft. x 6 in. diameter plastic perimeter foundation drainage tile.

This livestock waste management facility is used to collect, transport, and/or store livestock waste prior to cropland application, and are further described in Exhibit A.

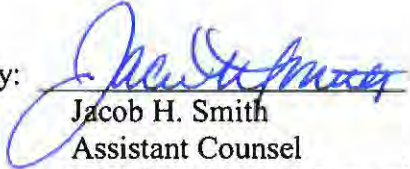
3. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2014), and Section 125.200(a) of the Board's regulations, 35 Ill. Adm. Code 125.200(a), define "pollution control facilities" as:

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: eliminating, preventing, or reducing air or water pollution ...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.

4. In order to receive preferential tax treatment as pursuant to 35 ILCS 200/11-5 (2014), pollution control facilities must be certified as such by the Board, 35 ILCS 200/11-20 (2014) and 35 Ill. Adm. Code 125.200(a).
5. Upon receipt of a tax certification application, the Illinois EPA must file a recommendation on the application with the Board, 35 Ill Adm. Code 125.204(a).
6. Based on the information in the application and the purpose of the facility, 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.

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Jacob H. Smith
Assistant Counsel
Division of Legal Counsel

Dated: August 10, 2018

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: Darin LeCrone, Manager, Industrial Unit, Permit Section
Date: **AUG 07 2018**

DSL

RECEIVED
Division of Legal Counsel
AUG 08 2018
Environmental Protection
Agency

Re: Mr. & Mrs. Dave Warner – Martinsville
Recommendation of Tax Certification
Log # TC-139377
BOW ID: W0238150001
Property Identification # 12-06-35-00-200-004

The Bureau of Water received a request on March 20, 2018 from David Warner 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:

Mr. & Mrs. David Warner
14420 N. 470th Street
Martinsville, IL 62442

SE quarter of Section 35, Township 11N, Range 14W of the 2nd PM in Clark County.

Livestock waste management facilities consisting of one concrete manure pit (approximately 193 ft. x 101 ft. x 9 ft. deep) with 4 concrete manure pump out pits (approximately 6 ft. x 6 ft. x 9 ft. deep each) and the portion of concrete slotted flooring over the manure pit. The manure pit is surrounded by approximately 637 linear feet of 6 inch diameter plastic perimeter foundation drainage tile.

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.

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

DEL:TJF:TC-139377.docx

cc: Tax Cert File

Project Name: Dave & Angela Warner
Reviewer: Thaddeus Foy
Log No.: TC-139377

Location: Martinsville
Date: 7/27/18
Type: Agchem
 Livestock

Applicant: Dave Warner
14420 N. 470th St.
Martinsville, IL 62442
217-276-5114

Contact: ← applicant
Phone: 217 276-5114

Facility: same as applicant

Property ID: 12-06-35-00-200-004

Legal Description: SE 1/4 Section 35, T11N, R14W of 2nd PM

County: Clark

Date Control Devices Installed: 7/10/17 - 3/8/18

Provided Fair Cash Value: not on new form

Signature: signed by David Warner

Title: Owner

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:
one concrete manure pit (approximately 193 ft x 101 ft x 9 ft deep) w/ concrete
slats and 4 concrete pumpouts (each ≈ 6 ft x 6 ft x 9 ft deep)
approximately 637 ft of 6 inch diameter plastic drain tile

Description of facility is given in application box labeled
"Describe the Pollution control Facility for Low Sulfur Dioxide Emission
Coal fired Device"; and plan sheet labeled as "drawing No. 16-18701"

Waste flow diagram provided as sheet entitled "Pollution Control Facility
process Flow Diagram"

Other: _____



Frank & West
Environmental Engineers, Inc.

February 23, 2018

Al Keller
Permit Section
Division of Water Pollution Control
Illinois EPA
P.O. Box 19276
Springfield, Illinois 62794-9276

RE: Dave & Angie Warner facility

Dear Mr. Keller:

Frank & West is submitting an application for certification of property tax treatment for pollution control facility on behalf of the Dave & Angie Warner facility.

If you have any further questions or comments regarding the Dave & Angie Warner non-lagoon livestock waste handling facility, please advise.

**FRANK & WEST
ENVIRONMENTAL ENGINEERS, INC.**

A handwritten signature in black ink, appearing to read 'Jacob Nims', is written over a faint, larger version of the signature.

Jacob Nims
Agricultural Engineer

Attachment: Application for Certification

RECEIVED
MAR 20 2018
IEPA
BOW/WPC/PERMIT SECTION



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

Application for Certification (Property Tax Treatment) Pollution Control Facility

FOR AGENCY USE ONLY

File Number: _____ Date Rec'd: _____
 Certification Number: _____ Date: _____

Facility Type (check one): Air Water

This form is to be used for any application for certification of property tax treatment for a pollution control facility for air or water from the Illinois EPA.

You must have Adobe Acrobat Reader 10 or above installed to use the features on this form.

You may complete this form online, save a copy locally, print, sign and submit it to:

Illinois EPA
 Attention: Al Keller, Permit Section
 Division of Water Pollution Control
 1021 North Grand Avenue East, P.O. Box 19276
 Springfield, IL 62794-9276

I. Applicant Information:

Company Name: Dave & Angie Warner
 Person Authorized to Receive Certification: Dave Warner Person to Contact for Additional Details: Same
 Street Address: 14420 N. 470th St. Street Address: _____
 City: Martinsville State: IL City: _____ State: _____
 Zip: 62442 Phone: 217-276-5114 Zip: _____ Phone: _____
 Email Address: _____ Email Address: _____

II. Facility Information:

Facility Location: Quarter Section: SE Township: 11-North Range: 14-West
 Municipality: Section 35 Township: _____
 Address: _____ City: _____
 State: _____ Zip Code: _____ County: Clark Book Number: _____

Property Index Number: 12-06-3500200-004

Note: The Property Index Number is the numerical reference used to identify a parcel of real property for assessment and taxation purposes.

RECEIVED
 MAR 20 2018

Manufacturing Operations Information:

Nature of Operations Conducted at the Above Location:

IEPA
 BOW/WPC/PERMIT SECTION

The farm is made up of one (1) swine finishing building where swine are housed on concrete slats with a below ground concrete pit used as waste storage.

Permit Information:

WPC Construction Permit Number: _____ N/A Date Issued: _____
 NPDES Permit Number: _____ N/A Date Issued: _____ Exp. Date: _____
 APC Construction Permit Number: _____ N/A Date Issued: _____
 APC Operating Permit Number: _____ N/A Date Issued: _____ Exp. Date: _____

Note: Submit copies of all relevant permits issued by local pollution control agencies. (e.g. MSD Construction Permit)

This Agency is authorized to request this information under 415 ILCS 5/4(b)(2012). Disclosure of this information is voluntary and no penalties will result from the failure to provide the information. However, the absence of the information could prevent your application from being processed or could result in denial of your application.

Manufacturing Process Information:

Please provide information on the manufacturing process and materials on which pollution control facility is used, including each major piece of equipment associated with the pollution control facility (or low sulfur dioxide emission coal fueled device).
Description of the Process:

Not applicable

Materials Used in the Process:

Not applicable

Pollution Control Facility Information:

Please provide a narrative description of the pollution control facility (or low sulfur dioxide emission coal fueled device), and an explanation of why its primary purpose is to eliminate, prevent or reduce pollution.

Describe the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

1) A concrete pit with dimensions of 193' x 101'6" x 9' deep is used to store livestock waste until the appropriate time to apply the manure to agricultural fields at agronomic rates. The building has four (4) 6' x 6' x 9' concrete pumpouts, 637' of 6" Form-a-Drain around the perimeter of the footings, and 19,200 ft² of precast concrete slats.

Describe the Primary Purpose of the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

The primary purpose of the pit is to have a years worth of livestock manure storage to allow flexibility for application to agricultural fields when conditions are ideal.

Identify the statute or regulation (federal or state), or local ordinance, if any, requiring the installation of the subject pollution control facility (or low sulfur dioxide emission coal fueled device).

Not applicable

Nature of Contaminants or Pollutants:

List air contaminants or water pollution substances released as effluents to the manufacturing processes. Also list the final disposal of any contaminants removed from the manufacturing processes.

Contaminant or Pollutant	Material Retained, Captured or Recovered	
	Description	Disposal or Use
Livestock Manure	Stored in below ground concrete pit	Field applied at agronomic rates

Note: Contaminant or pollutant means that which is removed from the process by the pollution control facility.



Illinois Environmental Protection Agency

Point(s) of Waste Water Discharge:

Identify the location of the discharge to the receiving stream. This will typically refer to a source of water pollution but can include water-carried wastes from air pollution control facilities.

Plans and Specifications Attached Yes No

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.

Are contaminants (or residues) collected by the control facility? Yes No

Note: If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value dollars reclaimed by the sale or reuse of the collected substances. State the cost of reclamation and related expense.

Project Status:

Date Installation Completed: 3-8-18

Provide the date the pollution control facility was first placed into service and operated. If not, explain.

07/10/2017

Status of installation on date of application:

In use

III. Verification and Signature:

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.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

David Warner

Printed Name:

owner

Title:

For incorporated entities, signature should be from an authorized corporate representative.

David Warner

Signature:

3-8-18

Date:



217-932-2116
1-800-628-2751

www.birkeys.com

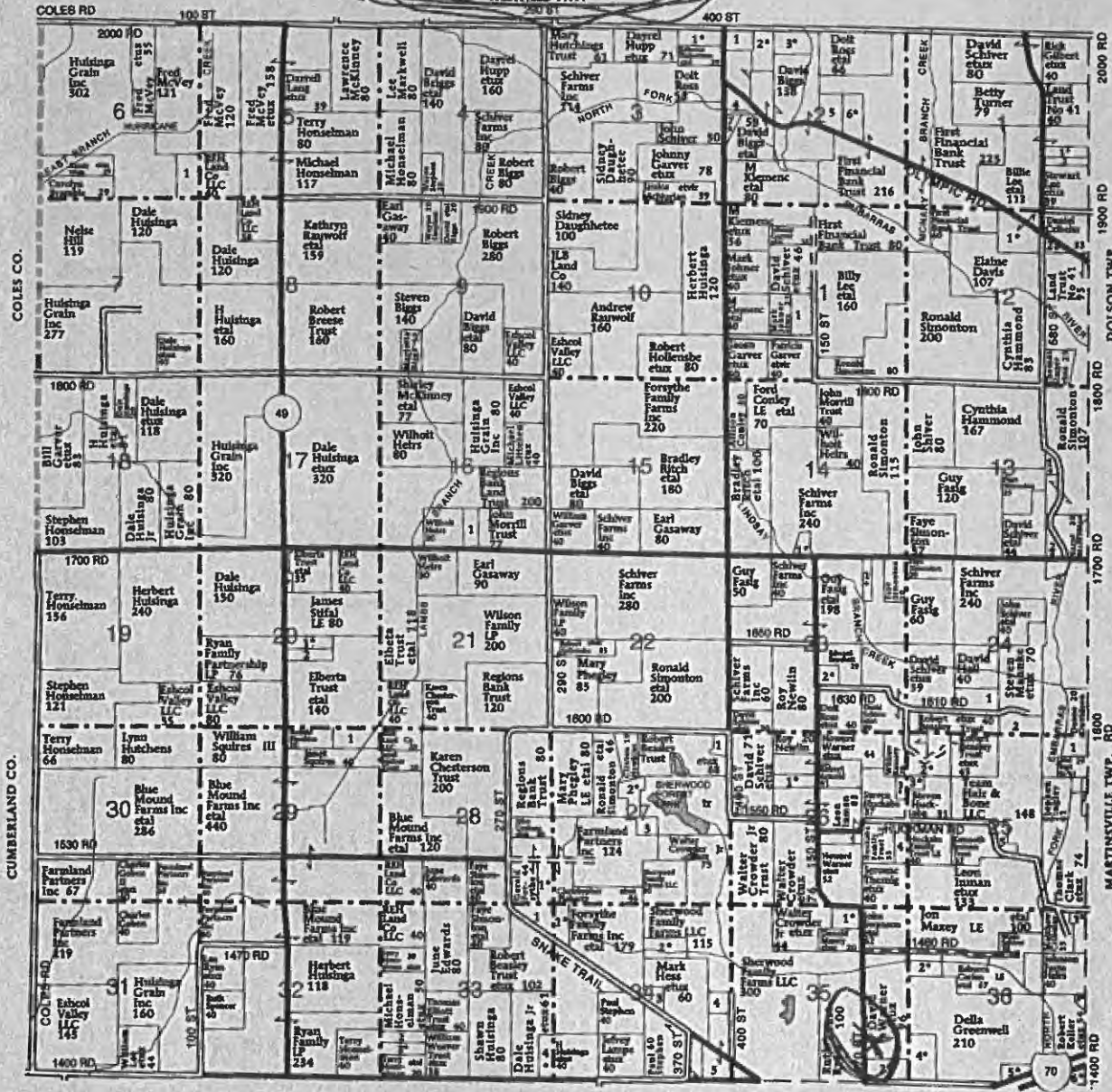
Rt. 40 West, P.O. Box 368

Casey, Illinois 62420

T-11-N

PARKER PLAT

R-14-W



CASEY TWP.

PARKER TOWNSHIP

- SECTION 1**
1. Warner, Mary etvr 10
2. Warner, Bobby 10
- SECTION 2**
1. Millie, Cynthia 15
2. Lee, Billie etux 14
3. Hupp, Dayrel etux 18
4. Stephen, Wayne 13
5. Morgan, Brian 18
6. Lee, Billie etal 17
7. Morrill LE, Lisa etal 7
- SECTION 3**
1. Hupp, Jared etux 16
- SECTION 9**
1. REH Land Co LLC 20
- SECTION 11**
1. McNurian Trust, Janice 21

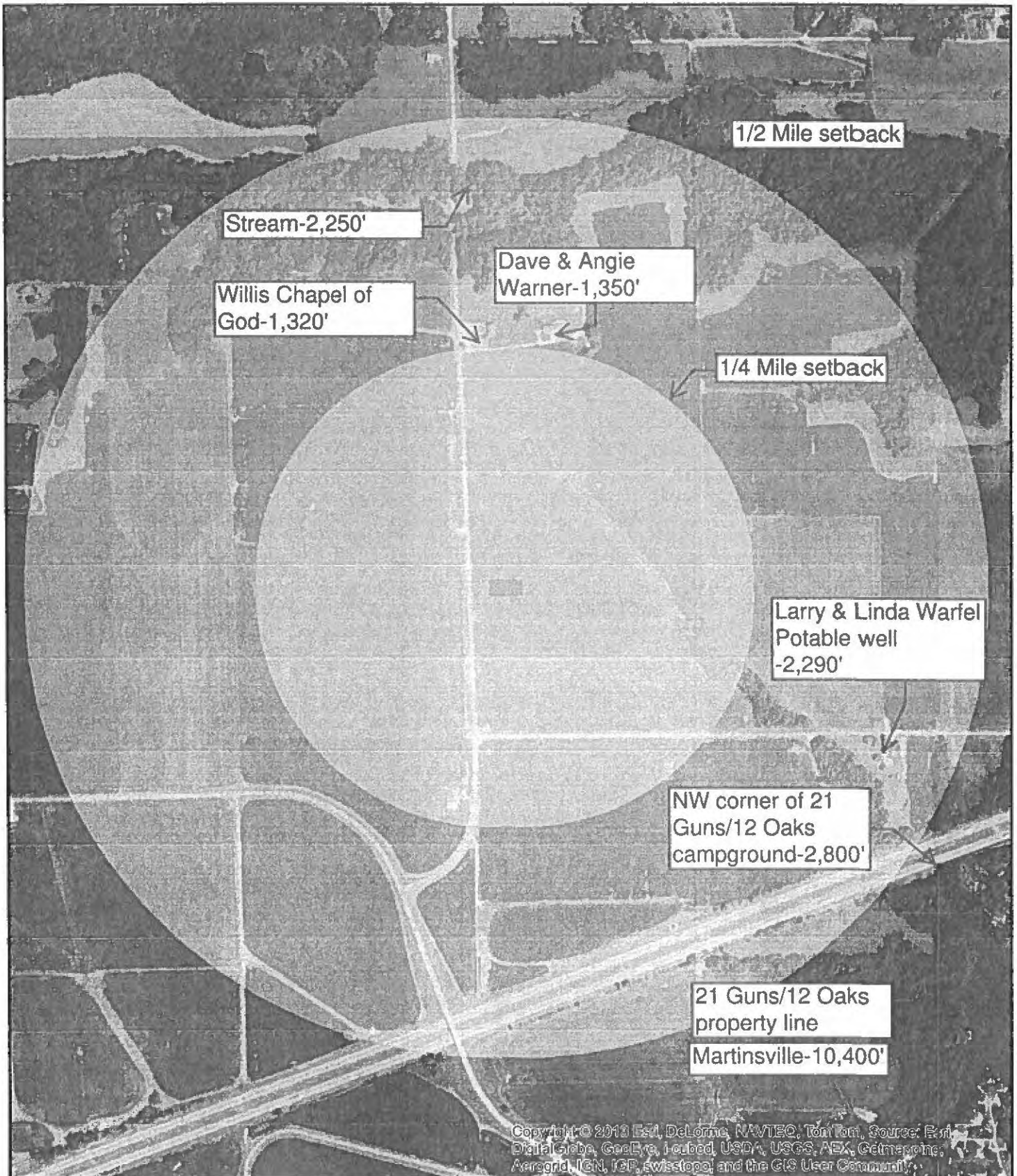
- SECTION 12**
1. Lee, Stewart etux 28
2. Bertram, William etux 7
- SECTION 13**
1. Hills, Larry etux 6
2. Jeffers LE, Polly etal 12
- SECTION 14**
1. Schiver, John etux 6
- SECTION 16**
1. Gasaway, Earl 13
- SECTION 20**
1. Fasig, Guy etal 10
2. Fasig, Guy 10
- SECTION 23**
1. Bigard, Larry etux 10
2. Burkhardt, George etux 10
- SECTION 24**
1. Brackett, Edward 20

- SECTION 25**
1. Redman, James 11
2. Metzko, Joseph etux 27
- SECTION 26**
1. Huckaba, Steven etux 10
4. Carlen LE, Rebecca etal 5
5. Gamer, Terry 8
- SECTION 28**
1. Cooper, Mickey etux 15
2. Dhom, Jeffrey 7
3. Huckaba, Steven etux 5
4. Huckaba Family Trust 8
- SECTION 27**
1. Parison, Peter 8
2. Peterson, Thomas etux 15

- SECTION 29**
1. Fasig, Guy 10
- SECTION 29**
1. Fisherty, Christopher etux 11
- SECTION 29**
1. REH Land Co LLC 20
- SECTION 32**
1. Claypool, Larry 15
2. Honselman, Terry 10
3. Honselman, Eric etux 10
- SECTION 34**
1. Hacker, Jeffery etux 12
2. Houser, Aaron etal 20
3. Stephen, Roy 10
4. Stephen, Paul 8
5. Stephen, Roy 27

- SECTION 35**
1. Maxwell, Trenton etux 15
- SECTION 36**
1. Cribelar, Matthew etux 6
- SECTION 38**
1. Bessley Trust, Robert etux 15
2. Wilson, Rex etux 5
3. Warner, David etux 27
4. Warner, David etux 13
5. Williams Trust, Terry etux 12

Setback Map



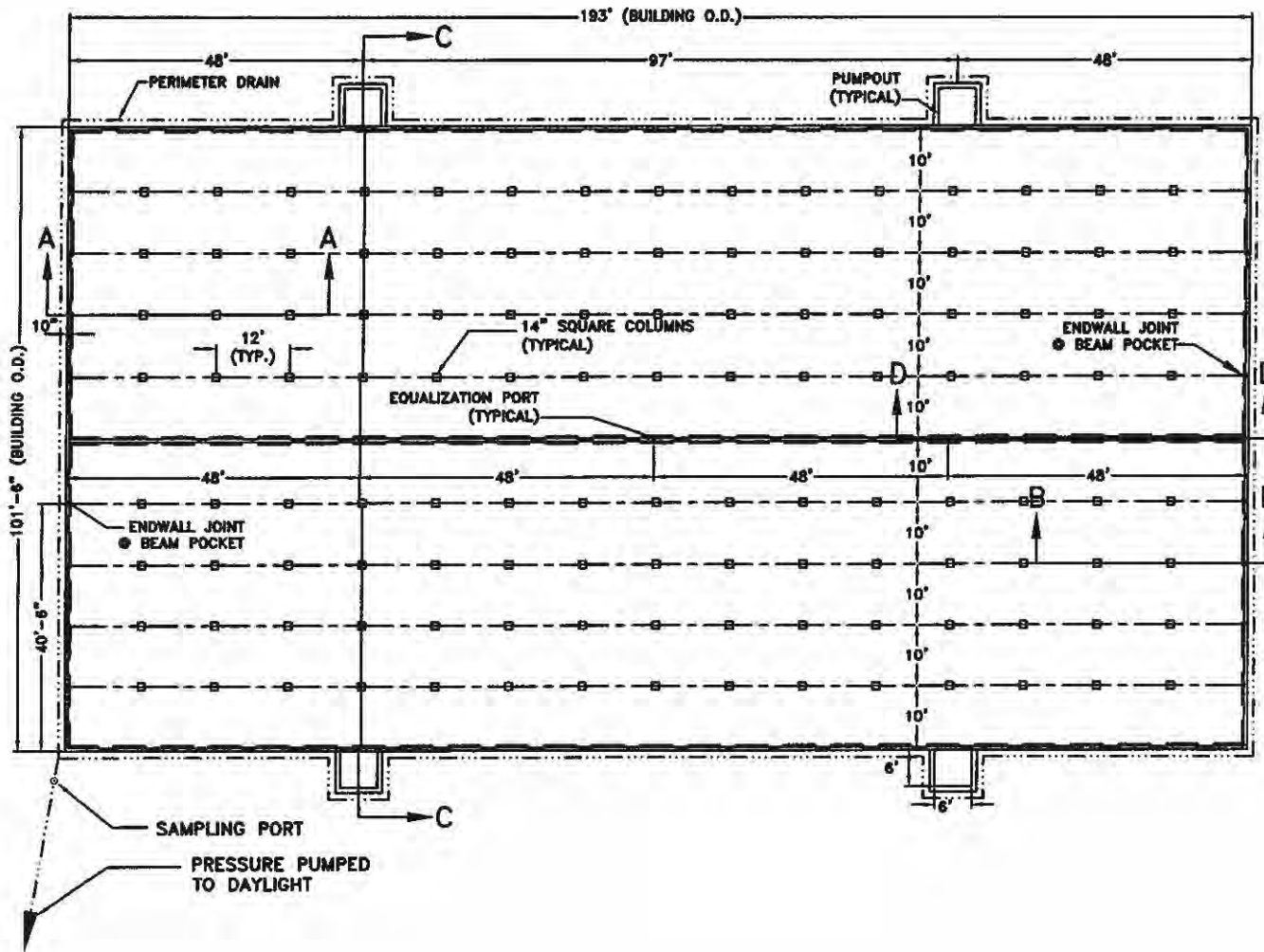
- *No abandoned wells within 1,000'
- *No subsurface tile lines within 100'
- *Surface water flow is east away from the building
- *Willis Chapel Church of God does not meet the definition of a populated as found at 81AC 010.102

825

Feet



Frank & West
Environmental Engineers, Inc.



GENERAL NOTES

- 1.) ANY REVISIONS TO THESE DRAWINGS MUST BE APPROVED BY THE PROJECT ENGINEER OF THE COMPANY LISTED IN THE TITLE BLOCK.
- 2.) CONCRETE CONSTRUCTION SHALL MEET WITH MIDWEST PLAN SERVICE-38, CONCRETE MANURE STORAGE UNLESS NOTED OTHERWISE.
- 3.) NO CONCRETE SHALL BE PLACED ON ON ICE, SNOW OR FROZEN FOUNDATION MATERIAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONCRETE DAMAGED BY LOW TEMPERATURES AND SHALL REMOVE AND REPLACE ANY CONCRETE SO DAMAGED AT HIS/HER EXPENSE.
- 4.) THE METHOD AND MANNER OF PLACING CONCRETE SHALL BE SUCH AS TO AVOID SEGREGATION OR SEPARATION OF THE AGGREGATES OR THE DISPLACEMENT OF THE REINFORCEMENT.
- 5.) THE FOOTINGS ARE TO BE CONSTRUCTED WITH A MINIMUM OF 3,000 PSI CONCRETE.
- 6.) ALL WALLS, COLUMNS, AND FLOORS ARE TO BE CONSTRUCTED OF 4,000 PSI CONCRETE.
- 7.) CONCRETE SLATS WILL BE UTILIZED FOR FLOORING.
- 8.) THE CONCRETE PAD WILL BE A CONTINUOUS POUR.
- 9.) EXTERIOR WALL CONSTRUCTION JOINTS WILL BE INSTALLED AT 100' O.C. MAXIMUM, UNLESS OTHERWISE NOTED.
- 10.) NO VEHICLE LOADS ALLOWED WITHIN 5' OF PIT/GUTTER WALLS.
- 11.) ALL BEAMS SHALL BE BUTTED TIGHT AND/OR GROUTED TIGHT THE FULL WIDTH AND HEIGHT OF THE BEAM. GROUT WILL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,500 PSI.
- 12.) ALL SLATS SHALL BE BUTTED TIGHT AND/OR GROUTED TIGHT THE FULL LENGTH AND DEPTH OF THE SLAT. GROUT WILL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,500 PSI.
- 13.) NO PIPE PENETRATIONS OTHER THAN THE TYPES IDENTIFIED ON THESE DRAWINGS ARE ALLOWED. ALL WALL AND FLOOR PENETRATIONS, INCLUDING PIPE PENETRATIONS MUST BE APPROVED BY THE PROJECT ENGINEER.
- 14.) THE PRESUMED SOIL BEARING CAPACITY IS 2,000 LBS./SQ. FT., BASED ON NRCS CODE 313-3 TABLE 2.
- 15.) THE DESIGN OF THIS BUILDING IS BASED ON THE 2,000 LBS./SQ. FT. SOIL BEARING.
- 16.) WATERSTOP SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER INSTRUCTIONS.

Electronic Filing Received, Clerk's Office 9/10/2019 **2019-045**

Frank & West
Environmental Engineers, Inc.

220 N. State Route 29 Phone: 217/487-7080
pringfield, IL 62707 Fax: 217/487-7087

DAVE & ANGIE WARNER

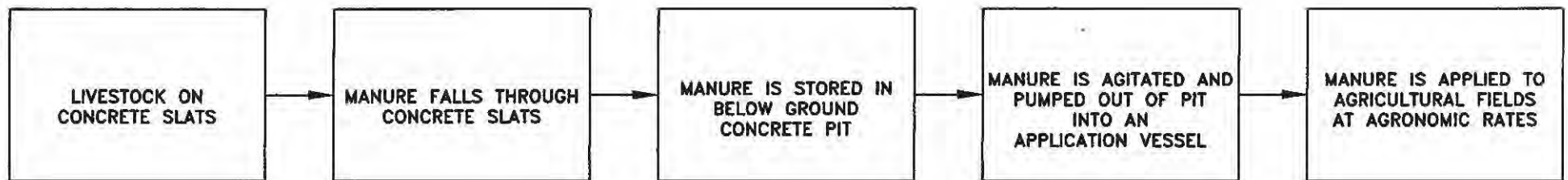
PLAN VIEW

DRAWN BY: CEO

2017 © FRANK & WEST ENVIRONMENTAL ENGINEERS, INC. THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF FRANK AND WEST ENVIRONMENTAL ENGINEERS, INC. ARE ONLY FOR THIS PROJECT AND MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

SCALE: AS SHOWN DATE: 03/01/17 REVISED ON: XX/XX/XX DRAWING NO. 16-18701

POLLUTION CONTROL FACILITY
PROCESS FLOW DIAGRAM



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 August 10, 2018, 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 at Springfield, Illinois:

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

Dave Warner
14420 N. 470th Street
Martinsville, Illinois 62442

[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/ Jacob H. Smith
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