

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Pro Ag Hartney #3)
(Property Identification Number) PCB 20-
09-18-300-004) (Tax Certification)
)

NOTICE

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, copies of which are herewith served upon you.

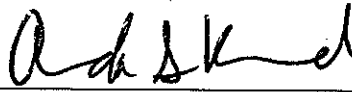
Nick Biggs
Pro Ag Hartney #3
P.O. Box 68
Oakville, Iowa 52646

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

Copies also provided electronically as follows:

Illinois Department of Revenue
via email at REV.PropTaxApp@illinois.gov
101 West Jefferson
Springfield, Illinois 62794

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Amanda S. Kimmel
Assistant Counsel
Division of Legal Counsel

DATED: July 30, 2019

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

Pro Ag Hartney #3)
(Property Identification Number) **PCB 20-**
09-18-300-004) **(Tax Certification)**
)

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: 

Amanda S. Kimmel
Assistant Counsel
Division of Legal Counsel

DATED: July 30, 2019

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

Pro Ag Hartney #3)
(Property Identification Number) **PCB 20-**
09-18-300-004)) **(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 May 24, 2019, the Illinois EPA received a request from Pro Ag Hartney #3 (log number TC-141291, 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: Pro Ag Hartney #3
955 Township Road 900 North
Gladstone, Illinois

The proposed water pollution control facilities in this request are located in the SW ¼ of Section 18, T9N, R5W of the 4th P.M. in Henderson County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (approximately 201 ft. x 72 ft. x 8 ft. deep), the concrete slatted portion of the floor over the manure pit that captures and contains waste generated in the barn above, and four concrete pump out pits (each approximately 6 ft. x 6 ft. x 8 ft.) to allow manure removal from the manure pit.

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

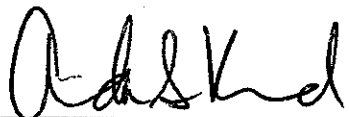
3. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2018), and Section 125.200(a) of the Board's regulations, 35 Ill. Adm. Code 125.200(a), define "pollution control facilities" as:

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 (2018), pollution control facilities must be certified as such by the Board, 35 ILCS 200/11-20 (2018) 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: 
Amanda S. Kimmel
Assistant Counsel
Division of Legal Counsel

Dated: July 30, 2019

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

TC-141291

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>Pro Ag Hartney # 3</i>			
	Person Authorized to Receive Certification <i>Nick Biggs</i>	Person to Contact for Additional Details <i>Nick Biggs</i>		
	Street Address <i>P.O. Box 68</i>	Street Address <i>P.O. Box 68</i>		
	Municipality, State & Zip Code <i>Oakville, Iowa 52646</i>	Municipality, State & Zip Code <i>Oakville, Iowa 52646</i>		
	Telephone Number <i>309-259-0008</i>	Telephone Number <i>309-259-0008</i>		
	Location of Facility Quarter Section Township Range	Municipality Township		
	<i>SW T-9-N R-5-W</i>	<i>Stronghurst</i>		
	Street Address <i>955 Twp Road</i>	County <i>900 North Henderson</i>	Book Number	
	Property Identification Number <i>Gladstone, IL</i>	Parcel Number		
Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location <i>1800 head wean to finish Swine Barn</i>			
	Water Pollution Control Construction Permit No. <i>NA</i>	Date Issued		
	NPDES PERMIT No. <i>NA</i>	Date Issued	Expiration Date <i>IEPA</i>	
	Air Pollution Control Construction Permit No. <i>NA</i>	Date Issued		
	Air Pollution Control Operating Permit No. <i>NA</i>	Date Issued		
Sec. C MANUFACTURING PROCESS	Describe Unit Process <i>Finishing swine from weaning age to Market wt.</i>			
	Materials Used in Process <i>Pig feed and water</i>			
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility <i>8' deep ^{concrete} pit located under the the barn structure. Concrete pit is 201' x 71'2" x 8'</i>			

RECEIVED
 MAY 24 2019
 IOWA DOW/WPC/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>Non</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>12-2018</u> status of installation on date of application <u>Operational</u>						
ACCOUNTING DATA	(5) a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ <u>202,860</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 Illinois Property Tax Code. <div style="margin-top: 10px;"> <table style="width:100%; border: none;"> <tr> <td style="width: 30%; border: none;"><i>Nick B. Jr. Pro Ag Investors</i></td> <td style="border: none;">Manager</td> </tr> <tr> <td style="border: none;">Signature</td> <td style="border: none;">Title</td> </tr> </table> </div>			<i>Nick B. Jr. Pro Ag Investors</i>	Manager	Signature	Title
<i>Nick B. Jr. Pro Ag Investors</i>	Manager						
Signature	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.						
INSTRUCTIONS	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 pollution control facility. 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:				
		Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276	Al Keller Permit Section Division of Water Pollution Control				
			Attention: Donald E. Sutton Permit Section Division of Air Pollution Control				

Han, Wei

From: Han, Wei
Sent: Tuesday, June 18, 2019 3:00 PM
To: Nick Biggs (nickb@trioak.com)
Subject: TC-141291 ProAg Hartney #3

Mr. Biggs,

The Agency received the subject application on May 24, 2019. 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.
2. The section number of the property's legal description.
3. A process flow diagram from manure generation to land application, along with narratives about such process.
4. A plan view drawing of the manure pit with dimensions.

Please let me know if you have any questions.

Thank you,

Wei Han, P.E.

Illinois Environmental Protection Agency
BOW/DWPC/Permit Section
1021 North Grand Avenue E.
P.O. Box 19276
Springfield, IL 62794-9276

Phone: 217-524-3034

Email: Wei.Han@Illinois.gov

Han, Wei

From: Nick Biggs <nickb@trioak.com>
Sent: Wednesday, June 19, 2019 10:55 AM
To: Han, Wei
Cc: Nick Biggs
Subject: [External] Pro Ag Hartney #3 Questions
Attachments: Untitled_06192019_104539.pdf

-----Original Message-----

From: copierscan@trioak.com <copierscan@trioak.com>
Sent: Wednesday, June 19, 2019 10:46 AM
To: Nick Biggs <nickb@trioak.com>
Subject: Scan from a Samsung MFP

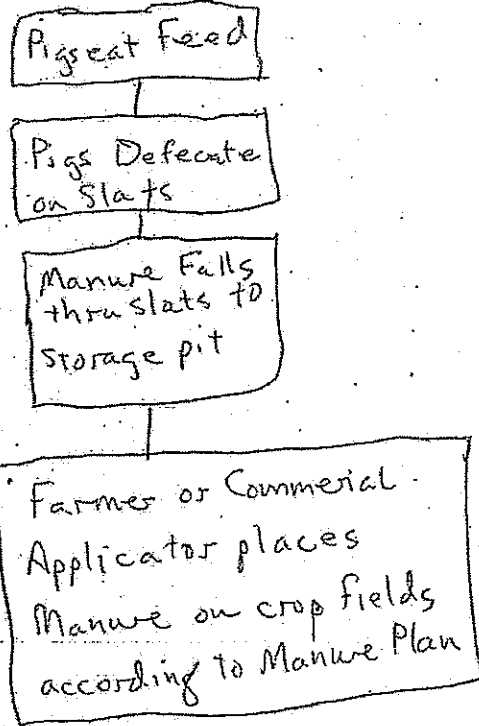
Please open the attached document. It was scanned and sent to you using a Samsung MFP. For more information on Samsung products and solutions, please visit <http://www.samsungprinter.com>.

TC - 141291

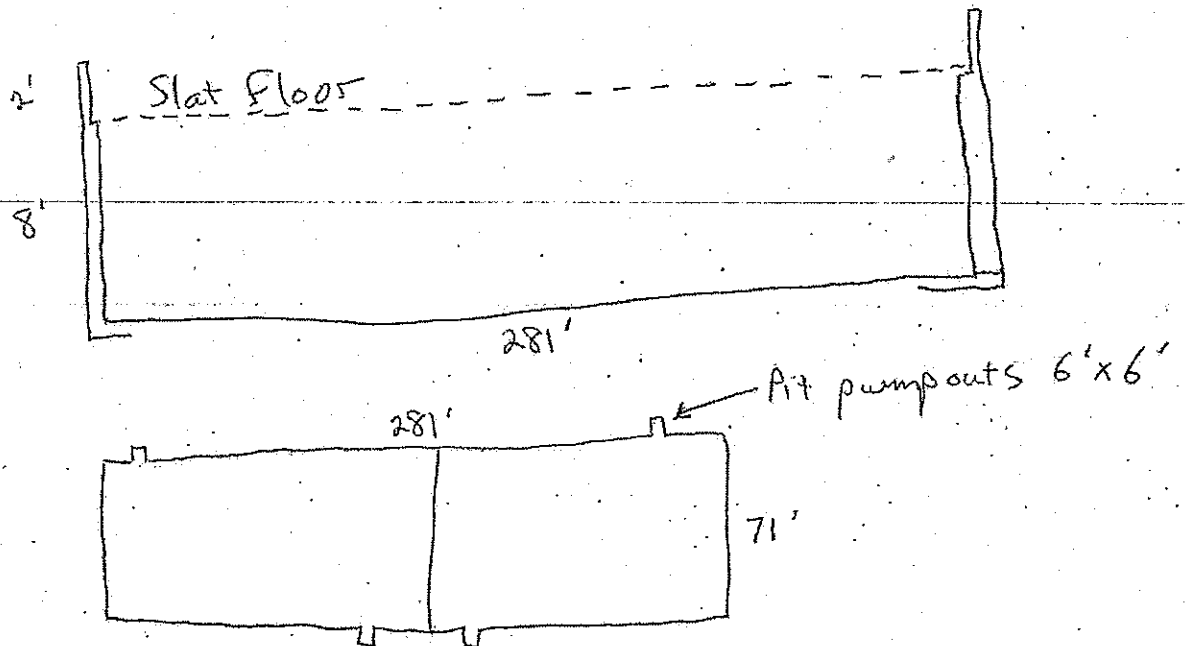
Pro Ag Hartney #3

2) Legal Description and Sect T9-N, R-5, W, Sect 18, Henderson

3) Flow Diagram



4) View



Han, Wei

From: Nick Biggs <nickb@trioak.com>
Sent: Wednesday, June 19, 2019 11:22 AM
To: Han, Wei
Subject: [External] RE: Pro Ag Hartney #3 Questions

Tax Id Parcel # 09-18-300-004

-----Original Message-----

From: Han, Wei <Wei.Han@Illinois.gov>
Sent: Wednesday, June 19, 2019 11:01 AM
To: Nick Biggs <nickb@trioak.com>
Subject: RE: Pro Ag Hartney #3 Questions

Thank you for the information. I still need the property ID#.

Wei Han, P.E.
Illinois Environmental Protection Agency BOW/DWPC/Permit Section
1021 North Grand Avenue E.
P.O. Box 19276
Springfield, IL 62794-9276

Phone: 217-524-3034
Email: Wei.Han@Illinois.gov

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Sent: Wednesday, June 19, 2019 10:55 AM
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Subject: [External] Pro Ag Hartney #3 Questions

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Kimmel, Amanda

From: Han, Wei
Sent: Tuesday, July 23, 2019 8:58 AM
To: Kimmel, Amanda
Subject: FW: Pro Ag Hartney #3 Questions

FYI. Please let me know if you have other questions.

Thanks,

Wei Han, P.E.
Illinois Environmental Protection Agency BOW/DWPC/Permit Section
1021 North Grand Avenue E.
P.O. Box 19276
Springfield, IL 62794-9276

Phone: 217-524-3034
Email: Wei.Han@Illinois.gov

-----Original Message-----

From: Nick Biggs <nickb@trioak.com>
Sent: Tuesday, July 23, 2019 6:52 AM
To: Han, Wei <Wei.Han@Illinois.gov>
Subject: [External] RE: Pro Ag Hartney #3 Questions

Wei Han,

The pit is 201 feet long.

nick

-----Original Message-----

From: Han, Wei <Wei.Han@Illinois.gov>
Sent: Monday, July 22, 2019 9:27 AM
To: Nick Biggs <nickb@trioak.com>
Subject: RE: Pro Ag Hartney #3 Questions

The application form states that the concrete pit is 201' x 71'2" x 8'. The diagram attached to the email shows the dimension of the pit is 281' x 71' x 8'. Please clarify the length of the pit. 208' Or 281'?

Thanks,

Wei Han, P.E.
Illinois Environmental Protection Agency BOW/DWPC/Permit Section
1021 North Grand Avenue E.
P.O. Box 19276
Springfield, IL 62794-9276

Phone: 217-524-3034
Email: Wei.Han@Illinois.gov

-----Original Message-----

From: Nick Biggs <nickb@trioak.com>
Sent: Wednesday, June 19, 2019 11:22 AM
To: Han, Wei <Wei.Han@Illinois.gov>
Subject: [External] RE: Pro Ag Hartney #3 Questions

Tax Id Parcel # 09-18-300-004

-----Original Message-----

From: Han, Wei <Wei.Han@Illinois.gov>
Sent: Wednesday, June 19, 2019 11:01 AM
To: Nick Biggs <nickb@trioak.com>
Subject: RE: Pro Ag Hartney #3 Questions

Thank you for the information. I still need the property ID#.

Wei Han, P.E.
Illinois Environmental Protection Agency BOW/DWPC/Permit Section
1021 North Grand Avenue E.
P.O. Box 19276
Springfield, IL 62794-9276

Phone: 217-524-3034
Email: Wei.Han@Illinois.gov

-----Original Message-----

From: Nick Biggs <nickb@trioak.com>
Sent: Wednesday, June 19, 2019 10:55 AM
To: Han, Wei <Wei.Han@Illinois.gov>
Cc: Nick Biggs <nickb@trioak.com>
Subject: [External] Pro Ag Hartney #3 Questions

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

Memorandum

To: Charles Gunnarson, Division of Legal Counsel

From: Darin E. LeCrone, Manager, Industrial Unit, Permit Section *DEL*

Date: July 15, 2019

Re: Pro Ag Hartney #3 -- Gladstone
Recommendation of Tax Certification
Log # TC-141291
Property Index# 09-18-300-004

The Bureau of Water received a request on May 24, 2019 from Nick Biggs 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:

Pro Ag Hartney #3
955 Twp. Rd. 900 North
Gladstone, IL

SW ¼ of Section 18, T9N, R5W of the 4th PM in Henderson County

The livestock waste handling facilities consisting of one (1) concrete manure pit (approximately 201 ft. x 72 ft. x 8 ft.), the concrete slatted portion of the floor over the manure pit that capture and contain waste generated in the barn above, and four (4) pumpout pits (approximately 6 ft. x 6 ft. x 8 ft. each) to allow manure removal from the manure pit. 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.

DEL:WH:Tax Cert Recommendation.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: ProAg Hartney #3

Date: June 19, 2019

Reviewer: WH

Type: Agchem
 Livestock

Log number: TC-141291

Contact: Same as applicant

Applicant: Nick Biggs
P. O. Box 68
Oakville, IA 52646

Phone: 309-259-0008

Facility: ProAg Hartney #3
955 Twp Rd. 900 North
Gladstone, IL

Property Index#:

Parcel#: 09-18-300-004

County: Henderson

Legal Description:
SW of Section: 18 Twp: 9N R: 5W PM: 4th

Signature: Nick Biggs

Date Control Devices installed: 12/2018

Title: Manager

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 one (1) concrete manure pit (approximately 201 ft. x 71 ft. x 8 ft.) and the concrete slatted portion of the floor over the manure pit that capture and contain waste generated in the barn above. The concrete manure pit has four (4) pumpout pits (approximately 6 ft. x 6 ft. x 8 ft. each) 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 through Description of Pollution Control Facilities, Section 2 of the application form and the attachments.

One (1) concrete manure pit;
Concrete slatted floor;
Pumpout pits attached to the manure pit;

Drawings of manure pit and a process flow diagram were provided through email of 06/19/2019.

Recommended Action: Issue tax certification.

STATE OF ILLINOIS

)
)
)
)
)

COUNTY OF SANGAMON

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of July 30, 2019, the attached **NOTICE, 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:

Nick Biggs
Pro Ag Hartney #3
P.O. Box 68
Oakville, Iowa 52646

Copies also provided electronically as follows:

Illinois Department of Revenue
via email at REV.PropTaxApp@illinois.gov
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

[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/ Amanda S. Kimmel
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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