Electronic Filing - Received, Clerk's Office, February 25, 2010

* * * * PCB 2010- 067 * * * *

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Brian Robinson Swine Farm-Galesburg)
(Property Indentification Number) PCB 1009-30-100-002)) (Tax Certification)

NOTICE

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

Steve Santarelli Illinois Department of Revenue 101 West Jefferson Post Office Box 19033 Springfield, Illinois 62794 Brian Robinson 22 Knox Road Galesburg, Illinois 61401

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an <u>APPEARANCE AND THE RECOMMENDATION</u> of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY OF THE STATE OF ILLINOIS

Bv:

Vera Herst

Assistant Counsel

Division of Legal Counsel

DATED: February 25, 2010

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

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* * * * PCB 2010- 067 * * * *

REFORE	THE ILLINOIS	POLITION	CONTROL	ROARD
13121271212		F ()		

Brian Robinson Swine Farm-Galesburg
(Property Indentification Number
09-30-100-002)
) PCB 10(Tax Certification)

APPEARANCE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Ven Nen

Vera Herst Assistant Counsel Division of Legal Counsel

DATED: February 25, 2010 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

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* * * * PCB 2010- 06	7 * * * * *			

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Brian Robinson Swine Farm-Galesburg)
(Property Indentification Number) PCB 10-
09-30-100-002)) (Tax Certification)
)

RECOMMENDATION

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, 35 Ill. Adm. Code 125.204.

On February 2, 2009, the Illinois EPA received a request from Brian Robinson
(log number TC-11-09, 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 applicant's address is:

Brian Robinson 22 Knox Road

Galesburg, Illinois 61401

3. The proposed water pollution control facilities in this request are located at NW ¼

Section 30, T11N, R1E of the 4th P.M. in Knox County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (approximately 260 ft. x 44 ft. x 8 ft. deep) with two concrete pump out pits (each approximately 4 ft. x 4 ft. x 8 ft. deep), and the slotted concrete portion of the floor over the manure pit.

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.

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4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2008), defines "pollution control facilities" as:

"any system, inethod, 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."

- 5. Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5.
- 6. 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," 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

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requested tax certification.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:

Vera Herst

Assistant Counsel

Division of Legal Counsel

Dated: February 25, 2010

Illinois Environmental Protection Agency

1021 North Grand Ave. E.

P.O. Box 19276

Springfield, Illinois 62794-9276

217/782-5544

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Re:

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829 James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

Memorandum

To: Connie Tonsor, Division of Legal Counsel

From: Al Keller, P.E., Manager, Permit Section

Date: February 18, 2010

Brian Robinson Swine Farm - Galesburg

Recommendation of Tax Certification

Log # TC-11-09

Property Identification # 09-30-100-002

The Bureau of Water received a request on February 2, 2009 from Brian Robinson for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 II. Adm. Code 125.204. We offer the following recommendation.

The water pollution control facilities in this request include the following:

Brian Robinson Swine Farm 22 Knox Road 1400 N Galesburg, IL 61401

NW 1/4 Section 30, T11N, R1E of the 4th P.M. in Knox County

Livestock waste management facilities consisting of one concrete manure pit (approximately 260 ft. x 44 ft. x 8 ft. deep) with two concrete pump out pits (each approximately 4 ft. x 4 ft. x 8 ft. deep), and the slotted concrete portion of the floor over the manure pit.

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 Faught at 217/782-3362.

SAK:TJF:TC-11-09.doex

cc: Tax Cert File

Rockford * 4302 N. Main St., Rockford, IL 61103 * (815) 967 7760 Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131 Bureau of Land - Peoria * 7620 N. University St., Peoria, IL 61614 * (309) 693-5462 Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Electronic Filing - Received, Clerk's Office, February 25, 2010 * * * * * POBrant Out Office Review Sheet

Project Name: Reviewer: Log No.:	Brian Robinson Swine Farm Thaddens Fught TC-11-09	Location: Date: Type:	Gales burg 1/26/10 Agchem Clivestock
Applicant:	Brian Robinson 22 Know Rd. 1400N Galectourg, IL 61401	Contact: Phone:	Brien Robinson 209 341 1600
Facility:	Same as applicant	Property ID:	09-30-100-002
Legal Description:	NW1/4 Section 30 TIIN RIF of the 4th P.M.	County:	Knox
Date Control Devices Installed:	1991	Provided Fair Cash Value:	\$69.000
Signature:	by Brian Robinson	Title:	OUNG
Wastes: Physical Description	□ Agrichemical rinsate and spillage is recycled through the f □ Other: □ On of Pollution Control Devices:	acility and/or	land applied.
One concrete	Manyre plt (260 pt x44 ft x BEL deep)	ed 2 cars	rede pumpositis leach 488 x 460 x 808)
Other: 126/10 both pu	spoke. M Brian Robinson Imports are 4 st x 4 st x 9 st concrete p	unpouts	

16 Electronic Filling ա Received, Clerk's Office, February 25, 12610, թ. 04/05 JAN-26-2009 * * * * * PCB 2010- 067 * * * * *

APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT) POLLUTION CONTROL FACILITY AIR 🗆 WATER 🔀

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY P. O. Box 19276, Springfield, IL 62784-9276

This Agency is authorized to request this information under Illinois Revised Statues, 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

	FOR AGENCY USE		apparation for	
File No.	Dale Received	Certification No.	D	atte ·
Sec. A	Company Name BRIAN ROBINSON SWINE	E FARIN		
	Person Authorized to Receive Certification BRIAN KOBINSON		Person to Contact for Addit	ional Details
!	Streel Address 22 IENOX RD 1400 N		Street Address	
APPLICANT	Municipality, State & Zip Code GALESBULG, IL 61401		Municipality, State & Zip Ci	ode
APPLI	Telephone Number 309 341-1600		Telephone Number	
	Lucation of Facility Quarter Section Township NW 1/4 SEC 30 TIIN	Range AIE	Municipality 1 GALESENPG- C	ownship BALESBURG—
	Street Address 22 KNOX PD 1400N		KNÓX	Book Number
Į.	Property Identification Number		Parcel Number 09-38	-100-002
Sec. B	Nature of Operations Conducted at the Above SWINE OPERATION - BREEN	Location To Filvisi	j.	
MANUFACTURING OPERATIONS	CORN SC Y BEAN PRODUCTION Water Pollution Control Construction Permit	lo.	Date Issued	
ANUFAC	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	-		
URING				
MANUFACTURING PROCESS	Materials Used in Process			
Sec. D	Describe Pollution Abatement Control Facility	,	-	
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IL 532-0222 APC 151 (Rev. 8/00) Tax Certification for Polition Control Facilities FEB - 2 2009

FEB 0 2 2.03

Sec. E	(1) Natu	ire of Contaminants or Pol	utants				
				Material R	Retained, Captu	red or Recov	ered
STA (Contam	inant or Pollutant		DESCRIPTION		ISPOSAL OR	
CONTAMINANTS	Swin	IE MANURE-SWIT	IE FINISHIN		FERTI	CIZEL FET	CHOPLAND
POLLUTION CONTROL FACILITY C	(2) Poin	it(s) of Waste Water Dischi	arge NOWE				
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8		re contaminants (or residu ate installation completed			on date of a	Yes 🗵	ONE
(4) Date installation completed 1991 status of installation on date of application (5) a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY: \$ 6							0
2 3	(Б)					\$ 55,00	
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á	d		\$?				
ğ	e	PERCENTAGE CONTRO	L FACILITY BEA	ARS TO WHOLE FACIL	ITY VALUE:	% 70%	
Sec. F	The follo	wing information is submitted ge, is true and correct. The f	In accordance v	with the Illinois Property	Tax Code, as ar	nended, and to	the best of my
띭		roperty Tax Code.	acimics distillad	Herein Big Polision CO	THO INCINCES HE	Aprilled in Seci	3011 11-10 01 tije
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Sec. G	Signatu	ESTATION TO THE PROPERTY OF THE PARTY OF THE	Title		4550161515161		
Sec. 6	_		,	COMPILING AND FILING			
		Separate applications must be erations are related, file two appli					
	Sec. A	Information refers to applicant	as listed in the tax	records and the person to	be contacted for fi	irther details or fo	rinspection 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 proce	sses or materials	on which pollution control f	ecility is used.		
INSTRUCTIONS	Sec. D	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 dearly 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					
	Sec. F	activate project review prior to Self-explanatory, Signature m	certification by thi	s Agency.			
		Submit to:	Altertion) Attention:		
		Illimois EPA P.O. Box 19276	Al Kaller Permit S	ection	Donald E. S Permit Secti	on	
	L	Springfield, IL 62794-9276	DIMISION (of Water Pollution Control	DWISIOU OI Y	ur Pollution Contr)

Tax Certification for Pollution Control Facilities Page 2 of 2 8/10

- CONCRETE / RE-ROD REMFORLED

Also has 4' tall concrete walls above pit, so no manure gets outside at all.

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PORCINE FARMS LLC

22 KROX F.D 1400N GAERSBURG IL 61401 309-341-1660

facsimile transmittal

To: M	ARK LISKA	, <u>F</u> a	x: 217-782-9801	
From: LA	RAJOHNSTON	Da	do: Vay 18, 2002	
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PORCINE FARMS LLC

22 KNOX RD 1400N GALESBURG IL 61401 309-341-1600

factionale transmittal

Ja:M	ARK LISKA	F	起心	<u> 217-782-9891</u>	
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Wey 18 09 12:03p Brian Robinson

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AFFILE TION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
FOR LIJION CONTROL FACILITY
AIR [] WATER [E

III. INCAS ENVIROPMENTAL PROTECTION ACHUCY 2. 12. Ibra: Telefi, Agricalina, E. C. 200-11111 This Agency is authorized to request this information under Illinois Revised Statics, 1979, Chapter, 120, Section 5026-5. Disclosure of this information is valumary. However, failure to camply could proven your application from bring processed or could result in denial of your application for certification.

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STATE OF ILLINOIS)	
COUNTY OF SANGAMON)	

PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 25, 2010, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

[1st Class U.S. Mail] Steve Santarelli Illinois Department of Revenue 101 West Jefferson Post Office Box 19033 Springfield, Illinois 62794

[1st Class U.S. Mail] Brian Robinson 22 Knox Road Galesburg, Illinois 61401

[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/ Vera Herst 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