

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Cain Family Farms LLC)
(Property Identification Number) PCB 18-
01-28-400-004) (Tax Certification)
)

NOTICE

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

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

Matt Cain
2471 Henderson Trail Road
Rio, Illinois 61472

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: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: October 26, 2017

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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD


Cain Family Farms LLC
(Property Identification Number
01-28-400-004)

)
) PCB 18-
) (Tax Certification)
)

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: 
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: October 26, 2017

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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Cain Family Farms LLC)
(Property Identification Number) PCB 18-
01-28-400-004) (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 30, 2017, the Illinois EPA received a request from Cain Family Farms LLC (log number TC-138181, 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: Cain Family Farms LLC
255 Knox Rd 2500 N
Rio, Illinois 61472

The proposed water pollution control facilities in this request are located at Section 28, T13N, R1E of the 4th PM in Knox County, and consist of the following:

The livestock waste management facilities consist of two identical concrete pits (each approximately 201.33 ft. x 51.16 ft. x 8 ft. deep). Each pit has five concrete pump out ports (approximately 6 ft. x 6 ft. x 8 ft. deep) a HDPE plastic perimeter tile drain (4 in. diameter and approximately 568 ft. long), and 10,000 square feet of concrete slotted floors above the pits.

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.

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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:

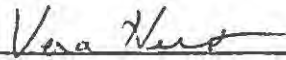
any system, method, construction, device or appliance appurtenant thereto or any portion of any building or equipment, that is designed, constructed, installed or operated for the primary purpose of: eliminating, preventing, or reducing air or water pollution ...or treating, pretreating, modifying or 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.

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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: DATED: October 26, 2017

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

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

Memorandum

To: Charles Gunnarson, Division of Legal Counsel
From: Al Keller, Manager, Permit Section *AK*
Date: October 11, 2017
Re: Cain Family Farms LLC
Attn: Matt Cain
2471 Henderson Trail Rd
Rio, IL 61472
Recommendation of Tax Certification
Log # TC-138181
Property ID # 01-28-400-004

The Bureau of Water received a request on May 30, 2017 from Cain Family Farms LLC 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:

Cain Family Farms LLC
255 Knox Rd 2500 N
Rio, IL 61472

Section 28, T13N, R1E of the 4th PM in Knox County

Livestock waste management facilities consist of two identical concrete pits (each approximately 201.33 ft. x 51.16 ft. x 8 ft. deep). Each pit has five concrete pump out ports (approximately 6 ft. x 8 ft. deep), a HDPE plastic perimeter tile drain (4 in. diameter and approximately 568 ft. long) and 10,000 square ft. of concrete slotted floors over the pit. These livestock waste management facilities are used to collect, transport, and/or store livestock waste 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 Jenny Larsen at 217/782-0610.

SAK:JML:Tax Certs\Livestock\TC-138181.docx

cc: Tax Cert File

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 116, Marlon, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

Watershed Unit Tax Certification Review Sheet

Project Name: Cain Family Farms LLC

Location: Rio, IL

Reviewer: Jenny Larsen

Date: 06/27/2017

Log number: TC-138181

Type: Agchem
 Livestock

Applicant:

Matt Cain

Contact: Matt Cain

2471 Henderson Trail Rd.

Rio, IL 61472

Phone: (309)368-1442

Facility:

255 Knox Rd. 2500 N

Rio, IL 61472

Property ID: 01-28-400-004

County: Knox

Legal Description:

S: 28 T: 13N R: 1E PM: 4th

Signature: Matt Cain

Title: Owner

Date Control Devices installed: 10/2016

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:

This facility includes two identical concrete manure pits each measuring 201.3 ft. x 51.2 ft. x 8 ft. deep. Each pit has five concrete pump out ports each measuring 6 ft. x 6 ft. x 8 ft. deep, a 4" diameter HDPE plastic perimeter tile drain, and 10,000 ft^2 concrete slotted floors above the pits (see the pollution control facility information section of the submitted application for pollution control certification and subsequent emails with Jacob Nims). The schematic flow diagram of manure was submitted with the application.

The primary purpose for these structures is to contain livestock waste thereby preventing contaminated water runoff. Recommended Action: Permit the above mentioned structures.

Larsen, Jenny

From: Jake Nims <jnims@fwieng.com>
Sent: Tuesday, June 27, 2017 8:20 AM
To: Larsen, Jenny
Subject: RE: [External] Cain Family Farms tax certification

I understand.

The depth of the pumpouts on the Cain Family Farms LLC project is 8'.

From: Larsen, Jenny [mailto:Jenny.Larsen@illinois.gov]
Sent: Tuesday, June 27, 2017 8:18 AM
To: Jake Nims
Subject: RE: [External] Cain Family Farms tax certification

Yes they generally are but our legal department requires all dimensions for all structures being certified in writing. Can you just tell me that the depths of the pits are 8 ft.?

From: Jake Nims [mailto:jnims@fwieng.com]
Sent: Tuesday, June 27, 2017 8:16 AM
To: Larsen, Jenny <Jenny.Larsen@illinois.gov>
Subject: RE: [External] Cain Family Farms tax certification

The pumpouts will always be the same depth as the pit itself.

From: Larsen, Jenny [mailto:Jenny.Larsen@illinois.gov]
Sent: Tuesday, June 27, 2017 8:09 AM
To: Jake Nims
Subject: RE: [External] Cain Family Farms tax certification

Also, what is the depth of the pump out ports?

From: Jake Nims [mailto:jnims@fwieng.com]
Sent: Tuesday, June 27, 2017 7:58 AM
To: Larsen, Jenny <Jenny.Larsen@illinois.gov>
Subject: RE: [External] Cain Family Farms tax certification

I believe so.

From: Larsen, Jenny [mailto:Jenny.Larsen@illinois.gov]
Sent: Tuesday, June 27, 2017 7:55 AM
To: Jake Nims
Subject: RE: [External] Cain Family Farms tax certification

Is the facility address the same as the applicant's address?

From: Jake Nims [mailto:jnims@fwieng.com]
Sent: Monday, June 26, 2017 2:06 PM

To: Larsen, Jenny <Jenny.Larsen@illinois.gov>
Subject: [External] Cain Family Farms tax certification

Ms. Larsen,

The construction material for the pumpouts on the reinforced concrete pit is also reinforced concrete.

The 4" diameter drain tile is constructed out of high density polyethylene (HDPE) plastic.

Please let me know if you need anything else.

Jake Nims
Frank & West Environmental Engineers, Inc.
1032 S. 2nd St.
Springfield, IL 62704
(217) 679-7361 office
(217) 679-8362 fax
(309) 530-2894 cell

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.

Larsen, Jenny

From: Jake Nims <jnims@fwieng.com>
Sent: Tuesday, June 27, 2017 8:27 AM
To: Larsen, Jenny
Subject: RE: [External] Google Earth Placemark: Cain Family Farms LLC.kmz

255 Knox Rd. 2500 N.
Rio, IL 61472

It is a 1/4 mile north and a 1/4 mile west of the address listed on the application form, which is the owner's residence.

From: Larsen, Jenny [mailto:Jenny.Larsen@illinois.gov]
Sent: Tuesday, June 27, 2017 8:19 AM
To: Jake Nims
Subject: RE: [External] Google Earth Placemark: Cain Family Farms LLC.kmz

I don't have google earth on my computer and I can't download any new applications without administrative authorization. Can you just send me the address of the facility?

From: Jake Nims [mailto:jnims@fwieng.com]
Sent: Tuesday, June 27, 2017 8:16 AM
To: Larsen, Jenny <Jenny.Larsen@illinois.gov>
Subject: [External] Google Earth Placemark: Cain Family Farms LLC.kmz

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.

Subject Cain Family Farms
Data _____
Reviewed by JML

Date 6/26/17

Need buildings above pits withdrawn - ~~or~~ No, building not mentioned in pollution control section

Is perimeter tile PVC? HDPE plastic

Are pump acts concrete? yes

What is depth of pump act? 8 ft

What is facility address? 225 Knox Rd 2500N
Rio, IL 61472

Larsen, Jenny

From: Jake Nims <jnims@fwieng.com>
Sent: Monday, June 26, 2017 2:06 PM
To: Larsen, Jenny
Subject: [External] Cain Family Farms tax certification

Ms. Larsen,

The construction material for the pumpouts on the reinforced concrete pit is also reinforced concrete.

The 4" diameter drain tile is constructed out of high density polyethylene (HDPE) plastic.

Please let me know if you need anything else.

Jake Nims
Frank & West Environmental Engineers, Inc.
1032 S. 2nd St.
Springfield, IL 62704
(217) 679-7361 office
(217) 679-8362 fax
(309) 530-2894 cell



Illinois Environmental Protection Agency

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: _____
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.

You must have Adobe Acrobat Reader 10 or above installed to use the features on this form.

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: Cain Family Farms LLC
Person Authorized to Receive Certification: Matt Cain Person to Contact for Additional Details: Same
Street Address: 2471 Henderson Trail Rd. Street Address: _____
City: Rio State: IL City: _____ State: _____
Zip: 61472 Phone: 309-368-1442 Zip: _____ Phone: _____
Email Address: _____ Email Address: _____

II. Facility Information:

Facility Location: Quarter Section: SE Township: 13-North Range: 1-East
Municipality: _____ Township: _____

Address: _____ City: _____
State: _____ Zip Code: _____ County: Knox Book Number: _____

Property Index Number: 01-28-400-004

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:

The structures are swine finishing buildings where swine are housed on concrete slats with below ground concrete pits used as waste storage.

Permit Information:

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

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BOWMAN PERMIT SECTION

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:

Not applicable

Materials Used in the Process:

Not applicable

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.

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

Two concrete pits with dimensions of 20'4" x 51'2" x 8' deep are used to store livestock waste until the appropriate time to apply the manure to agricultural fields at agronomic rates. The buildings each have five (5) 6' x 6' pumpouts, 568' of 4" diameter perforated perimeter tile around the footings, and 10,000 ft² of precast concrete slats.

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

The primary purpose of the pits is to have a year's worth of livestock manure storage to allow flexibility for application to agricultural fields when conditions are ideal.

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).

Not applicable

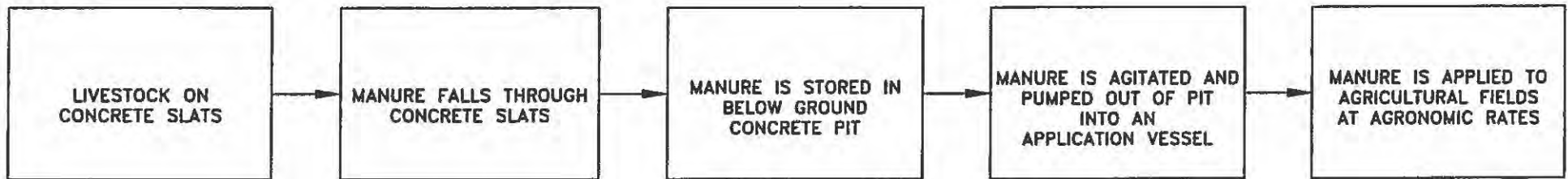
Nature of Contaminants or Pollutants:

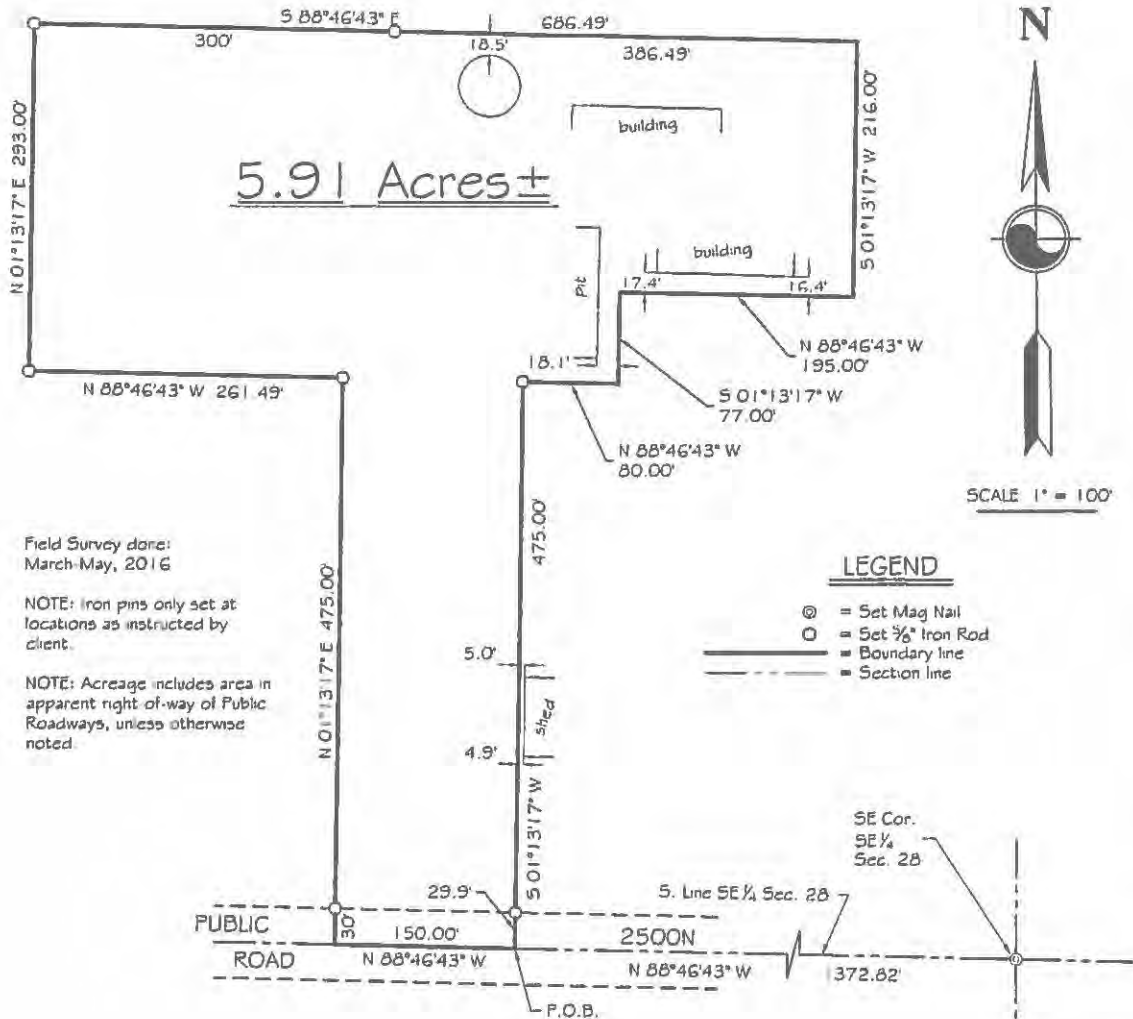
List air contaminants or water pollution substances released as effluents to the manufacturing processes. Also list the final disposal of any contaminants removed from the manufacturing processes.

Contaminant or Pollutant	Material Retained, Captured or Recovered	
	Description	Disposal or Use
Livestock Manure	Stored in below ground concrete pit	Field applied at agronomic rates

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

POLLUTION CONTROL FACILITY
PROCESS FLOW DIAGRAM





Field Survey done:
March-May, 2016

NOTE: Iron pins only set at
locations as instructed by
client.

NOTE: Acreage includes area in
apparent right-of-way of Public
Roadways, unless otherwise
noted.

LEGEND

- ⊙ = Set Mag Nail
- = Set 5/8" Iron Rod
- = Boundary line
- - - = Section line

SURVEYOR'S STATEMENT

STATE OF ILLINOIS) 55
COUNTY OF STARK)

We, the Wallace Engr. & Land Surveying Co., Inc., do hereby state that we have surveyed a part of the SE 1/4 of Section 28, T13N, R1E of the 4th P.M., Knox County, Illinois.

We further state that the accompanying Plat is a true and correct representation of said Survey as made by us and that this professional service conforms to the current Illinois minimum standards for a boundary survey. All distances are given in feet and decimals of foot and bearings are for the purpose of description only. Distances shown in parentheses are of record. Clear title to any land lying between dead lines and existing possession lines may be in question.

All buildings, surface and subsurface improvements, on and adjacent to the site are not necessarily shown. No attempt has been made, as a part of the boundary survey, to obtain or show data concerning the existence, size, depth, condition, capacity or location of any utilities or municipal/public service facilities.

Dated this 2nd day of June, 2016.

WALLACE ENGR. & LAND SURVEYING CO., INC
Professional Design Firm - 84 005454
Toulon - Illinois

By: _____
Kevin Wallace #2814
Illinois Professional Land Surveyor
Expires: 11/30/16

Prepared for:

Cain Family Farm LLC
2471 Henderson Trail
Rio, IL., 61472
Attn: Matt Cain

Wallace Engineering & Land Surveying Co., Inc.

PO Box 42
Toulon, Illinois 61483
Illinois Design Firm #184.005454
Office: 309-286-7333
E mail: wallaceengr@gmail.com

CLIENT: Cain Family Farm LLC
Attn: Matt Cain

DATE: 6-2-16

JOB: 16069-001

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MAY 30 2017

IEPA
BOW/WPC/PERMIT SECTION



Frank & West
Environmental Engineers, Inc.

May 15, 2017

Al Keller
Permit Section
Division of Water Pollution Control
Illinois EPA
P.O. Box 19276
Springfield, Illinois 62794-9276

RE: Cain Family Farms LLC facility

Dear Mr. Keller:

Frank & West is submitting an application for certification of property tax treatment for pollution control facility on behalf of the Cain Family Farms LLC facility.

If you have any further questions or comments regarding the Cain Family Farms LLC non-lagoon livestock waste handling facility, please advise.

**FRANK & WEST
ENVIRONMENTAL ENGINEERS, INC.**

A handwritten signature in black ink, appearing to read 'Jacob Nims', is written over the printed name.

Jacob Nims
Agricultural Engineer

Attachment: Application for Certification

RECEIVED
MAY 30 2017
IEPA
DOW/WPC/PERMIT SECTION

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 October 26, 2017, 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:

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

Matt Cain
2471 Henderson Trail Road
Rio, Illinois 61472

[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)

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