

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE


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

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

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

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Roberto M. Durango
Assistant Counsel
Division of Legal Counsel

DATED: February 4, 2016

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

Monte and Sandra Drake)	
(Property Identification Number)	PCB 16-
16-19-100-007))	(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:  _____
 Roberto M. Durango
 Assistant Counsel
 Division of Legal Counsel

DATED: February 4, 2016

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RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

The Illinois Environmental Protection Agency (Illinois EPA) hereby files its Recommendation pursuant to Section 125.204(a) of the regulations of the Illinois Pollution Control Board (the Board), 35 Ill. Adm. Code 125.204(a).

1. On June 29, 2015, the Illinois EPA received a request from Monte Drake (log number TC-15-15, Exhibit A) for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to Section 125.204(a) of the Board's regulations, 35 Ill. Adm. Code 125.204(a).
2. The facility's address is:

Monte and Sandra Drake
256 Cemetery Road
Henry County, Illinois
3. The proposed water pollution control facilities in this request are located at Section 19, T15N, R1E of the 4th P.M. in Henry County, at the above street address and consist of the following:

Livestock waste handling facilities consisting of one concrete-manure-pit (approximately 51 ft. x 391 ft. x 8 ft. deep) with slotted floors over the pit to collect livestock waste. The pit has ten pump out slots (approximately 5 ft x 6 ft x 8ft) to remove manure from the pits. The manure pit is surrounded by an 884 ft x 4 inch diameter plastic perimeter foundation drainage tile with sock. The foundation tubing also includes an inspection port, which is an 8 ft x .12 inch diameter plastic tile.

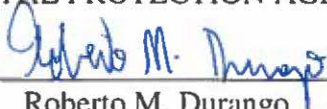
- 4 These livestock waste management facilities are used to collect, transport and/or store livestock wastes prior to cropland application, and are further described in Exhibit A.
5. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2014), and Section 125.200(a)(1) of the Board's regulations, 35 Ill. Adm. Code 125.200(a)(1), define pollution control facilities as:

[A]ny 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, as the terms "air pollution" and "water pollution" are defined in the Act; 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.
6. If it is found that the claimed facility or relevant portion thereof is a pollution control facility as defined in Section 125.200(a)(1) of the Board's regulations, 35 Ill. Adm. Code 125.200(a)(1), the Board has the authority to enter a finding and issue a certificate to that effect, pursuant to Section 11-20 of the Property Tax Code, 35 ILCS 200/11-20 (2014) and Section 125.216 of the Board's regulations, 35 Ill. Adm. Code 125.216.
7. Pursuant to Section 125.204(a) of the Board's regulations, 35 Ill. Adm. Code 125.204(a), if the Illinois EPA receives a tax certification application it must file a recommendation on the application with the Board.
8. 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, with the primary purpose of eliminating, preventing, or reducing water pollution, or as otherwise provided in Section 125.200(a)(1) of the Board's regulations, 35 Ill. Adm. Code 125.200(a)(1), 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

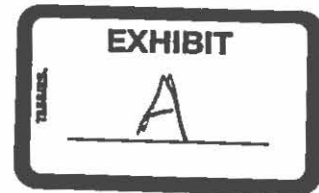
By: 
Roberto M. Durango
Assistant Counsel
Division of Legal Counsel

Dated: February 4, 2016
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
BRUCE RAUNER, GOVERNOR LISA BONNETT, DIRECTOR



Memorandum

To: Charles Gunnarson, Division of Legal Counsel

From: Al Keller, Manager, Permit Section *al Keller by DSH/Kenn*

Date: December 31, 2015

Re: Drake Farm – Lynn Center
Recommendation of Tax Certification
Log # TC-15-15
Property Identification # 16-19-100-007

The Bureau of Water received a request on June 29, 2015 from Monte Drake 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:

Drake Farm
256 Cemetery Road
Henry County, IL

Section 19, T15N, R1E of the 4th PM in Henry County.

The livestock waste handling facilities consists of one (1) 51 ft. x 391 ft. x 8 ft. concrete manure pit, and the slotted concrete portion of the floor over the manure pit that capture and contain livestock waste. The pit has ten (10) 5 ft. x 6 ft. x 8 ft. pumpout pits built into the structure to allow manure removal from the manure pits. The manure pit is surrounded by 884 feet of 4 inch diameter plastic perimeter foundation drainage tile with sock. The foundation tubing also includes an inspection port, which is an 8 foot deep and 12 inch diameter plastics tile. The facility collects, transports and stores 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 Wei Han at 217/782-0610.

SAK:WH:Tax Cert Recommendation.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Drake, Monte and Sandra

Date: December 31, 2015

Reviewer: WH

Type: Agchem
 Livestock

Log number: TC-15-15

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

Contact: Monte Drake
3378 Camp Creek Rd.
Lynn Center, IL 61262
Phone: 309-521-8217

Facility: Drake Farm
256 Cemetery Road
Henry County, IL

Property ID: 16-19-100-007
County: Henry

Legal Description:
Section: 19 Twp: 15N R: 1E PM: 4th

Signature: Monte Drake

Title: Owner

Date Control Devices Installed: 6/30/2015

Provided Fair cash Value: \$318,750

Location: Lynn Center, IL

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:

The livestock waste handling facilities consists of one (1) 51 ft. x 391 ft. x 8 ft. concrete manure pit, and the slotted concrete portion of the floor over the manure pit that capture and contain livestock waste. The pit has ten (10) 5 ft. x 6 ft. x 8 ft. pumpout pits built into the structure to allow manure removal from the manure pits. The manure pit is surrounded by 884 feet of 4 inch diameter plastic perimeter foundation drainage tile with sock. The foundation tubing also includes an inspection port, which is an 8 foot deep and 12 inch diameter plastics tile. The facility collects, transports and stores livestock waste prior to cropland application.

Recommended Action: Issue tax certification.

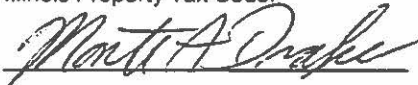
APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
 POLLUTION CONTROL FACILITY
 AIR WATER

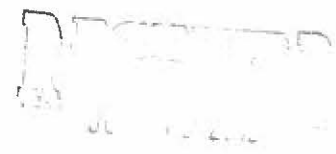
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 P. O. Box 19276, Springfield, IL 62794-9276

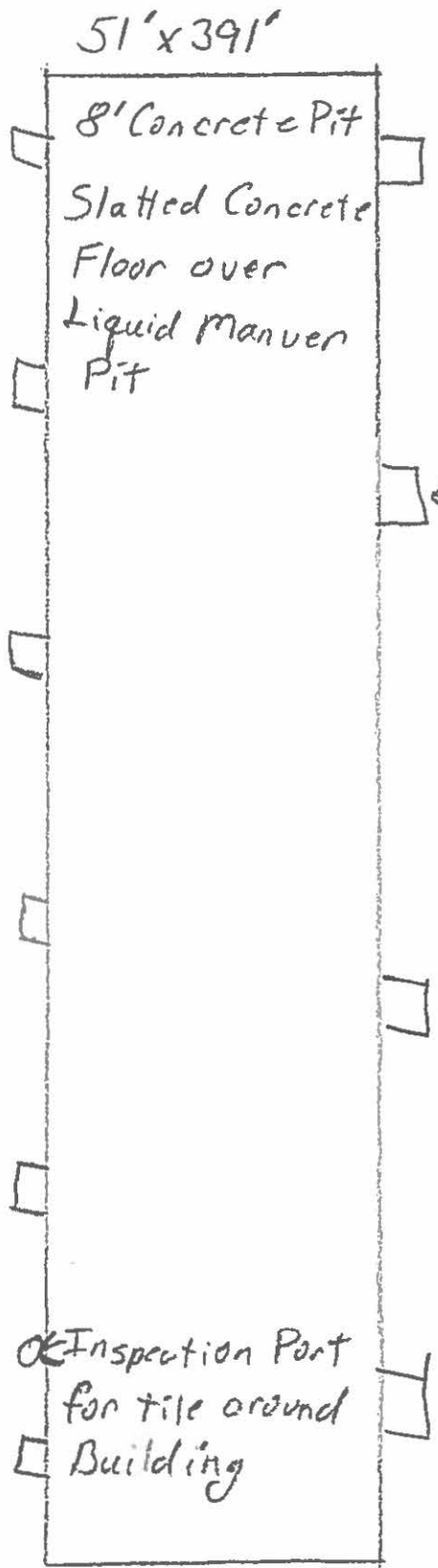
This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter. 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

FOR AGENCY USE				
File No.	Date Received	Certification No.	Date	
APPLICANT	Sec. A Company Name DRAKE, MONTE AND SANDRA			
	Person Authorized to Receive Certification DRAKE, MONTE		Person to Contact for Additional Details MONTE DRAKE	
	Street Address 3378 CAMP CREEK ROAD		Street Address 3378 CAMP CREEK ROAD	
	Municipality, State & Zip Code LYNN CENTER, IL 61262		Municipality, State & Zip Code LYNN CENTER, IL 61262	
	Telephone Number (309) 521-8217		Telephone Number (309) 521-8217	
	Location of Facility Quarter Section	Township 15N	Range 1E	Municipality HENRY
	Street Address 256 CEMETERY ROAD		County HENRY	Township 15N
	Property Identification Number 16-19-100-007		Book Number	
	Parcel Number			
MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location SWINE PRODUCTION			
	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	
MANUFACTURING PROCESS	Sec. C Describe Unit Process			
	Materials Used in Process			
POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility			
	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 884 feet of 4" diameter plastic perimeter foundation drainage tile with sock. The foundation tubing also includes an inspection port (8' deep 12" diameter plastic tile). See attached drawing.			

[Handwritten signature and date]
 JUL 1 - 2016
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Sec. E	(1) Nature of Contaminants or Pollutants			
	CONTAMINANTS	Material Retained, Captured or Recovered		
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
		SWINE MANURE	SWINE MANURE	FERTILIZER FOR CROP
		(2) Point(s) of Waste Water Discharge		
		NONE		
	Plans and Specifications Attached		Yes <input type="checkbox"/> No <input type="checkbox"/>	
	(3)	Are contaminants (or residues) collected by the control facility?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	(4)	Date installation completed <u>06/30/15</u> status of installation on date of application _____		
ACCOUNTING DATA	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 318,750.00	
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 0.00	
		c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 0.00	
		d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 0.00	
		e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 100	
Sec. F	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.			
SIGNATURE	 Signature		OWNER _____ Title	
Sec. G	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.			
INSTRUCTIONS	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 <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.		
	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. Sutton Permit Section Division of Air Pollution Control	





Grass Vegetation around building
and Sides of Road to building.

Handwritten notes and stamps, including a date stamp that appears to read "JAN 26 2016".

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)
)
)

PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 4, 2016, 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
P.O. Box 19033
Springfield, Illinois 62794

[1st Class U.S. Mail]

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

[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/ Roberto M. Durango
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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