

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Grigsby Protein Realty I, LLC)
(Property Identification Number) PCB No. 17-043
10-23-100-003) (Tax Certification)
)

**AMENDED RECOMMENDATION OF THE ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY**

The Illinois Environmental Protection Agency ("Illinois EPA") hereby files its Amended 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 9, 2016, the Illinois EPA received a request from Randy Leka (log number TC-135098, 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. On February 1, 2017, the Illinois EPA filed its Recommendation for tax certification with the Illinois Pollution Control Board, which inadvertently failed to include all facilities to be recommended.
3. Illinois EPA hereby files an Amended Recommendation which includes all facilities associated with Property Identification Number 10-23-100-003 that are recommended for tax certification, along with an updated and revised Exhibit A in support.
4. The facility's address is: Grigsby Protein Realty I, LLC
16880 Rogge St.
Tallula, IL 62688

The proposed water pollution control facilities in this request are located at the NW ¼ of Section 23, T18N, R8W of the 3rd P.M. in Menard County, at the above street address and consist of the following:

Livestock waste management facilities consisting of two concrete manure pits (approximately 102 ft. x 305 ft. x 10 ft. deep), concrete slotted floors over the manure pits that collect livestock waste, twenty-four livestock waste pump out pits to allow for waste removal (approximately 5 ft. x. 6 ft. x. 10 ft. each), and a perimeter drainage tile (2 in. x 6 in. x 812 ft total length) located around the two concrete manure pits to prevent flotation of the pits.

These livestock waste management facilities are used to collect, transport and store livestock waste prior to cropland application, and is 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) of the Board's regulations, 35 Ill. Adm. Code 125.200(a), define "pollution control facilities" as:

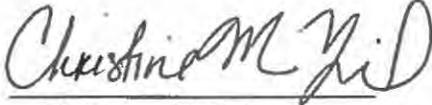
any system, method, construction, device or appliance appurtenant thereto or any portion of any building or equipment, that is designed, constructed, installed or operated for the primary purpose of: eliminating, preventing, or reducing air or water pollution ...or treating, pretreating, modifying or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

6. 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).
7. 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).

8. 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: 
Christine M. Zeivel
Assistant Counsel
Division of Legal Counsel

Dated: March 1, 2017
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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

Memorandum

RECEIVED
Division of Legal Counsel
FEB 24 2017
Environmental Protection Agency

To: Charles Gunnarson, Division of Legal Counsel

From: Al Keller, Manager, Permit Section

Date: February 24, 2017

Re: Grigsby Protein Reality I, LLC – Tallula
Revised Recommendation of Tax Certification
Log # TC-135098
Property Index# 10-23-100-003

The Bureau of Water received a request on May 9, 2016 from Randy Leka 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. This recommendation revises the recommendation dated January 3, 2017.

The water pollution control facilities in this request include the following:

Grigsby Protein Reality I, LLC
16880 Rogge St.
Tallula, IL 62688

NW ¼ of Section 23, T18N, R8W of the 3rd PM in Menard County

The livestock waste handling facilities consisting of two (2) concrete manure pits (approximately 102 ft. x 305 ft. x 10 ft.) and the concrete slotted portion of the floor over the manure pits that capture and contain waste generated in the barns above. Twenty-four (24) (approximately 5 ft. x 6 ft. x 10 ft. each) pumpout pits to allow manure removal from the manure pits. A perimeter drainage tile (2 in. x 6 in. x 812 ft. total length) located around the two concrete manure pits to prevent flotation of the pits. The facility collects, transports and stores livestock waste prior to cropland application.

The facility is 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

Han, Wei

From: Randy Leka <randy@agplus1.com>
Sent: Thursday, February 23, 2017 3:07 PM
To: Han, Wei
Subject: RE: [External] RE: Tax Certification for Grigsby Protein Realty I

Mr. Han,

Please be informed that in regard to our Tallula pollution control facilities located in Section 23 of Menard County. We are not requesting certification for the manure pump, pipe or application in exhibit 'A' attached to our application.

Also know that forma drain was installed around the entire outer perimeter of each facility measuring 2 inches by 6 inches comprised of approximately 812 linear feet.

Please let me know if you need additional information.

Thank you.

Randall A. Leka, AFM

Ag Plus Developments, Inc.
10736 Markert Avenue
Tallula, Illinois 62688

217-634-4123

Randy@AgPlus1.com

From: Han, Wei [<mailto:Wei.Han@Illinois.gov>]
Sent: Thursday, February 23, 2017 9:36 AM
To: Randy Leka
Cc: 'Donna Mcneal'
Subject: RE: [External] RE: Tax Certification for Grigsby Protein Realty I

Mr. Leka and Donna,

This is the information I received from you for the Tallula facility. Please provide me the similar information for the Ashland facility, and section number and statement I talked to Donna today over the phone. Please provide the information on separate email for the two facilities. Please let me know if you have any questions.

Thank you.

Wei Han
Facility Evaluation Unit
Bureau of Water
Illinois Environmental Protection Agency

Phone: 217-524-3034
Email: Wei.Han@Illinois.gov

From: Randy Leka [<mailto:randy@agplus1.com>]
Sent: Friday, December 16, 2016 3:04 PM
To: Han, Wei
Cc: 'Donna Mcneal'
Subject: [External] RE: Tax Certification for Grigsby Protein Realty I

Mr. Han,

In regard to your questions regarding the newly installed pollution control facilities to be certified, please know that two facilities were installed at this site. Both facilities have the dimensions of 102 feet by 305 feet. These facilities have concrete floors and walls with the tops being slotted concrete. In addition, each facility has 12 pump outs with dimensions of 5 feet by 6 feet by 10 feet with concrete floors and walls. The entire outer perimeter of each facility has drain tile comprised of approximately 812 linear feet.

Attached is the application for the second site located in Cass County that I had made reference to during our phone conversation. This site is identical in physical dimensions, material and design as the application you are currently reviewing. Would it be possible to review the attached application at the same time.

If additional information is needed please let me know.

Thank you.

Randall A. Leka, AFM

Ag Plus Developments, Inc.
10736 Markert Avenue
Tallula, Illinois 62688
1-217-634-4123
Randy@Agplus1.com

From: Han, Wei [<mailto:Wei.Han@Illinois.gov>]
Sent: Thursday, December 15, 2016 5:00 PM
To: randy@agplus1.com
Subject: Tax Certification for Grigsby Protein Realty I

Mr. Leka,

Below is my contact information. Please make clarification on the pollution control facilities to be certified. Please provide number (2?), dimensions and material (concrete?) of the manure pit. Also provide the number, material and dimensions of the pumpouts. Please verify that the concrete floor over the pit is slotted for manure collection.

Your application for the other facility is not with me. But if you can make same statement and provide similar information for the other facility, I will forward it to the reviewer.

Please let me know if you have any questions.

Thank you.

Wei Han
Illinois Environmental Protection Agency
BOW/DWPC/Permit Section

1021 North Grand Avenue E.
P.O. Box 19276
Springfield, IL 62794-9276

Phone: 217-524-3034
Email: Wei.Han@Illinois.gov

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.



Electronic Filing: Received, Clerk's Office 3/01/2017
Illinois Environmental Protection Agency

TC-135098

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

**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. Separate applications must be completed for each control facility claimed. Do not mix types (air and water). Where both air and water operations are related, file two applications.

If attachments are needed, record them consecutively on an index sheet.

You may complete this form online, save a copy locally, print, sign and submit it to:

Illinois EPA
 Attention: Ray E. Pilapil, Permit Section
 Division of Air Pollution Control
 1021 North Grand Avenue East, P.O. Box 19276
 Springfield, IL 62794-9276

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>Grisby Protein Realty I. LLC</u>		
Person Authorized to Receive Certification	<u>Randy Leka</u>	Person to Contact for Additional Details	<u>Randy Leka</u>
Street Address:	<u>10736 Markert Avenue</u>		
City:	<u>Tallula</u>	State:	<u>il</u>
Zip:	<u>62688</u>	Phone:	<u>217-634-4123</u>
Email Address:	<u>randy@agplus1.com</u>		

II. Facility Information:

Facility Location: Quarter Section: NW 1/4 Township: 18N Range: 8W
 Municipality: _____ Township: _____
 Note: A plat map location is requested for facilities located outside of municipal boundaries.
 Address: 16880 Rogge Street City: Tallula
 State: IL Zip Code: 62688 County: Menard Book Number: _____
 Property Index Number: 10-23-100-003

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:

Permit Information:

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

Note: Submit copies of all relevant permits issued by local pollution control agencies. (e.g. MSD Construction Permit)

IL 532-0222
 APC 151 11/2015

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:

This is a 9,306 head, wean to finish facility. There are two barns on this site. Each barn has a 107' by 305' x 10' concrete basement (seep pit) under it for collecting contaminants. Please see attached Exhibit A for more detail.

Materials Used in the Process:

N/A

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. State the type of control facility, as well as a narrative description and a process flow diagram describing the pollution control facility. Include an average analysis of the influent and effluent of the control facility stating the collection efficiency, if applicable.

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

Please see attached exhibit "A"

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

Please see attached exhibit "A"

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).

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
Swine manure	swine manure from 9,306 head of wean to finish hogs	the animal waste is injected into the ground at agronomic rates in accordance with the nutrient management plan

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

Point(s) of Waste Water Discharge:

Identify the location of the discharge to the receiving stream. This will typically refer to a source of water pollution but can include water-carried wastes from air pollution control facilities.

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: _____

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

December 17, 2015

Status of installation on date of application:

Complete

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))

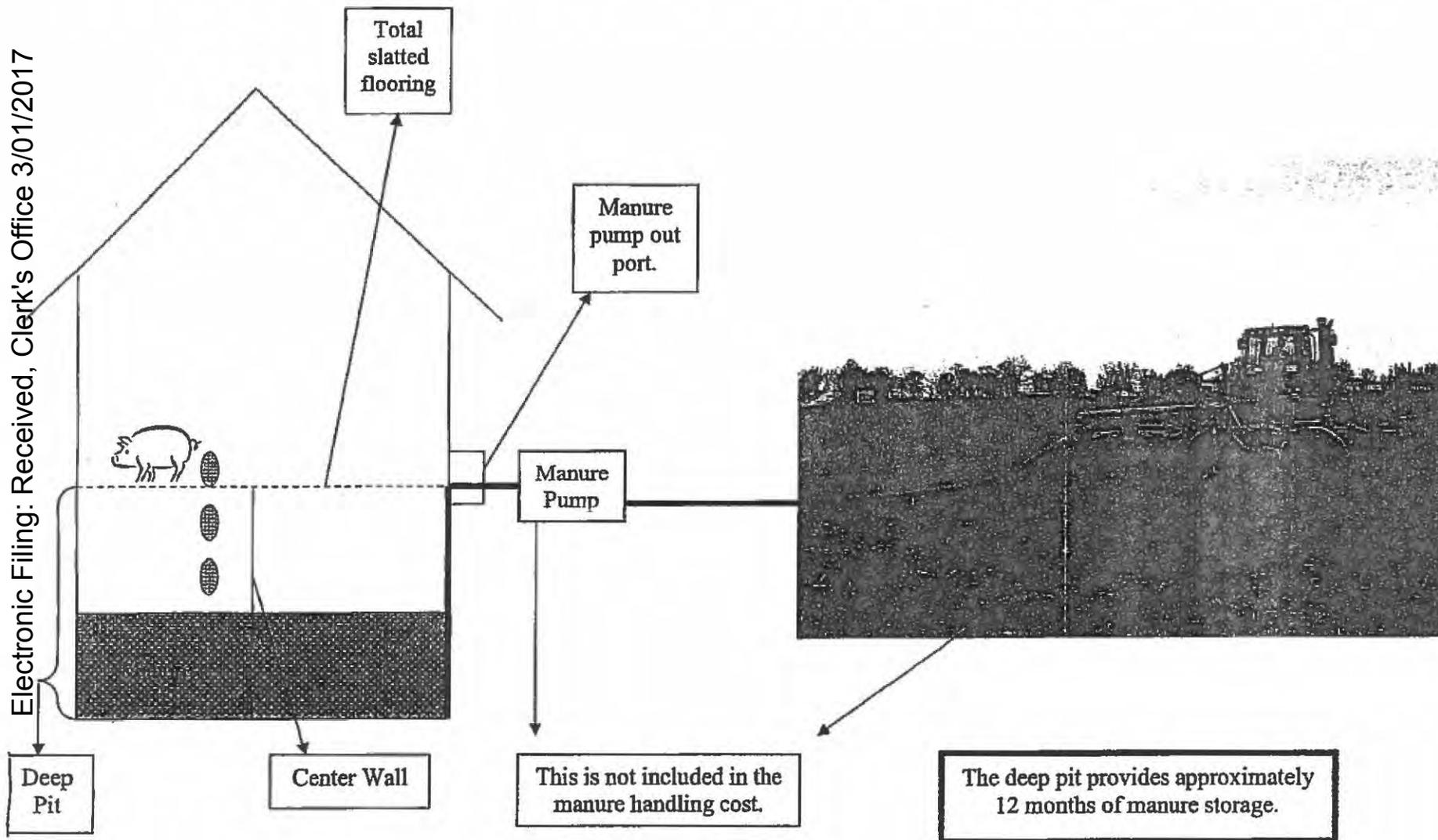
Lela Land Services, LLC, Agent for
 Grigsby Protein Realty I, its Manager
 by: Rachda A. Lela, Manager Title: Firm Manager

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

Lela Land Services, LLC Agent for Signature: 5-5-2016
 Grigsby Protein Realty I, its Manager Date:
 by: Neville A. Lela, Manager

Exhibit A

Sketched Diagram showing the flow of livestock waste from the animal through the pollution control facility.



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 March 1, 2017, the attached **AMENDED 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

Randy Leka
10736 Markert Avenue
Tallula, Iowa 62688

[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/ Christine M. Zeivel
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