

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Monte Drake)
(Property Identification Number) PCB 22-
(16-19-100-007)) (Tax Certification)
)

NOTICE

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


Monte Drake
3378 Camp Creek Road,
Lynn Center, Illinois 61262

Copies also provided electronically as follows:

Illinois Department of Revenue
Via email at REV.PropTaxApp@illinois.gov
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 RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Joshua Leopold
Assistant Counsel
Division of Legal Counsel

DATED: May 20, 2022

Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217) 558-1333

THIS FILING IS SUBMITTED ON RECYCLED PAPER

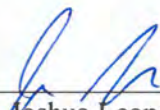
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Monte Drake)
(Property Identification Number) PCB 22-
16-19-100-007) (Tax Certification)
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APPEARANCE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:  _____
Joshua Leopold
Assistant Counsel
Division of Legal Counsel

DATED: May 20, 2022

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Monte Drake

**(Property Identification Number
16-19-100-007)**

**) PCB 22-
) (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 17, 2021, the Illinois EPA received a request from Monte Drake. (log number TC-144039, 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: Monte Drake
256 Cemetery Road,
Lynn Center, IL 61262

The proposed water pollution control facilities in this request are located in the NW ¼ of Section 19, T15N, R1E of the East 4th PM, in Henry County the above street address and consist of the following:

One (1) concrete livestock waste pit measuring 391 ft. (length) x 51 ft. (width) x 8 ft. (depth) with 10 concrete pump out pits approximately 6 ft. (length) x 5 ft. (width) x 8 ft. (depth) and approximately 844 linear feet of Form-a-Drain plastic foundation drainage tile and the slotted concrete portion of flooring over the livestock waste storage structure.

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

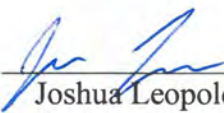
“pollution control facilities” as:

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: 
Joshua Leopold
Assistant Counsel
Division of Legal Counsel

Dated: May 20, 2022

Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/558-1333



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: Mike Roubitchek, Division of Legal Counsel

From: Darin E. LeCrone, P.E., Manager, Permit Section, Division of Water Pollution Control, Illinois Environmental Protection Agency *DL*

Date: MAY - 17 2022

Re: Monte Drake - Lynn Center
Recommendation of Tax Certification
Log No.: TC-144039
BOW ID No.: W0738150008
Property Index Number: 16-19-100-007

The Bureau of Water received a request on May 17, 2021 from Monte Drake, having a principal place of business at 3378 Camp Creek Road, Lynn Center, IL 61262, 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:

Monte Drake
256 Cemetery Road
Lynn Center, IL 61262

NW 1/4 of Section 19, Township 15-North, Range 1-East of the East 4th PM in Henry County.

Livestock waste management facilities consisting of:

One (1) concrete livestock waste pit measuring 391 ft. (length) x 51 ft. (width) x 8 ft. (depth) with 10 concrete pump out pits approximately 6 ft. (length) x 5 ft. (width) x 8 ft. (depth) and approximately 844 linear feet of Form-a-Drain plastic foundation drainage tile and the slotted concrete portion of flooring over the livestock waste storage structure.

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 Darren Gove at 217/782-0610.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Page No. 2
Tax Certification Recommendation
Log No. TC-144039

DRG:TC-144039_Tax Cert Recommendation_17May21.docx

cc: Tax Cert File

Illinois EPA - Bureau of Water - Division of Pollution Control
Title 35 Subtitle A Part 125 Tax Certifications
Illinois EPA Review Notes for:

Agency Recommendation of Pollution Control Facilities.

BOW ID #: W0738150008

Project Name: Monte Drake

Date application received: 5/17/2021

Reviewer: DRG

Log number: TC-144039

Legal Description:
NW 1/4 of Section 19 Twp: 15-North Range: 1-
East PM: East 4th

County: Henry

Facility Contact: Monte Drake

Phone: 309-373-2725

Pollution Control Facility Type:
Swine Livestock Waste Management Facility

Property ID: 16-19-100-007

Applicant: Monte Drake
3378 Camp Creek Road
Lynn Center, IL 61262

Facility: Monte Drake
256 Cemetery Road
Lynn Center, IL 61262

Date Control Devices installed: 1/2021

Application Signature by: Monte Drake

Title: Owner

Contents of Application: 3-page application form, attached 1-page description narrative with diagram, and process flow diagram.

Is there a pollutant control flow diagram? **Yes**

Is there sufficient diagrams showing the pollution control facilities? **Yes**

This facility generates the following pollutants and prevents their discharge as indicated:

Livestock waste is collected and land applied to cropland.

Physical description of pollution control facilities that ARE recommended:

Livestock waste management facilities consisting of:

One (1) concrete livestock waste pit measuring 391 ft. (length) x 51 ft. (width) x 8 ft. (depth) with 10 concrete pump out pits approximately 6 ft. (length) x 5 ft. (width) x 8 ft. (depth) and approximately 844 linear feet of Form-a-Drain plastic foundation drainage tile and the slotted concrete portion of flooring over the livestock waste storage structure.

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

Notes:

Illinois EPA Log #: TC-144039
Page 2 of 2

A similar and previously certified structure is on the same property, see PCB 2016-081. Recent aerial imagery was unavailable to show the arrangement of the new structure on-site. Call was placed to applicant to get details and add'l information may be available at a date after these notes are finalized.

Nothing follows – DRG - (July 8, 2021)

*See Aerial diagram
received on*

How ID: W0738150008



Illinois Environmental Protection Agency

TC-144039

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 <u>5/17/21</u>
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. Separate applications must be completed for each control facility claimed. Do not mix types (air and water). Where both air and water operations are related, file two applications.

If attachments are needed, record them consecutively on an index sheet.

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: <u>Monte Drake</u>	Person to Contact for Additional Details <u>Monte Drake</u>
Person Authorized to Receive Certification <u>Monte Drake</u>	Street Address: <u>3378 Camp Creek Road</u>
Street Address: <u>3378 Camp Creek Road</u>	City: <u>Lynn Center</u> State: <u>IL</u>
City: <u>Lynn Center</u> State: <u>IL</u>	Zip: <u>61262</u> Phone: <u>3093732725</u>
Zip: <u>61262</u> Phone: <u>3093732725</u>	Email Address: <u>drakefarms@nwctv.net</u>
Email Address: <u>drakefarms@nwctv.net</u>	

II. Facility Information:

Facility Location: Quarter Section: 19 Township: T15N Range: R1E
Municipality: _____ Township: Lynn

Note: A plat map location is requested for facilities located outside of municipal boundaries

Address 256 Cemetery Road City: Lynn Center
State IL Zip Code: 61262 County: Henry Book Number: _____

Property Index Number: 16-19-100-007

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

Manufacturing Operations Information:

Nature of Operations Conducted at the Above Location:

Swine Production

Permit Information:

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

Materials Used in the Process:

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. State the type of control facility, as well as a narrative description and a process flow diagram describing the pollution control facility. Include an average analysis of the influent and effluent of the control facility stating the collection efficiency, if applicable.

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

One concrete manure pit (51'x391'x8'deep) with 10 concrete pump out pits (each 5'x6'x8'deep) and the slotted concrete portion of the floor over the manure pit. Manure pit is surrounded by 844' of form-a-drain that is 2"x6" plastic foundation drainage tile. The foundation tile also includes an inspection port (8' deep, 12" diameter plastic tile). See attached drawing.

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

Contain the manure and protect the water supply.

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).

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
Swine manure	swine manure	fertilizer for crops

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

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: 1/2021

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

Status of installation on date of application

The facility is still in use and there have been no improvements to the certified portion.

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))

Monte Drake Printed Name: Owner Title:

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

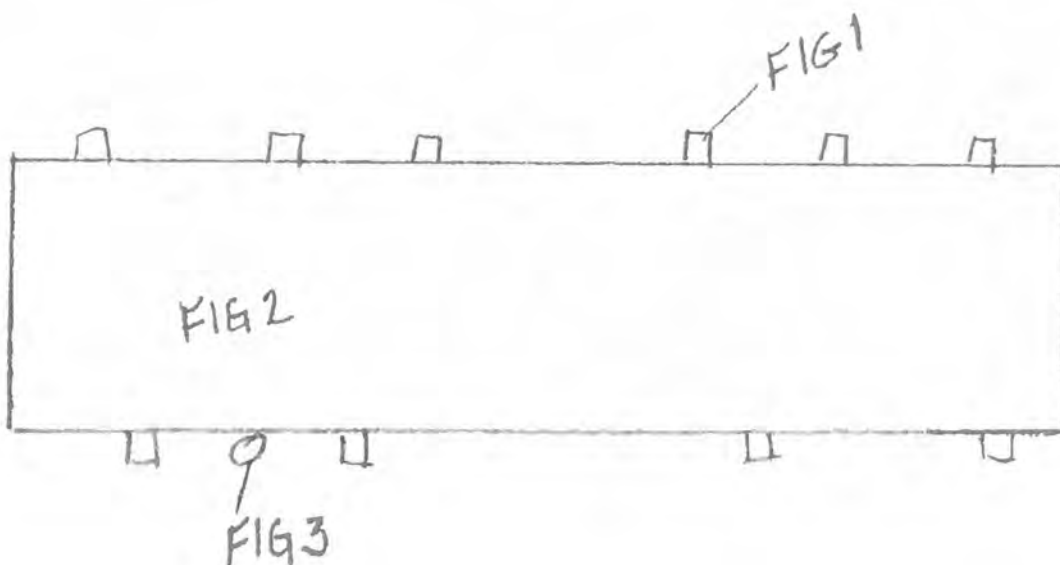
 Signature: 5-17-21 Date:

Narrative Description of Pollution Control Facility with Diagram

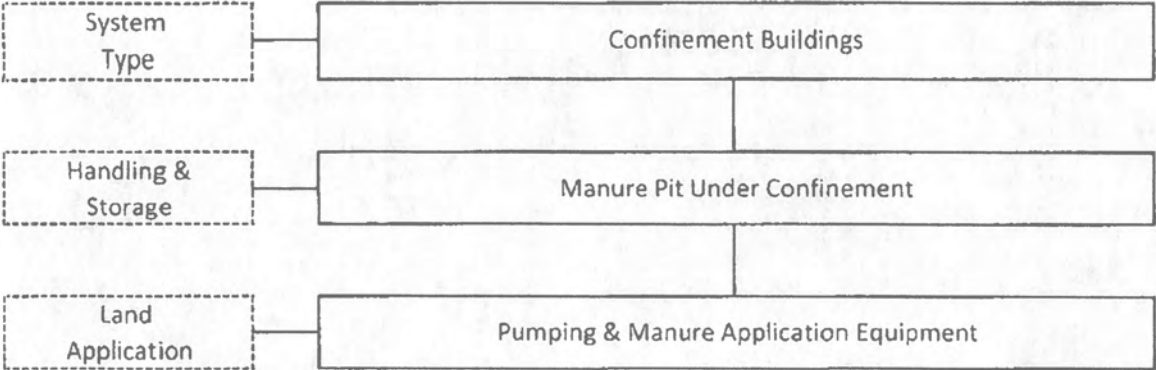
One wean-to-finish building measuring (51'x391'x8'deep pit). Building consists of concrete foundation and concrete slatted floors over 100% of the 51'x391'x8'deep pit. Finished grade around building prevents fresh water from running into pits. Manure storage is adequate to contain 14 months of manure production which will safely protect the well and nearby crop from contamination. An inspection port (8'deep with a 12" diameter plastic tile access) provides monitoring access to the perimeter tile around the building and soil near the pit area. Manure from the pits will be pumped annually and applied through sub surface injection at an appropriate agronomic rate to the nearby cropland.

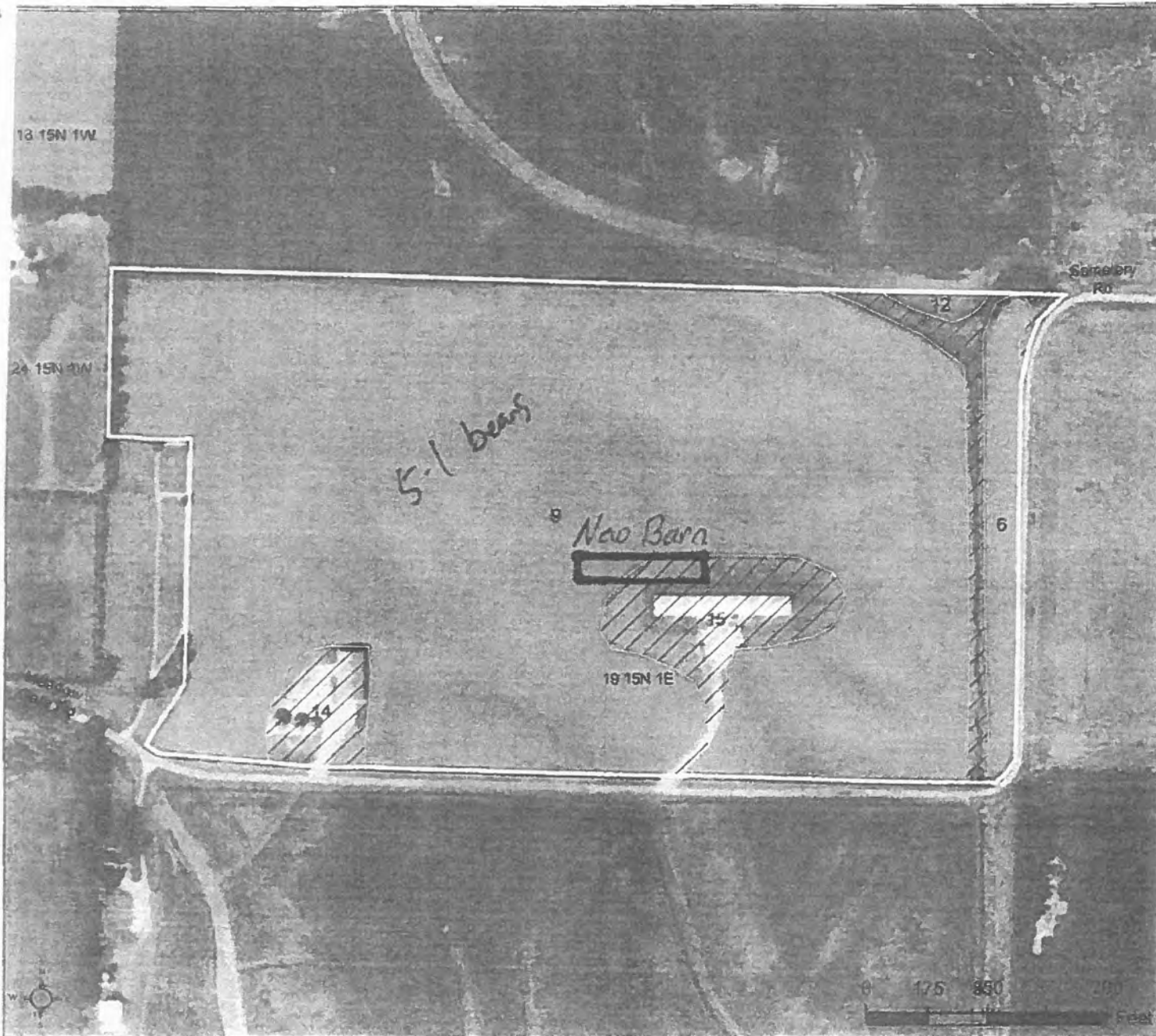
Building (51'x391'x8' deep pit) diagram:

- Grass vegetation surrounds building and field road.
- 10 concrete pump outs measuring 5'x6'x8'deep protrude on both sides of the building foundation. Concrete pump outs indicate where the manure will be removed annually and then applied at an appropriate agronomic rate to neighboring crop land. See FIG 1
- Slatted concrete flooring over liquid manure pit. See FIG 2
- Inspection port for perimeter tile surrounding building. See FIG 3



Manure Generation Flow Diagram





USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer. The USDA Farm Service Agency accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any use of this map. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations.

Hafliger, Belinda

From: Han, Wei
Sent: Tuesday, May 18, 2021 9:28 AM
To: Hafliger, Belinda
Subject: FW: [External] IL EPA Application
Attachments: IL EPA Application New Facility.pdf

Please log this tax cert application in. The receiving date is yesterday.

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

From: Monte & Sandy Drake <drakefarms@nwctv.net>
Sent: Monday, May 17, 2021 12:31 PM
To: Han, Wei <Wei.Han@Illinois.gov>
Cc: drakefarms@nwctv.net
Subject: [External] IL EPA Application

Please find attached an application for our new swine facility.

If you have any questions, please contact me at 309-373-2725.

Thank You,

Monte Drake

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

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 May 20, 2022, 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:

Monte Drake
3378 Camp Creek Road,
Lynn Center, Illinois 61262

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]

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

/s/ Joshua Leopold
Assistant Counsel
Division of Legal Counsel
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217-558-1333

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