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CLERK'S OFFICE

MAR 17 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LUKE BRUMMER
(Property Identification Number
06-13-020-018)

Petitioner,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

Respondent.

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) PCB 05- 176
) (Tax Certification)
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)

STATE OF ILLINOIS
Pollution Control Board

NOTICE

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

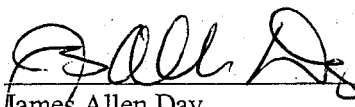
Luke Brummer
8047 N. 2100th Street
Dieterich, Illinois 62424

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

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By:


James Allen Day
Assistant Counsel
Division of Legal Counsel

DATED: March 16, 2005

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

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STATE OF ILLINOIS
Pollution Control Board

APPEARANCE

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

ENVIRONMENTAL PROTECTION
AGENCY OF THE STATE OF ILLINOIS

By



James Allen Day
Assistant Counsel
Division of Legal Counsel

DATED: March 16, 2005

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1021 North Grand Avenue East
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(Property Identification Number
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Petitioner,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

Respondent.

STATE OF ILLINOIS
Pollution Control Board

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RECOMMENDATION

Now Comes the Illinois Environmental Protection Agency ("Illinois EPA") by James Allen Day, one of its attorneys, and pursuant to Section 125.204 of the Illinois Pollution Control Board's (Board) regulations files the following Recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204.

- 1) On October 20, 2004, the Illinois EPA received a request from Luke Brummer for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204, and noted the request as log number TC-25-04. (Exhibit A)
- 2) The applicant's mailing address is: Luke Brummer
8047 N. 2100th Street
Dieterich, Illinois 62424
- 3) The facility address is: 2722 N. 1900th Street
Dieterich, Illinois 62424
- 4) The water pollution control facilities in this request are located at Section 20, Township 6 North, Range 7 East of the 3rd Principal Meridian in Effingham County, Illinois at the above facility address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (80 ft. x 212 ft. x 8 ft. deep) with four concrete pump out pits (5 ft. x 5 ft. x 8 ft. deep) with the slotted concrete portion of the floor over the manure pit located in one swine building.

- 5) These livestock waste management facilities are used to collect, transport, and/or store livestock wastes prior to cropland application.
- 6) Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2000), 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."
- 7) Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5 (2004).
- 8) Based on the information in the application and the purpose of the facilities (collecting, transporting and/or storing livestock wastes prior to cropland application), 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. Therefore, the facilities are eligible for tax certification from the Board.

- 9) Therefore, the Illinois EPA recommends that the Board issue the requested tax certification.

Illinois Environmental Protection Agency,

By:



James Allen Day
Assistant Counsel
Division of Legal Counsel

March 16, 2005

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

STATE OF ILLINOIS

COUNTY OF SANGAMON

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PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached **APPEARANCE AND RECOMMENDATION**, upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

Luke Brummer
8047 N. 2100th Street
Dieterich, Illinois 62424

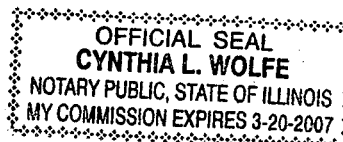
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

and mailing it from Springfield, Illinois on March 16, 2005 with sufficient postage affixed for first class mail.

Nancy J. D. Lampion

SUBSCRIBED AND SWORN TO BEFORE ME
this sixteenth day of March, 2005

Cynthia L. Wolfe
Notary Public



Watershed Unit Tax Certification Review Sheet

Project Name: Luke Brummer
 Reviewer: Thaddeus Fausht
 Log No.: TC-25-04

Location: Dieterich
 Date: 12/9/04
 Type: ☐ Agchem
☒ Livestock

Applicant: Luke Brummer
8047 N. 2100th St.
Dieterich, IL 62424

Contact: Mark Brummer
 Phone: 217-925-5659

Facility: 2722 N. 1900th St.
Dieterich, IL 62424

Property ID: 06-13-020-018

Legal Description: Section 20, T6N, R7E of 3rd PM

County: Effingham

Date Control Devices Installed: 9-29-02

Provided Fair Cash Value: \$146,000

Signature: signed by Luke Brummer

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 (80ft x 212 ft x 9ft deep) w/ 4 pumpouts (5ft x 5ft x 8ft deep)
w/ concrete slatted floors

Other: 12/9/04 - spoke w/ Luke Brummer: Luke said pumpouts are 5ft x 5ft x 8ft
and everything is concrete

APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
POLLUTION CONTROL FACILITY
AIR ☐ WATER ☒

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
P. O. Box 19276, Springfield, IL 62734-9276

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.

RECEIVED
OCT 20 2004

FOR AGENCY USE

File No.	Date Received	Certification No.	Date
Sec. A	Company Name		
APPLICANT	Person Authorized to Receive Certification		Person to Contact for Additional Details
	Luke Brummer		Mark Brummer
	Street Address		Street Address
	8047 N. 2100 th St Dieterich		8047 N. 2100 th St Dieterich
	Municipality, State & Zip Code		Municipality, State & Zip Code
	Illinois 62424		Illinois 62424
	Telephone Number		Telephone Number
	1-217-925-5659		1-217-925-5659
MANUFACTURING OPERATIONS	Location of Facility		Municipality Township
	Quarter Section	Township	Range
	20 NW SW	6N	7E
	Street Address		County Book Number
	2722 N. 1900 th St Dieterich IL		Effingham
	Property Identification Number		Parcel Number
06-13-020-018			
Sec. B	Nature of Operations Conducted at the Above Location		
MANUFACTURING PROCESS	2200 hma finishing facility for Hogs		
	Water Pollution Control Construction Permit No.		Date Issued
	NPDES PERMIT No.		Date Issued Expiration Date
	Air Pollution Control Construction Permit No.		Date Issued
	Air Pollution Control Operating Permit No.		Date Issued
Sec. C	Describe Unit Process		
MANUFACTURING PROCESS	X Raising swine, feeder to finish		
	Materials Used in Process		
Sec. D	Describe Pollution Abatement Control Facility		
POLLUTION CONTROL FACILITY DESCRIPTION	- This facility is a manure pit with slotted floors		
	- livestock waste goes straight right into pit		
	- manure is pumped in the fall onto near by cropland		
	- see paper attached		

Sec. C

SIGNATURE

Sec. B

Luke Brummer

Owner

Title

INSTRUCTIONS FOR COMPILING AND FILING APPLICATION

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.
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Sec. B	Self-explanatory. Submit copies of all permits issued by local pollution control agencies. (e.g. MSD Construction Permit)
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Sec. C	Refers to manufacturing processes or materials on which pollution control facility is used.
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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 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.
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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.

Attention:

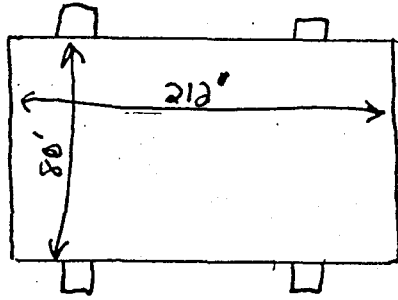
Thomas McSwiggin
Permit Section
Division of Water Pollution Control

Attention:

Donald E. Sutton
Permit Section
Division of Air Pollution Control

County road

nearest water in ditch along road



four pump outs at
the barn, two on the
North & two on the South

The demisions of the
pit are 80' wide 212'
long and 8' deep.

Final disposal is on
near by cropland that
we own.

