

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Mark Komnick)
(Property Identification Number) **PCB 20-**
21-30.0-400-005)) **(Tax Certification)**
)

NOTICE

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**, copies of which are herewith served upon you.


Mark Komnick
5510 S. Farmingdale Rd.
New Berlin, Illinois 62670

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

Copies also provided electronically as follows:

Illinois Department of Revenue
via email at REV.PropTaxApp@illinois.gov
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 

Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

DATED: January 7, 2020

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 Komnick)
(Property Identification Number) **PCB 20-**
21-30.0-400-005)) **(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:



Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

DATED: January 7, 2020

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

Mark Komnick)
(Property Identification Number) **PCB 20-**
21-30.0-400-005)) **(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 July 26, 2019, the Illinois EPA received a request from Mark Komnick (log number TC-141591, 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: Mark Komnick
5510 S. Fanningdale Rd
New Berlin, IL 62670

The proposed water pollution control facilities in this request are located in the SE ¼ of Section 30, T15N, R6W of the 3rd P.M. in Sangamon County, at the above street address and consist of the following:

Livestock waste handling facilities consisting of one concrete manure pit (approximately 194.16 ft. x 46 ft. x 10 ft. deep), the concrete slatted portion of the floor over the manure pit that captures and contains waste generated in the barn above, four concrete pump out pits (each approximately 6 ft. x 6 ft. x 10 ft.) to allow manure removal from the manure pit, and Form-a-Drain perimeter drain tile (approximately 523 ft. x 6 in. diameter), around the footing of the manure pit to prevent flotation of the pit.

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.

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.

WHEREFORE, the Illinois EPA recommends that the Board issue the requested tax certification.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

Dated: January 7, 2020

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



Memorandum

To: Charles Gunnarson, Division of Legal Counsel
From: Darin E. LeCrone P.E., Manager, Industrial Unit, Permit Section
Date: November 6, 2019
Re: Mark Komnick - New Berlin
Recommendation of Tax Certification
Log # TC-141591
BOW ID #
Property Identification # 21-30-0-400-005

DEL

RECEIVED
Division of Legal Counsel
NOV 06 2019
Environmental Protection Agency

The Bureau of Water received a request on July 26, 2019 from Mark Komnick 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 Komnick
5510 S. Farmingdale Road
New Berlin, IL 62670

SE 1/4 of Section 30, Township 15-North, Range 6-West of the West 3rd PM in Sangamon County.

Livestock waste management facilities consisting of:

One (1) concrete livestock waste pit measuring 194.16 ft. (length) x 46 ft. (width) x 10 ft. (depth) with 4 concrete pump out pits approximately 6 ft. (length) x 6 ft. (width) x 10 ft. (depth) and approximately 523 linear feet of 6 inch diameter perimeter drain tile and approximately 8,448 sq. ft. of concrete slatted flooring over this 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 Darren Gove at 217/782-0610.

DRG:TC-141591_Tax Cert Recommendation_26Jul19.docx

cc: Tax Cert File

Illinois EPA - Bureau of Water - Division of Pollution Control

Title 35 Subtitle A Part 125 Tax Certifications

Illinois EPA Review Notes for:

Agency Recommendation of Pollution Control Facilities.

BOW ID #:

Project Name: Mark Komnick

Pollution Control Facility Type:

Swine Livestock Waste Management Facility

Date application received: 7/26/2019

Property ID: 21-30-0-400-005

Reviewer: DRG

Applicant: Mark Komnick

5510 S. Farmingdale Road

Log number: TC-141591

New Berlin, IL 62670

Legal Description:

SE 1/4 of Section 30 Twp: 15-North Range: 6-

West PM: West 3rd

Facility: Mark Komnick

5510 S. Farmingdale Road

New Berlin, IL 62670

County: Sangamon

Date Control Devices installed: 5/15/2018

Facility Contact: Mark Komnick

Application Signature by: Mark Komnick

Phone: 217 341-5191

Title: Owner

Contents of Application: 3-page form, process flow diagram

Is there a pollutant control flow diagram? **Yes**

Is there sufficient diagrams showing the pollution control facilities? **Yes**

This facility generates the following pollutants and prevents their discharge as indicated:

Livestock waste is collected and land applied to cropland.

Physical description of pollution control facilities that ARE recommended:

Livestock waste management facilities consisting of:

One (1) concrete livestock waste pit measuring 194.16 ft. (length) x 46 ft. (width) x 10 ft. (depth) with 4 concrete pump out pits approximately 6 ft. (length) x 6 ft. (width) x 10 ft. (depth) and approximately 523 linear feet of 6 inch diameter perimeter drain tile and approximately 8,448 sq. ft. of concrete slatted flooring over this manure pit.

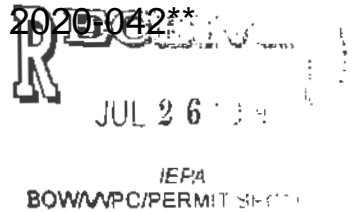
These livestock waste management facilities are used to collect, transport and/or store livestock wastes prior to cropland application.

Notes:

Nothing follows – DRG - (October 15, 2019)



Frank & West
Environmental Engineers, Inc.



July 18, 2019

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

RE: Mark Komnick facility

Dear Mr. Keller:

Frank & West is submitting an application for certification of property tax treatment for pollution control facility on behalf of the Mark Komnick facility.

If you have any further questions or comments regarding the Mark Komnick non-lagoon livestock waste handling facility, please advise.

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

A handwritten signature in black ink, appearing to read 'Jacob Nims', written over a faint circular stamp.

Jacob Nims
Agricultural Engineer

Attachment: Application for Certification



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

RECEIVED
217) 782-3397
JUL 26 2019

Application for Certification (Property Tax Treatment) Pollution Control Facility

FOR AGENCY USE ONLY		EPA
File Number: _____	_____	ROW/WPC/PERMIT SECTION
Certification Number: _____	_____	Date Rec'd: _____
		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: <u>Mark Kornick</u>	Person to Contact _____
Person Authorized to Receive Certification: <u>Mark Kornick</u>	for Additional Details: <u>Same</u>
Street Address: <u>5510 S. Farminadale Rd.</u>	Street Address: _____
City: <u>New Berlin</u> State: <u>IL</u>	City: _____ State: _____
Zip: <u>62670</u> Phone: <u>217-341-5191</u>	Zip: _____ Phone: _____
Email Address: <u>hawk59@speednet.com</u>	Email Address: _____

II. Facility Information:

Facility Location: Quarter Section: SE Township: 15-North Range: 6-West
Municipality: Section 30 Township: _____

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

Property Index Number: 21-30.0-400-005

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 structure is a cattle finishing building where cattle are housed on concrete slats with a below ground concrete pit used as waste storage.

Permit Information:

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

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):

A concrete pit with dimensions of 194'2" x 46' x 10' deep is used to store livestock waste until the appropriate time to apply the manure to agricultural fields at agronomic rates. The building has four (4) 6' x 6' x 10' deep pumpouts, 523' of 6" Form a Drain around the perimeter of the footings, and 8,448 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 pit is to have a years 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).

A concrete pit with dimensions of 194'2" x 46' x 10' deep is used to store livestock waste until the appropriate time to apply the manure to agricultural fields at agronomic rates. The building has four (4) 6' x 6' x 10' deep pumpouts, 523' of 6" Form a Drain around the perimeter of the footings, and 8,448 ft² of precast concrete slats.

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	agricultural fields at agronomic rates. The building has fo
fields at agronomic rates. The b		

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



Illinois Environmental Protection Agency

Point(s) of Waste Water Discharge:

Identify the location of the discharge to the receiving stream. This will typically refer to a stream or river, but can include water-carried wastes from air pollution control facilities.
1021 North Grand Avenue East P.O. Box 19278 Springfield, Illinois 62704-0278 (217) 782-3387

Plans and Specifications Attached Yes No

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.

Are contaminants (or residues) collected by the control facility? Yes No

Note: If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value dollars reclaimed by the sale or reuse of the collected substances. State the cost of reclamation and related expense.

Project Status:

Date Installation Completed: May 15, 2018

Provide the date the pollution control facility was first placed into service and operated. If not, explain.

May 15, 2018 when cattle barn was filled with cattle

Status of installation on date of application:

III. Verification and 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.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

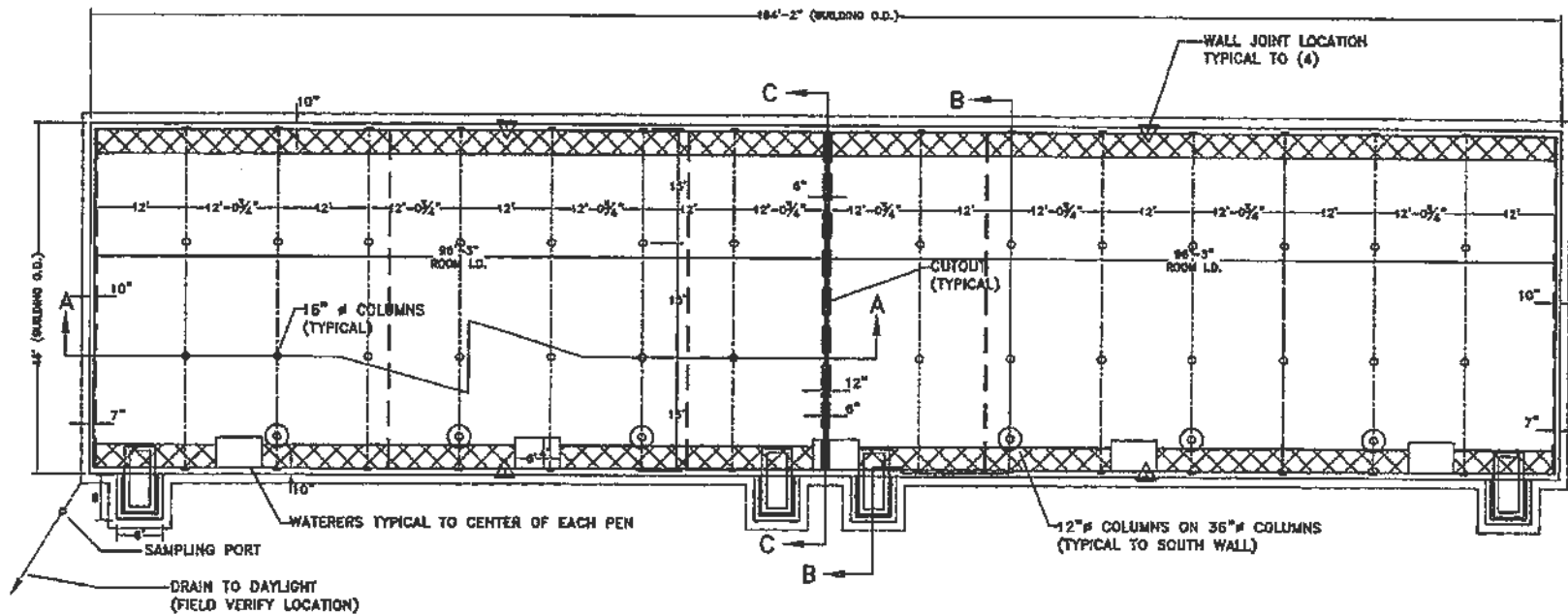
MARK A. Kormanik
Printed Name:

OWNER
Title:

For incorporated entities, signature should be from an authorized corporate representative.

Mark A. Kormanik
Signature:

7-25-19
Date:



GENERAL NOTES

- 1.) ANY REVISIONS TO THESE DRAWINGS MUST BE APPROVED BY THE PROJECT ENGINEER OF THE COMPANY LISTED IN THE TITLE BLOCK.
- 2.) CONCRETE CONSTRUCTION SHALL MEET WITH MIDWEST PLAN SERVICE-36, CONCRETE MAMURE STORAGES UNLESS NOTED OTHERWISE.
- 3.) NO CONCRETE SHALL BE PLACED ON ICE, SNOW OR FROZEN FOUNDATION MATERIAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONCRETE DAMAGED BY LOW TEMPERATURES AND SHALL REMOVE AND REPLACE ANY CONCRETE SO DAMAGED AT HIS/HER EXPENSE.
- 4.) THE METHOD AND MANNER OF PLACING CONCRETE SHALL BE SUCH AS TO AVOID SEGREGATION OR SEPARATION OF THE AGGREGATES OR THE DISPLACEMENT OF THE REINFORCEMENT.
- 5.) THE FOOTINGS ARE TO BE CONSTRUCTED WITH A MINIMUM OF 3,000 PSI CONCRETE.
- 6.) ALL WALLS, COLUMNS, AND FLOORS ARE TO BE CONSTRUCTED OF 4,000 PSI CONCRETE.
- 7.) CONCRETE SLATS WILL BE UTILIZED FOR FLOORING.
- 8.) THE CONCRETE PAD WILL BE A CONTINUOUS POUR.
- 9.) EXTERIOR WALL CONSTRUCTION JOINTS WILL BE INSTALLED AT 100' O.C. MAXIMUM, UNLESS OTHERWISE NOTED.
- 10.) NO VEHICLE LOADS ALLOWED WITHIN 3' OF PIT/GUTTER WALLS.
- 11.) ALL BEAMS SHALL BE BUTTED TIGHT AND/OR GROUTED TIGHT THE FULL WIDTH AND HEIGHT OF THE BEAM. GROUT WILL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,500 PSI.
- 12.) ALL SLATS SHALL BE BUTTED TIGHT AND/OR GROUTED TIGHT THE FULL LENGTH AND DEPTH OF THE SLAT. GROUT WILL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,500 PSI.
- 13.) NO PIPE PENETRATIONS OTHER THAN THE TYPES IDENTIFIED ON THESE DRAWINGS ARE ALLOWED. ALL WALL AND FLOOR PENETRATIONS, INCLUDING PIPE PENETRATIONS MUST BE APPROVED BY THE PROJECT ENGINEER.
- 14.) THE PRESUMED SOIL BEARING CAPACITY IS 2,000 LBS./SQ. FT., BASED ON NRCS CODE 313-3 TABLE 2.
- 15.) THE DESIGN OF THIS BUILDING IS BASED ON THE 2,000 LBS./SQ. FT. SOIL BEARING.
- 16.) WATERSTOP SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER INSTRUCTIONS.



Frank & West
Environmental Engineers, Inc.
1036 S. 2nd Street
Springfield, IL 62704
Phone: 817/879-7381
Fax: 817/879-8362

MARK KOMNICK
PLAN VIEW
DRAWN BY: CEO

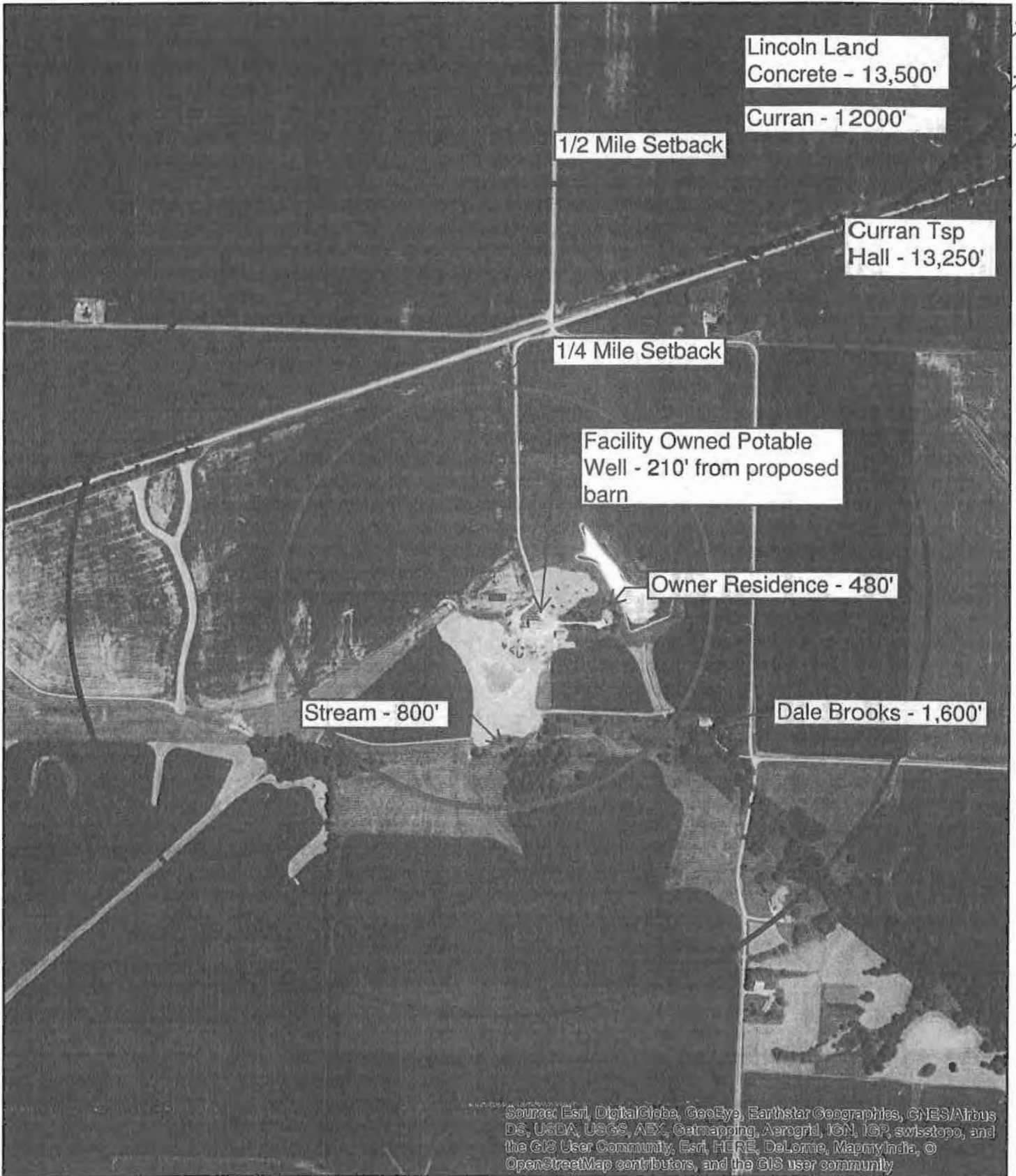
2018 © FRANK & WEST ENVIRONMENTAL ENGINEERS, INC.
THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF
FRANK AND WEST ENVIRONMENTAL ENGINEERS, INC. ARE
ONLY FOR THIS PROJECT AND MAY NOT BE USED, COPIED
OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

SCALE: AS SHOWN DATE: 03/23/16 REVISED ON: 03/07/18 DRAWING NO. 16-12501

Electronic Filing: Received, Clerk's Office 01/07/2020 **PCB 2020-04

Komnick Facility

Setback Map

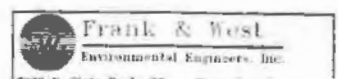


Notes:

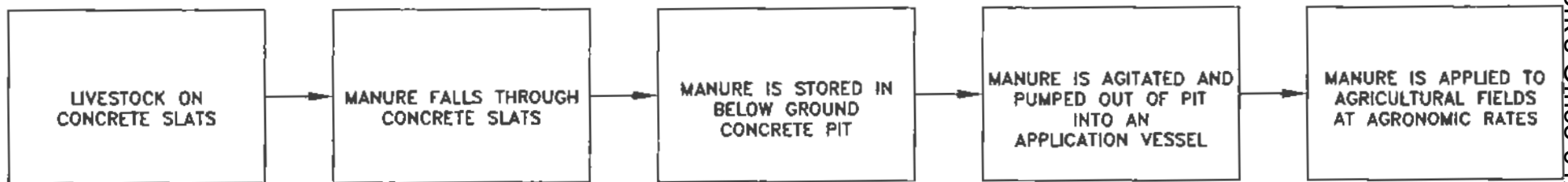
- *No abandoned wells within 1,000'
- *No subsurface drainage lines within 100'
- *Surface water flow is west away from the building

920

Feet



POLLUTION CONTROL FACILITY
PROCESS FLOW DIAGRAM



STATE OF ILLINOIS

COUNTY OF SANGAMON

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)
)
)
)

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of January 7, 2020, the attached **NOTICE, 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:

Mark Kornick
5510 S. Farmingdale Rd.
New Berlin, Illinois 62670

Copies also provided electronically as follows:

Illinois Department of Revenue
via email at REV.PropTaxApp@illinois.gov
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

[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/ Michael S. Roubitckek
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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