

***** PCB 2011-040 *****

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Mark A. Phillips-Newton)
(Property Identification Number) PCB 11-
29-13-23-400-013)) (Tax Certification)
)
)

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

Mark A. Phillips
 13160 E. 400th Street
 Newton, Illinois 62448

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: Vera Herst
 Vera Herst
 Assistant Counsel
 Division of Legal Counsel

DATED: January 13, 2011

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

Mark A. Phillips-Newton)
(Property Identification Number) PCB 11-
29-13-23-400-013) (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: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: January 13, 2011
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

Mark A. Phillips-Newton)
(Property Identification Number) PCB 11-
29-13-23-400-013) (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.

1. On February 20, 2009, the Illinois EPA received a request from Mark A. Phillips (log number TC-05-09, 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:

Mark A. Phillips
6143 N. 1700 Street
Newton, Illinois 62448

3. The proposed water pollution control facilities in this request are located at Section 23, T6N, R10E of the 2dn P.M. in Jasper County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (approximately 40 ft. x 240 ft. x 8 ft. deep), and the portion of concrete slatted flooring over the manure pit in building #1.

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.

4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2008), 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.”

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

requested tax certification.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Vera Herst
Assistant Counsel
Division of Legal Counsel

Dated: January 13, 2011
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) 782-2829
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, Manager, Permit Section *AK*

Date: January 6, 2010

Re: Mark A. Phillips - Newton
Recommendation of Tax Certification
Log # TC-05-09
Property Identification # 29-13-23-400-013

RECEIVED
Division of Legal Counsel
JAN 07 2010
Environmental Protection
Agency

The Bureau of Water received a request on February 20, 2009 from Mark A. Phillips 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:

Mark A. Phillips
6143 N 1700 st
Newton, IL 62448

Section 23, Township 6N, Range 10E of the 2nd PM in Jasper County.

Livestock waste management facilities consisting of one concrete manure pit approximately (40 ft. x 240 ft. x 8 ft.) and the portion of concrete slatted flooring over the manure pit in building #1.

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 James Blessman at 217/782-3362.

SAK:JTB:TC-05-09_Tax Cert Recommendation_20Feb09.docx

cc: Tax Cert File

***** PCB 2011-040 *****

Watershed Unit Tax Certification Review Sheet

Project Name: Mark A. Phillips

Location: Newton

Reviewer: JTB

Date: December 20, 2010

Log number: TC-05-09

Type: Agchem
 Livestock

Applicant: Mark A. Phillips
13160 E 400 th Avenue
Newton II, 62448

Contact: Mark A. Phillips

Phone: (618) 783-2670

Facility: Mark A. Phillips
6143 N 1700 st
Newton, II 62448

Property ID: 29-13-23-400-013

County: Jasper

Legal Description:
S: Section 23 Twp: 6 R: 10 PM: 2nd

Signature: Mark A. Phillips

Title: Owner/Operator

Date Control Devices installed: 12/31/2006

Provided Fair cash Value: \$315,000

- 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:

Livestock waste management facilities consisting of one concrete manure pit approximately (40 ft. x 240 ft. x 8 ft. deep) and the portion of concrete slatted flooring over the manure pit in building #1.

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

pump out = pipes

***** PCB 2011-040 *****

Watershed Unit Tax Certification Review Sheet

Project Name: Mark A. Phillips

Location: Newton

Reviewer: JTB

Date: December 28, 2010

Log number: TC-05-09

Type: Agchem
 Livestock

Applicant: Mark A. Phillips
13160 E 400 th Avenue
Newton Il, 62448

Contact: _

Phone: _(618) 783-2670

Facility: Mark A. Phillips
6143 N 1700 st
Newton, Il 62448

Property ID: 29-13-23-400-013

County: Jasper

Legal Description:
S: Section 23 Twp: 6N R: 10E PM: 2nd

Signature: Mark A. Phillips

Title: Owner

Date Control Devices installed: 2006

Provided Fair cash Value: \$315,000

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:

Livestock waste management facilities consisting of one concrete manure pit approximately (40 ft. x 240 ft. x 8 ft.) and the portion of concrete slatted flooring over the manure pit in building #1.

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

Acertained details for township and range from nationalatlas.gov see printed sheet



Identify Results



Point Clicked

Longitude: 88° 03' 37" West

Latitude: 38° 58' 30" North

Elevation: 250 to 499 feet

State: Illinois

Date of Admission: December 3, 1818

Order of Admission: 21

Printable Maps

Country: United States

Printable Maps

Public Land Survey System

Survey Name: Third Principal

Feature Type: Public Survey

Township/Range: Township 6 North Range 10 East



drg/taxcert review sheet

***** PCB 2011-040 *****

TC-05-

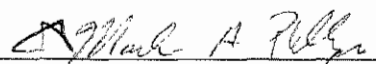
APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
 POLLUTION CONTROL FACILITY
 AIR WATER

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

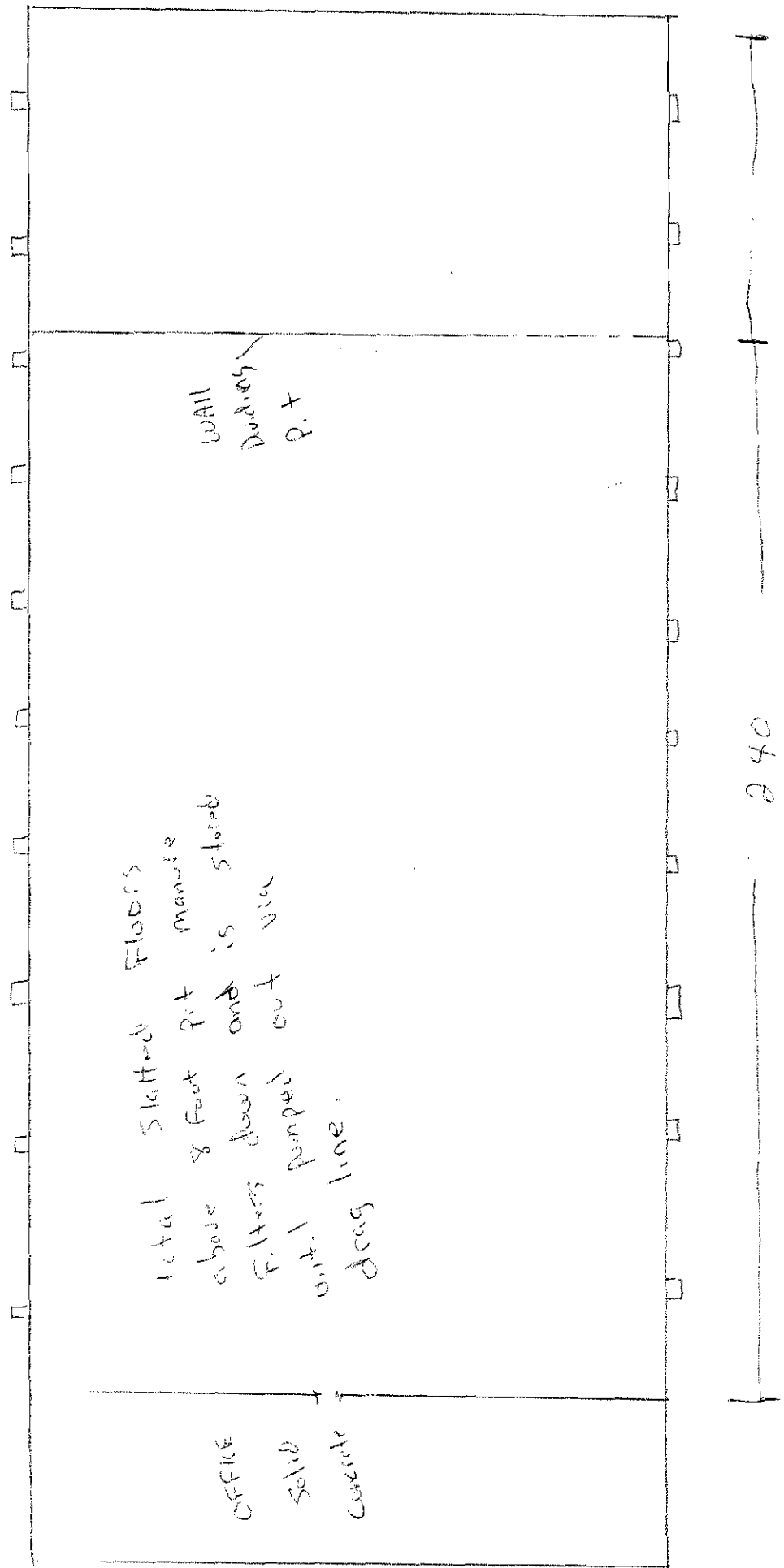
File No.	Date Received	Certification No.	Date
Sec. A APPLICANT	Company Name <i>Mark A Phillips</i>		<i>Mark A Phillips</i>
	Person Authorized to Receive Certification <i>Mark A Phillips</i>		Person to Contact for Additional Details
	Street Address <i>13160 E 400th Avenue</i>		Street Address <i>13160 E 400th Avenue</i>
	Municipality, State & Zip Code <i>Newton IL 62448</i>		Municipality, State & Zip Code <i>Newton IL 62448</i>
	Telephone Number <i>618-783-2670</i>		Telephone Number <i>618-783-2670</i>
	Location of Facility Quarter Section Township Range <i>523 TG R10</i>		Municipality Township <i>JASPER 1</i>
	Street Address <i>6143 N 1700st</i>		County Book Number <i>Ashtabula 1</i>
	Property Identification Number <i>29-13-23-400-013</i>		Parcel Number
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location <i>Swine Production</i>	
Water Pollution Control Construction Permit No. <i>NA</i>		Date Issued	
NPDES PERMIT No. <i>NA</i>		Date Issued	Expiration Date
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>1- 40' x 240' x 8' Deep Pit</i> <i>72 4x10x10 Beams</i>		
	Materials Used in Process <i>1644 7' x 10' Slab</i>		
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility		
	<p>RECEIVED</p> <p>FEB 20 2009</p> <p>DIVISION OF</p> <p>Water Pollution Control</p>		

Sec. E POLLUTION CONTROL FACILITY - CONTAMINANTS	(1) Nature of Contaminants or Pollutants			
		Material Retained, Captured or Recovered		
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE	
	Sludge manure	From 1200 HD finish animal	Via dragline	
	(2) Point(s) of Waste Water Discharge			
	Waste to be applied on leased land			
	Plans and Specifications Attached		Yes <input checked="" 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	status of installation on date of application	
		2006	2006	
ACCOUNTING DATA	(5) a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 315,000.00	
	b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 315,000.00	
	c.	PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 48,000.00	
	d.	PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 25,000.00	
	e.	PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 48	
Sec. F 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. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.			
	 owner			
Sec. G INSTRUCTIONS	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.			
	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 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 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:	Attention:
		Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276	Al Keller Permit Section Division of Water Pollution Control	Donald E. Sinton Permit Section Division of Air Pollution Control

***** PCB 2011-040 *****

40'

8" PVC
10" Ramp cuts per side



117

***** PCB 2011-040 *****

JASPER COUNTY , ILLINOIS
PAUL WOODS
204 W. WASHINGTON ST.
NEWTON, IL 62448

NOTICE OF ASSESSMENT
FOX
01/22/2009

PROPERTY NUMBER
29-13-23-400-013

NEWSPAPER NEWTON-PRESS MENTOR

PRICE/COPY 3.00

PHILLIPS, MARK A & LORA J

13160 E 400TH AVE
NEWTON IL 62448-0000

LEGAL DESCRIPTION: 2.30 AC E 1/2(N OF HWY) SE 1/4
S23 T6 R10 2.30 AC (6143 N 1700TH ST
SUB DIV MAP B 2 P 432; B 224 P 819-830 &
EXEMPTIONS: P 833-836;

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)
)

PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on January 13, 2011, 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]

Levi G. Greuel
755 East 1950th Street
East Moline, Illinois 61440

[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