BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Laver Inc.)
(Property Identification Number) PCB 20-
04-07-100-011)) (Tax Certification)
)

NOTICE

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an <u>APPEARANCE</u> and <u>RECOMMENDATION OF THE ILLINOIS</u>

ENVIRONMENTAL PROTECTION AGENCY, copies of which are herewith served upon you.

Laver, Inc. c/o Roger Seger 4886 E 450 N Dubois, Indiana 47527

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 Springfield, Illinois 62794

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Jacob H. Smith

Assistant Counsel

Division of Legal Counsel

DATED: November 5, 2019

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

Laver Inc.)
(Property Identification Number) PCB 20-
04-07-100-011)) (Tax Certification)
)

APPEARANCE

The undersigned, as one of its attorneys, hereby enters an <u>APPEARANCE</u> on behalf of Respondent, Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Jacob H. Smith

Assistant Counsel

Division of Legal Counsel

DATED: November 5, 2019

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Laver Inc.)
(Property Identification Numb	er) PCB 20-
04-07-100-011)) (Tax Certification)
)
3. 0)

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.

- On February 22, 2019, the Illinois EPA received a request from Roger Seger on behalf of Laver, Inc. (log number TC-140909, 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:

Laver, Inc.

8994 Sullivan Road Kinmundy, IL 62854

The proposed water pollution control facility in this request is located in the SE ¼ of Section 7, T4N, R4E of the 3rd P.M. in Marion County, at the above street address and consist of the following facilities:

Livestock waste handling facilities consisting of one (1) concrete manure pit (approximately 97 ft. x 6 ft. x 5 ft.) and the portion of roof that covers that manure pit.

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

3. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2018), 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.

- In order to receive preferential tax treatment as pursuant to 35 ILCS 200/11-5
 (2018), 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).
- 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 is eligible for tax certification from the Board.
- Additionally, further communication after the initial application clarified that this facility was only seeking certification of the above-described pollution control facility in Building 12. The facility rescinded any request regarding roof components and manure handling equipment.

8. Furthermore, the initial dimensions of the manure pit that were stated in the initial application were corrected by the engineering consultant in further communication.

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

y: /////

Assistant Counsel

Division of Legal Counsel

Dated: November 5, 2019

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

Memorandum

To:

Charles Gunnarson, Division of Legal Counsel

From

Darin E. LeCrone, Manager, Industrial Unit, Permit Section

Date:

October 10, 2019

Re:

Laver, Inc. - Kinmundy

Recommendation of Tax Certification

Log # TC-140909

Property Index# 0407100011

The Bureau of Water received a request on February 22, 2019 from Roger Seger 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:

Laver, Inc 8994 Sullivan Rd. Kinmundy, IL 62854

SE ¼ of Section 7, T4N, R4E of the 3rd PM in Marion County

The livestock waste handling facilities consisting of one (1) concrete manure pit (approximately 97 ft. x 6 ft. x 5 ft.) and the portion of roof that covers that manure pit. 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.

DEL:WH:Tax Cert Recommendation.docx

cc:

Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Lavers, Inc	a A		
	Date: September 13, 2019		
Reviewer: WH	Type: ☐ Agchem ☐ Livestock		
Log number: TC-140909	Z swestock		
Applicant: Roger Seger 4886 E450N	Contact: Same as applicant		
Dubois, IN 47527	Phone: 812-678-3131		
Facility: Lavers, Inc 8994 Sullivan	Property Index#: 0407100011		
Kinmundy, IL 62854	Parcel#:		
Legal Description:	County: Marion		
SE ¼ of Section: 7 Twp: 4N R: 4E PM: 3 rd	Signature: : Roger Seger		
Date Control Devices installed: February 2019	Title: Owner		
Wastes: Livestock waste is applied to cropland. Agrichemical rinsate and spillage is recy Other:	cled through the facility and/or land applied.		
Physical Description of Pollution Control Devices:			
The livestock waste handling facilities consist of one (1) concrete m within Building 12. The facility collects, transports and stores livesto	anure pit (approximately 97 ft. x 6 ft. x 5 ft.) that is built ock waste prior to cropland application.		
Pollution control facilities requested by the applicant through the application form and the emails received 09/09 and 09/10/	Descriptiom of Pollution Control Facilities, Section 2 of /2019:		
One (1) concrete manure pit (97 ft. x 6 ft. x 5 ft.) and portion of the roof that covers the pit.			
A process flow diagram with narrative is included in the submit details of pollution control facilities are provided through the e			
Recommended Action: Issue tax certification.			

Han, Wei

From:

Gayle C. Baker < gcbaker@mstutz.com>

Sent:

Monday, September 16, 2019 10:17 AM

To:

Han, Wei

Subject:

[External] Layers, Inc PTAX Certification

Wei.

In response to our phone call on Friday, we are clarifying that we are requesting certification for the 5'x6'x97' manure trench in Building 12 2hich is located on Parcel 100-006. Other items listed on the request information is for reference purposes.

Gayle C. Baker, P.E.

MAURER-STUTZ | Agricultural Services Engineer

3116 N. Dries Lane Suite 100 | Peoria, IL 61604

Ph: (309) 693-7615 | Fax: (309) 693-7616 | Cell: (563) 380-8720

Email: gcbaker@mstutz.com | Website: www.mstutz.com | Please consider the environment before printing this email.

Han, Wei

From:

Gayle C. Baker <gcbaker@mstutz.com> Tuesday, September 10, 2019 10:31 AM

Sent: To:

Han. Wei

Subject:

[External] Layers Inc - Parcel Numbers and Roof Items

Attachments:

Marion County Parcels 2019.pdf

Wei,

Regarding the roof components for Building 12, we rescind our request of tax certification.

Buildings 9/10, 11, and 12 are located on Parcel 04071-00006. See the attached map.

Gayle C. Baker, P.E.

MAURER-STUTZ | Agricultural Services Engineer

3116 N. Dries Lane Suite 100 | Peoria, IL 61604

Ph: (309) 693-7615 | Fax: (309) 693-7616 | Cell: (563) 380-8720

Email: gcbaker@mstutz.com | Website: www.mstutz.com | Please consider the environment before printing this email.

Han, Wei

From:

Gayle C. Baker < gcbaker@mstutz.com>

Sent:

Monday, September 9, 2019 2:08 PM

To:

Han, Wei

Subject:

[External] Layers, Inc - PTAX Review

Wei,

We have finished the review of the PTAX form. We wish to rescind the request for tax certification for the manure handling equipment.

Please let us know if you need any further information.

Ph: (309) 693-7615 | Fax: (309) 693-7616 | Cell: (563) 380-8720

Email: gcbaker@mstutz.com | Website: www.mstutz.com | Please consider the environment before printing this email.

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

Application for Certification (Property Tax Treatment) Pollution Control Facility

				FOR A	GENCY USE O	NLY
			File Number:		*	Date Rec'd:
Facility Type (check on	e): 🗌 Air 🔽	Water	Certification Nur	nber:		Date:
This form is to be used for a	ny application for	certification of	property tax treatme	ent for a pollution of	control facility for air	or water from the Illinois EPA.
				You mu	st have Adobe Acro	bat Reader 8.0 or above installed to
You may complete this t	iorm online sa	wa a cany lac	ally print sien e	use the	features on this form	
rou may complete this i	onn onnne, sa	ive a copy loc	any, print, sign a	na submit it to:		
		+				
			•	llinois EPA	allan Dannit Can	lian.
					eller, Permit Sector Pollution Cont	
					d Avenue East, P.	
				Springfield, IL (
l. Applicant Inforn	nation:					0
Company Name:	Lavers, Inc. (F	KA Farina Fa	arms, Inc)			
Person Authorized to				Person to Cor	ntact	
Receive Certification	Roger Seger			for Additional	Details <u>Roge</u>	er Seger
Street Address:	4886 E450N			Street Addres	s: <u>4886 E450N</u>	
City: _	<u>Dubois</u>		State: IN	City:	Dubois	State: <u>IN</u>
Zip: _	47527	Phone:	812-678-3131	Zip:	47527	Phone: <u>812-678-3131</u>
Email Address:	rseger@waba	shvalleyprod	uce.com	Email Addres	s: <u>rseger@wab</u>	ashvallevproduce.com
II. Facility Informa	tion:					
Facility Location: Quar	rter Section: S	SE 7 To	wnship: 4N	Range:	4E	
, Mun	icipality: Farin	a		Townsl	nip: Meacham	
Address: 8994 Sulliva	n Road			City: <u>Ki</u>	nmundy	
State: IL Zip Code:		_ County:			lumber:	DECEIVE
Property Index Number	r: <u>04071-0</u>	0006,000	11/2003/01	2000/2000	6 5	JN (
						ssessment and taxation pulpose
						IEPA
Manufacturing Operat			-11			BOW/WPC/PERMIT SECTI
Nature of Operations C	onducted at tr	1e Above Loc	ation:			
Egg Laying hen Livest	ock Production	n Facility				
Permit Information:						<u> </u>
WPC Construction Per	mit Number: <u>I</u>	None		Date Issu	ıed:	
NPDES Permit Numbe	r: <u>I</u>	None			ied:	
APC Construction Perr	nit Number: I	None		<u>-</u>	ıed:	
APC Operating Permit		None		Date Issu	ıed:	Exp. Date:
Note: Submit copies of	all relevant pe			n control agend	cies. (e.g. MSD	Construction Permit)
This Agenc L 532-0222 penalties w	y is authorized to	request this info	rmation under 415	LCS 5/4(b)(2012).	Disclosure of this in	nformation is voluntary and no could prevent your application from

APC 151 9/2014 being processed or could result in denial of your application.

Manufacturing Process Inform Please provide information on the	ation: ne manufacturing process and mate	Office 11/05/2019 **PCB 2020-027** rials on which pollution control facility is used, including facility (or low sulfur dioxide emission coal fueled device).
N/A		
Materials Used in the Process:		
N/A	=	
explanation of why its primary pu		. ,
See Attachment 1: Facility Pollu		
Describe the Primary Purpose of	the Pollution Control Facility (or Lo	w Sulfur Dioxide Emission Coal Fueled Device):
See Attachment 2: Purpose of the	¥3	
Identify the statute or regulation control facility (or low sulfur dioxi	federal or state), or local ordinance de emission coal fueled device).	, if any, requiring the installation of the subject pollution
Federal: Title 35, Subtitle E, Cha	apter I, Part 502&502; State: Title 8	, Chapter 1, Subchapter t, Part 900
Nature of Contaminants or Pol List air contaminants or water pol disposal of any contaminants ren		uents to the manufacturing processes. Also list the final esses.
		Retained, Captured or Recovered
Contaminant or Pollutant	Description	Disposal or Use
Poultry Manure	Manure	Land Application for Crop Nutrients

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 typical include water-carried wastes from air pollution control facilities.	ly refer to a source of water pollution but can
Plans and Specifications Attached	
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, sta dollars reclaimed by the sale or reuse of the collected substances. State the	te the disposition of the materials, and the value cost of reclamation and related expense.
Project Status:	
Date Installation Completed: 0.2/2019	
Provide the date the pollution control facility was first placed into service and	operated. If not, explain.
See Attachment 3: Date of First Service	
Status of installation on date of application:	
Status of installation on date of application: See Attachment 4: Status of Installation	
· · · · · · · · · · · · · · · · · · ·	
Status of installation on date of application: See Attachment 4: Status of Installation	
· · · · · · · · · · · · · · · · · · ·	
· · · · · · · · · · · · · · · · · · ·	
See Attachment 4: Status of Installation	y Tax Code, as amended, and to the best of my
See Attachment 4: Status of Installation III. Verification and Signature: The following information is submitted in accordance with the Illinois Propert	erial statement, orally or in writing, to the
See Attachment 4: Status of Installation III. Verification and Signature: The following information is submitted in accordance with the Illinois Propert knowledge is true and correct. Any person who knowingly makes a false, fictitious, or fraudulent mate Illinois EPA commits a Class 4 felony. A second or subsequent offens ILCS 5/44(h))	erial statement, orally or in writing, to the
See Attachment 4: Status of Installation III. Verification and Signature: The following information is submitted in accordance with the Illinois Propert knowledge is true and correct. Any person who knowingly makes a false, fictitious, or fraudulent mate Illinois EPA commits a Class 4 felony. A second or subsequent offens ILCS 5/44(h))	erial statement, orally or in writing, to the e after conviction is a Class 3 felony. (415
See Attachment 4: Status of Installation III. Verification and Signature: The following information is submitted in accordance with the Illinois Propert knowledge is true and correct. Any person who knowingly makes a false, fictitious, or fraudulent mate Illinois EPA commits a Class 4 felony. A second or subsequent offens ILCS 5/44(h)) Roal Seal	erial statement, orally or in writing, to the e after conviction is a Class 3 felony. (415)
See Attachment 4: Status of Installation III. Verification and Signature: The following information is submitted in accordance with the Illinois Propert knowledge is true and correct. Any person who knowingly makes a false, fictitious, or fraudulent mate Illinois EPA commits a Class 4 felony. A second or subsequent offens ILCS 5/44(h))	erial statement, orally or in writing, to the e after conviction is a Class 3 felony. (415)

OWNERSHIP - NAME CHANGE

DATE:

February 28, 2019

TO:

Records Center - Lori Pennington

FROM:

Belinda Hafliger

SUBJECT: Name change/change

Old Facility Name: Farina Farms-Kinmundy

New Facility Name: Lavers-Kinmundy

BOW ID: W1218070006

Tax Certification: TC-140909

Electronic Filing: Received, Clerk's Office 11/05/2019 **PCB 2020-027**

Application for Certification (Property Tax Treatment) Pollution Control Facility

Farina Farms, Inc. Poultry Egg Layer Facility

By: Maurer-Stutz, Inc

ATTACHMENT 1: Facility Pollution Control Facility Description

The facility consists of four (4) layer hen and pullet housing barns: Building 9 /10 (E14) - 120'x 528', Building 11 (E18) - 97' x 528', Building 12 (P2) - 97' x 528', and Building 30 (E19) - 78.5' x 484'. Manure from buildings 9/10, 11, and 12 are transferred to a concrete walled manure storage barn with dimensions 110' x 275' x 14' high wall height. Manure from building 30 is transferred to a concrete walled manure storage barn with dimensions 200' x 105' x 12' high wall height.

In the certification issued on July 7, 2016 Building 9/10 (E14) and Manure Barn 9/10/11A (E15) were certified. Since that certification, Buildings 1 through 8 have been razed (April 2017) and are no longer used.

The facility did not request certification for the following livestock housing facilities concrete or roof components: Building 11 (E18) or Building 30 (E19).

In the certification issued on November 16, 2017 Manure Barn 30A (E20) was certified.

Building 12 (P2) has been constructed since the previous certification and is an animal housing facility that collects manure with conveyors. Manure is transferred with a mechanical conveyor from the transfer room off building 12 to the manure barn (Building 9/10/11A) with a mechanical conveyor. The manure conveyor inside building 12 is housed in a 5' wide x 5' deep x 97' long concrete manure transfer pit.

The facility is requesting certification for the layer barn (Building 12) concrete and roof components and for the manure transfer equipment that will transfer manure from Building 12 (P2) to Manure building 9/10/11A (E15).

The facility protects ground and surface water by providing collection and storage of poultry manure. Subsequently, the manure is sold for use on cropland.

Application for Certification (Property Tax Treatment) Pollution Control Facility
Farina Farms, Inc. Poultry Egg Layer Facility
By: Maurer-Stutz, Inc

ATTACHMENT 2: Purpose of Pollution Control Facility

The primary purpose of the facilities is to collect and provide storage for the manure until it can be properly land applied to cropland at agronomic rates. The manure system is protected from precipitation by the roof components and the concrete and mechanical components protects surface water.

ATTACHMENT 3: Date of First Service

The pollution control facility was first placed into service and operated July, 1987. Additional barns expanding the facility were under construction in 2016, with the last constructed being placed into service in February 18, 2019.

ATTACHMENT 4: Status of Installation

Facilities described in Attachment 1 are fully constructed and in service as of February 18, 2019.

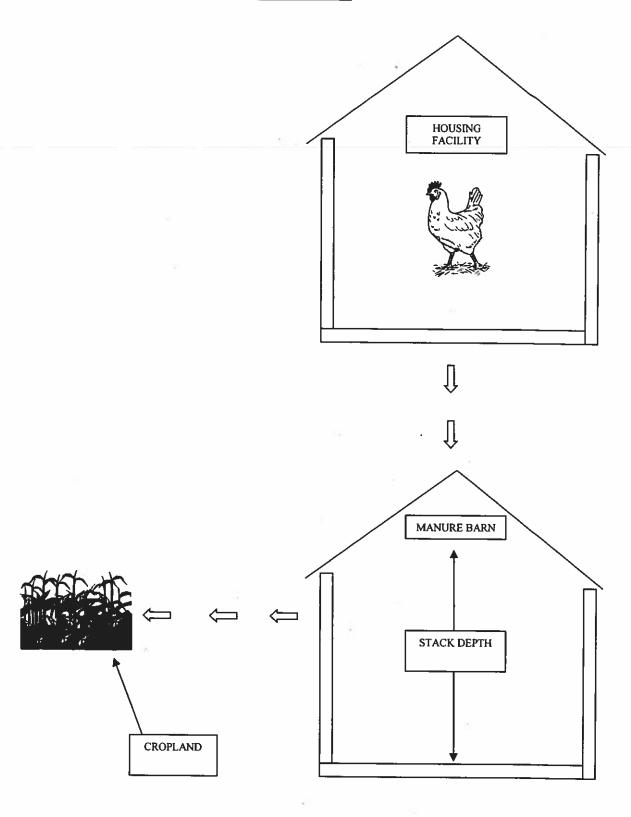
Electronic Filing: Received, Clerk's Office 11/05/2019 **PCB 2020-027**

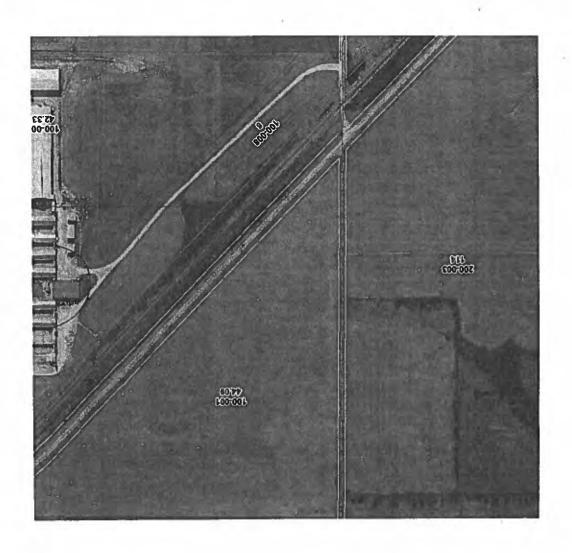
Application for Certification (Property Tax Treatment) Pollution Control Facility

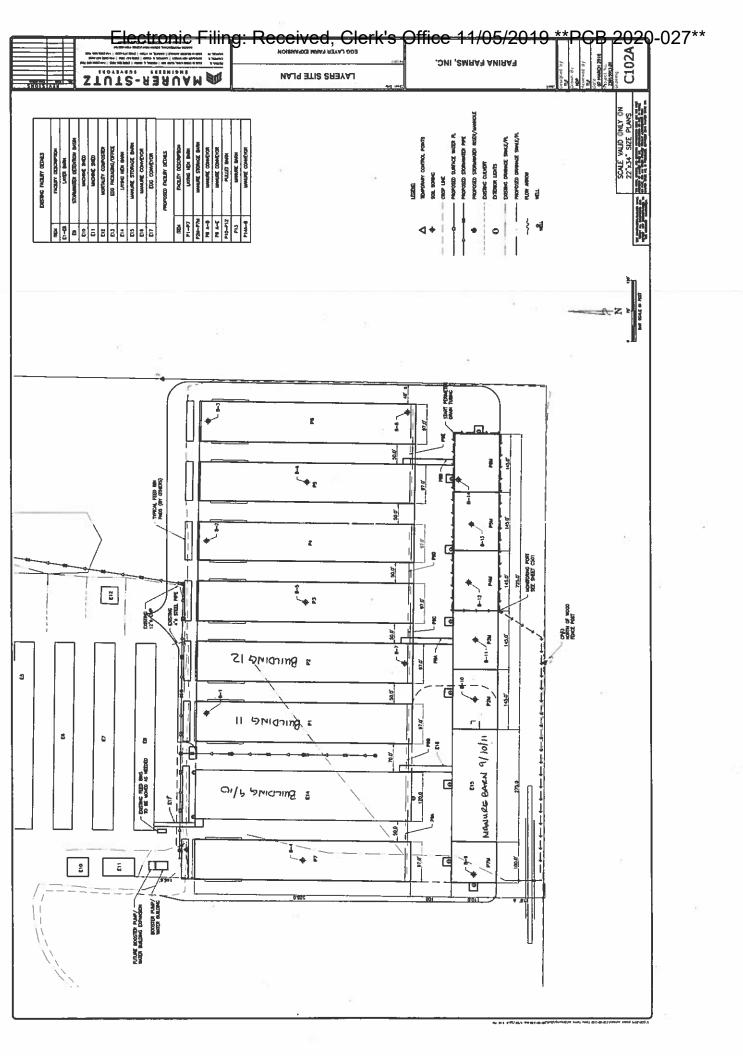
Farina Farms, Inc. Poultry Egg Layer Facility

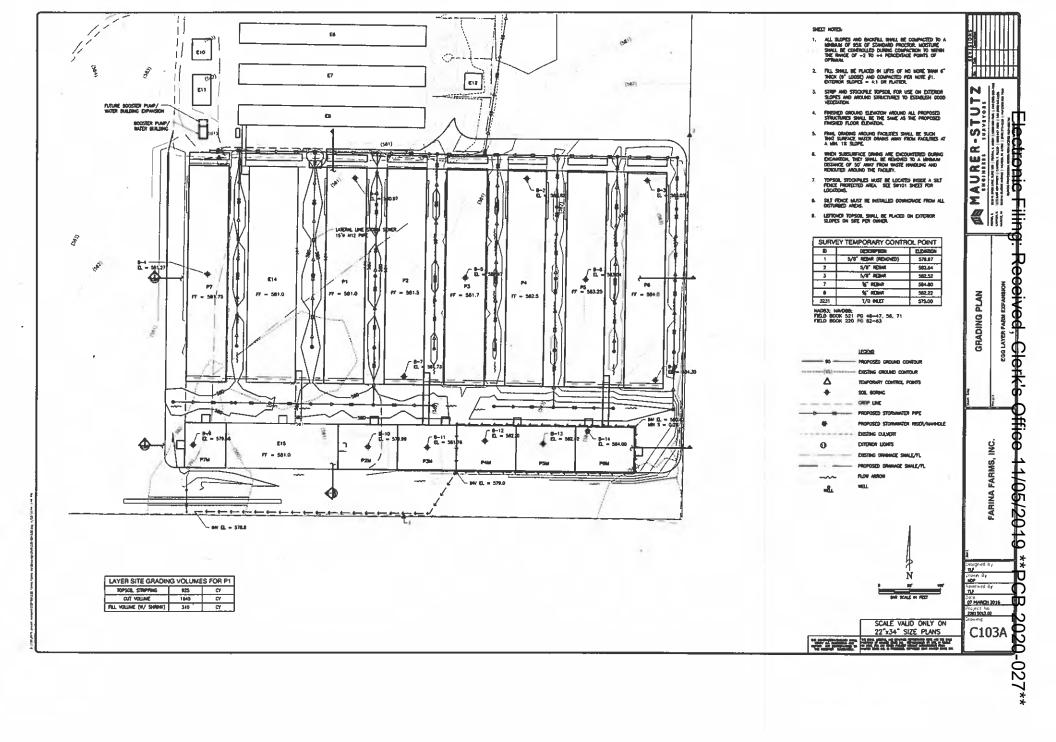
By: Maurer-Stutz, Inc

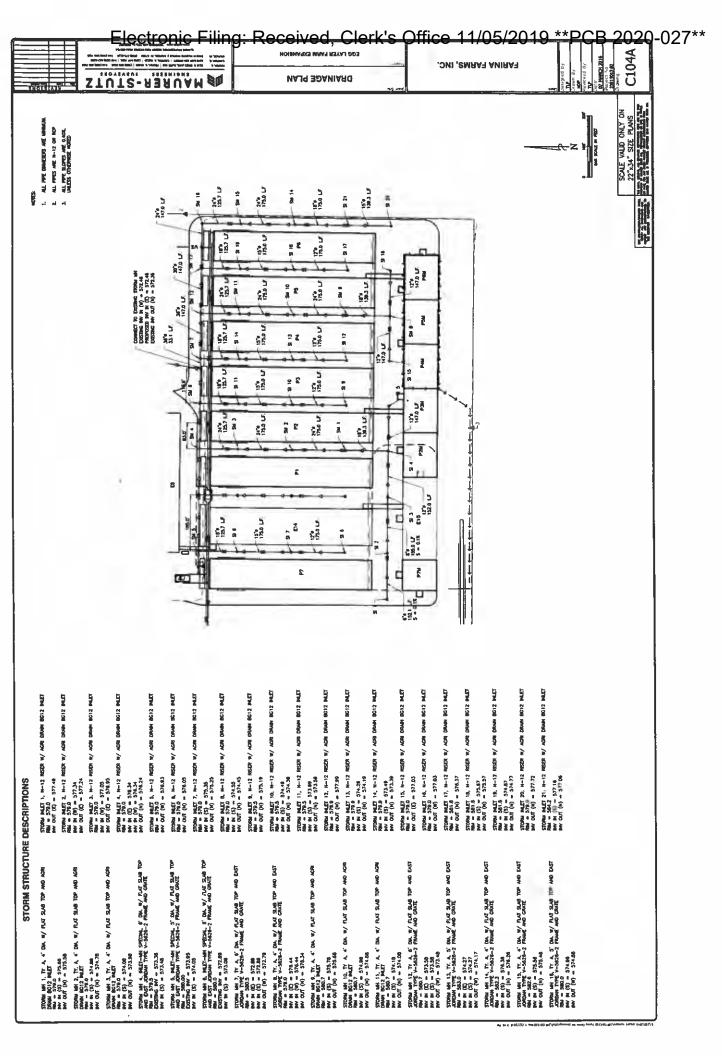
MANURE DIAGRAM

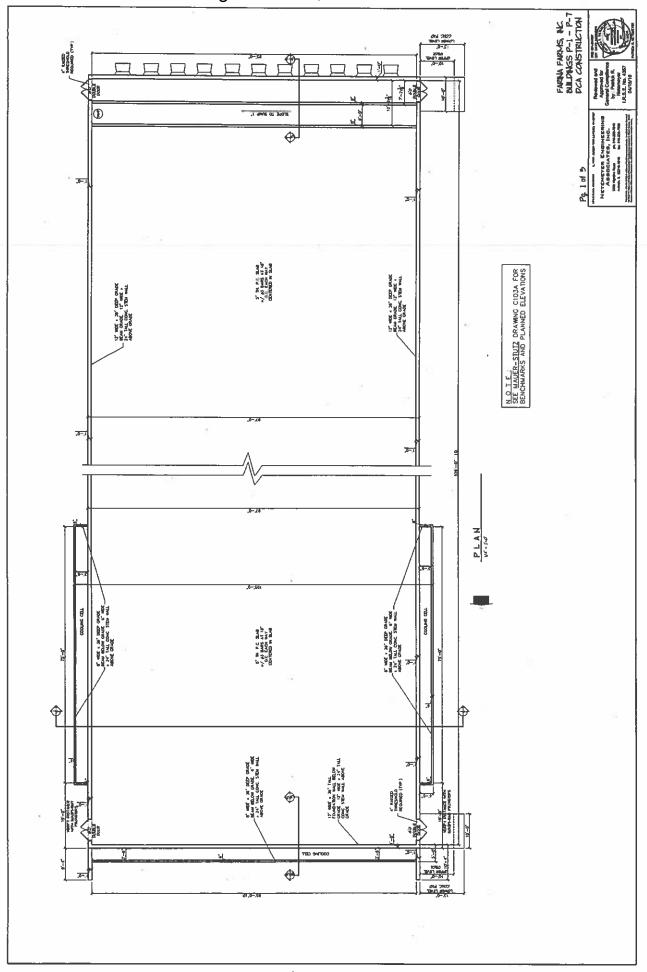


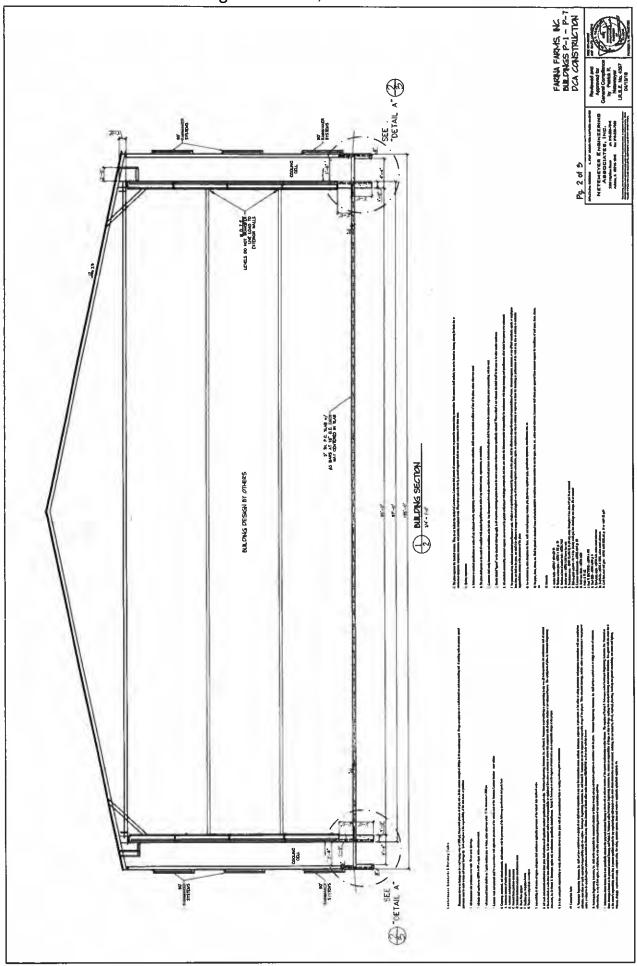




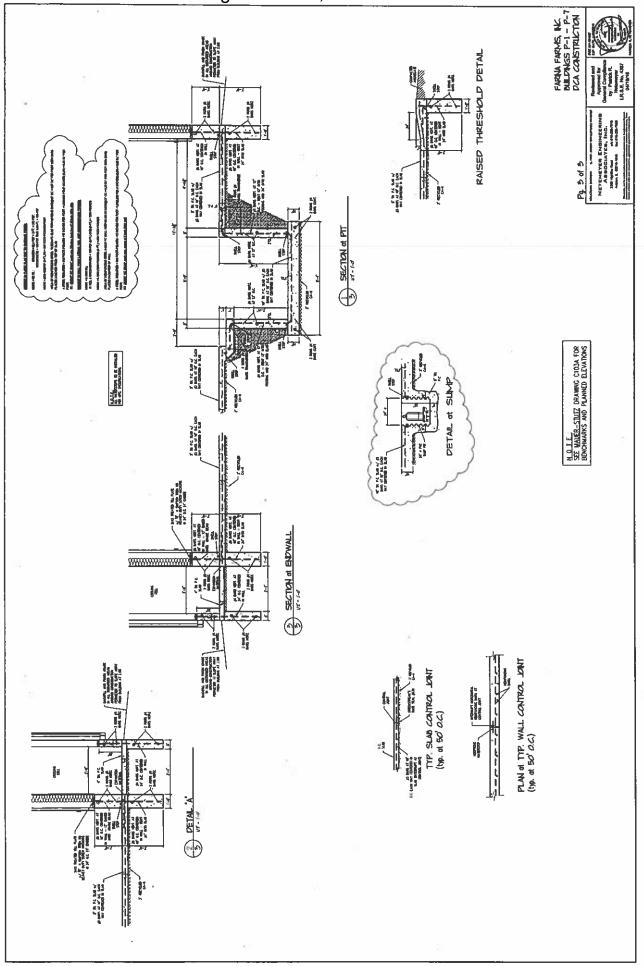








Electronic Filing: Received, Clerk's Office 11/05/2019 **PCB 2020-027**



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 November 5, 2019, the attached <u>APPEARANCE</u> and <u>RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL</u>

<u>PROTECTION AGENCY</u>, 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:

Laver, Inc. c/o Roger Seger 4886 E 450 N Dubois, Indiana 47527

Copies also provided electronically as follows:

Illinois Department of Revenue via email at REV.PropTaxApp.illinois.gov 101 West Jefferson Springfield, Illinois 62794

[Electronic Filing]

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

ILLINQIS ENVIRONMENTAL PROTECTION AGENCY

/s/ Jacob H. Smith 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