

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Dennis Biddle – Seaton
(Property Identification Number
14-14-22-300-005)

)
) PCB 09- 12
) (Tax Certification)
)
)

RECEIVED
CLERK'S OFFICE
SEP 05 2008
STATE OF ILLINOIS
Pollution Control Board

NOTICE

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

Marsha Biddle
1216 Highway 17
Joy, Illinois 61260

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: 
Chad M. Kruse
Assistant Counsel
Division of Legal Counsel

DATED: September 3, 2008

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

**Dennis Biddle – Seaton
(Property Identification Number
14-14-22-300-005)**

)
) **PCB 09- 12**
) **(Tax Certification)**
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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: _____



Chad M. Kruse
Assistant Counsel
Division of Legal Counsel

DATED: September 3, 2008
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

STATE OF ILLINOIS)
)
)
COUNTY OF SANGAMON)
)

RECEIVED
CLERK'S OFFICE
SEP 05 2008
STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached **APPEARANCE AND THE RECOMMENDATION**, upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

Marsha Biddle
1216 Highway 17
Joy, Illinois 61260

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

and mailing it from Springfield, Illinois, on August 20, 2008, with sufficient postage affixed for first class mail.

Sara Gilmore

SUBSCRIBED AND SWORN TO BEFORE ME

This 3rd day of September, 2008

Brenda Boehner

Notary Public



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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Dennis Biddle – Seaton
(Property Identification Number
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STATE OF ILLINOIS
Pollution Control Board

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 December 23, 2006, the Illinois EPA received a request from Dennis Biddle (log number TC-27-06, 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: Marsha Biddle
1216 Highway 17
Joy, Illinois 61260

3. The proposed water pollution control facilities in this request are located at Section 27, T13N, R4W of the 4th P.M. in Mercer County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (391 ft. x 50 ft. x 8 ft. deep) with 12 concrete pump out pits (each 6 ft. x 5 ft. x 8 ft. deep) and the slotted concrete portion of the floor over the manure pit. The manure pit is surrounded by approximately 885 feet of 4-inch diameter plastic perimeter foundation drainage tubing. The foundation tubing also includes 1 inspection port (8 ft. deep 4-inch diameter PVC pipe).

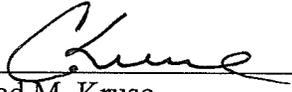
These livestock waste management facilities are used to collect, transport and/or store livestock wastes prior to cropland application., and are further described in Exhibit A.

4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2006), 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: 
Chad M. Kruse
Assistant Counsel
Division of Legal Counsel

Dated: September 3, 2008
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) 782-3397
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

Memorandum

To: Connie Tonsor, Division of Legal Counsel

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

Date: AUG 26 2008

Re: Dennis Biddle – Seaton
 Recommendation of Tax Certification
 Log # TC-27-06
 Property Identification # 14-14-22-300-005

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 Division of Legal Counsel

AUG 27 2008

Environmental Protection
 Agency

The Bureau of Water received a request on December 23, 2006 from Dennis Biddle 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:

Dennis Biddle
 1216 Highway 17
 Joy, IL 61260

Section 27, T13N, R4W of the 4th P.M. in Mercer County

Livestock waste management facilities consisting of one concrete manure pit (391 ft. x 50 ft. x 8 ft. deep) with 12 concrete pump out pits (each 6 ft. x 5 ft. x 8 ft. deep) and the slotted concrete portion of the floor over the manure pit. The manure pit is surrounded by approximately 885 feet of 4-inch diameter plastic perimeter foundation drainage tubing. The foundation tubing also includes 1 inspection port (8 ft. deep 4-inch diameter PVC pipe).

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.

BJY:TJF:TC-27-06.doc

cc: Tax Cert File

ROCKFORD – 4302 North Main Street, Rockford, IL 61103 – (815) 987-7760 • DES PLAINES – 9511 W. Harrison St., Des Plaines, IL 60016 – (847) 294-4000
 ELGIN – 595 South State, Elgin, IL 60123 – (847) 608-3131 • PEORIA – 5415 N. University St., Peoria, IL 61614 – (309) 693-5463
 BUREAU OF LAND - PEORIA – 7620 N. University St., Peoria, IL 61614 – (309) 693-5462 • CHAMPAIGN – 2125 South First Street, Champaign, IL 61820 – (217) 278-5800
 SPRINGFIELD – 4500 S. Sixth Street Rd., Springfield, IL 62706 – (217) 786-6892 • COLLINSVILLE – 2009 Mall Street, Collinsville, IL 62234 – (618) 346-5120
 MARION – 2309 W. Main St., Suite 116, Marion, IL 62959 – (618) 993-7200

Watershed Unit Tax Certification Review Sheet

Project Name: Dennis Biddle
Reviewer: Phyllis Fawcett
Log No.: TC-27-06

Location: Seaman
Date: 7/28/09
Type: Agchem
 Livestock

Applicant: Marsha Biddle
1716 Highway 17
Joy, IL 61260

Contact: Marsha Biddle
Phone: 309-582-3350

Facility: 231 130th St.
Seaton, IL

Property ID: 14-14-22-300-005

Legal Description: Section 27, T13N, R4W of the 4th PM

County: Mercer

Date Control Devices Installed: January 2006

Provided Fair Cash Value: \$ 224,700

Signature: Signed by Dennis Biddle

Title: owner

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:

One concrete frame pit (291 ft x 50 ft x 9 1/2 deep) with concrete slabs and 10 concrete pumps (each 5 ft x 6 ft x 9 1/2 deep)
+ 885 feet 4-inch diameter PVC foundation drainage tubing w/ 1 inspection port (9 feet deep) same material

Other: 7/28/09 spoke w/ Marsha Biddle.
Marsha said the inspection port is 9 feet deep and made of 4-inch diameter PVC. She said the port is part of the foundation drain tube system that is 885 feet of 4-inch diameter PVC pipe.

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.

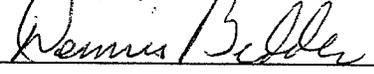
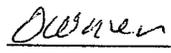
FOR AGENCY USE

File No.	Date Received	Certification No.	Date
Sec. A APPLICANT	Company Name <i>Biddle, Dennis R & M; Biddle, Davis & M</i>		
	Person Authorized to Receive Certification <i>Marsha Biddle</i>		Person to Contact for Additional Details <i>Marsha Biddle</i>
	Street Address <i>1216 Hwy 17</i>		Street Address <i>1216 Hwy 17</i>
	Municipality, State & Zip Code <i>Joy, IL 61260</i>		Municipality, State & Zip Code <i>Joy, IL 61260</i>
	Telephone Number <i>309-584-4539</i>		Telephone Number <i>309-582-3350</i>
	Location of Facility Quarter Section Township Range <i>27 T13N R4W</i>		Municipality Township <i>Abington</i>
	Street Address <i>231 1304h St, Seaton</i>		County Book Number <i>Mercer</i>
	Property Identification Number <i>14-14-22-300-005</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.		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	
Sec. C MANUFACTURING PROCESS	Describe Unit Process		
	Materials Used in Process		
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility <i>see attached</i>		

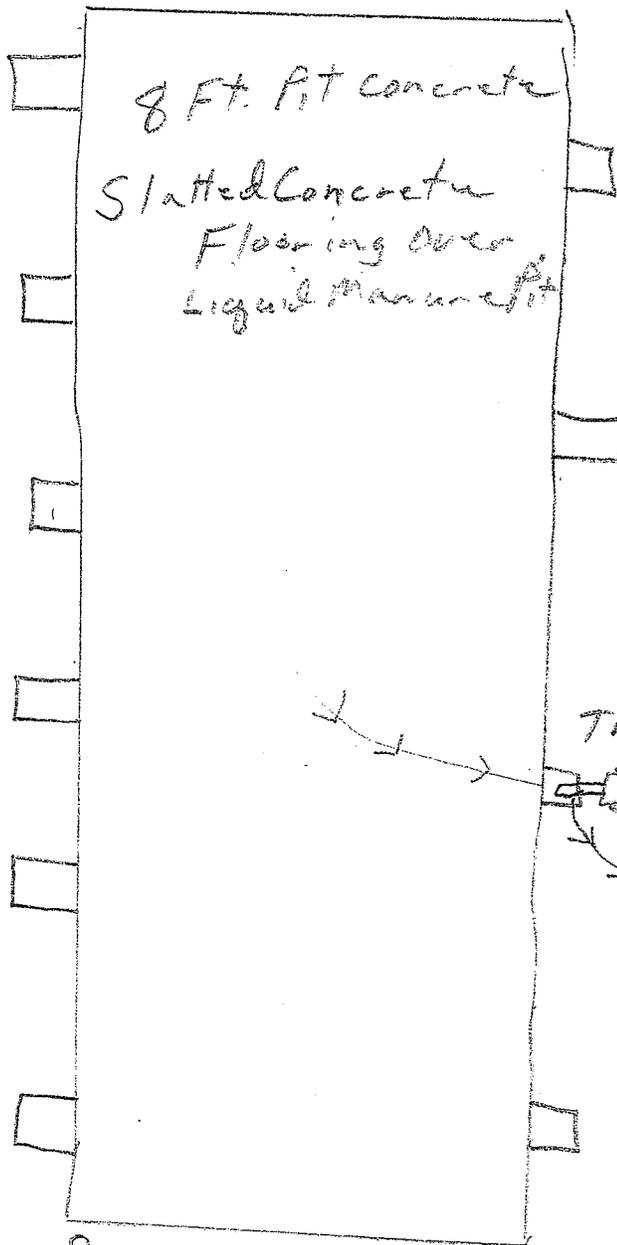
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 BOWMAN/PC/PERMIT SECTION

RECEIVED
 DEC 23 2006

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		
		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 type="checkbox"/>	
	(4) Date installation completed <u>1-2006</u> status of installation on date of application _____			
ACCOUNTING DATA	(5) a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:		\$ <u>224,700.00</u>	
	b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:		\$ <u>0</u>	
	c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:		\$ <u>0</u>	
	d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:		\$ <u>0</u>	
	e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:		% <u>100</u>	
	e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:		% <u>100</u>	
SIGNATURE	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	 Title		
INSTRUCTIONS	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.			
	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: Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276	Attention: Al Keller Permit Section Division of Water Pollution Control	Attention: Donald E. Sutton Permit Section Division of Air Pollution Control

50' x 391'



8 Ft. Pit concrete
Slatted Concrete
Flooring over
Liquid Manure pit

grass vegetation
around shed + next to
Field + Road

10 pumpouts concrete
5' x 6' - 8' deep

Tractor + landout pump

Tractor J.P. 8320
4800 gallon Houli portable
Tank used to haul
to Field

Inspection Port For Tire surrounded Building

Road

well
o

Description of pollution control components
I want to Finish Shed 50' x 391' x 8' deep pit
Concrete slatted floor over 100% of the 50'
x 391' x 8' pit. Grade around building preventing
fresh water to run into pit. Manure Storage
is adequate to store 14 months of
manure production from this facility safely
protecting the well and nearby cropland
from manure entry or contamination. An
inspection port provides monitor of tile
around soil near pit area. Manure is loaded
by a Houck manure pump powered by 140 Hp
Tractor + loaded onto a 4800 gallon Houck
Tank with sub surface application units
powered by 200 Hp. Tractor and is
applied at agronomic rate to nearby
cropland.