

ILLINOIS POLLUTION CONTROL BOARD

March 20, 2020

|  |   |                             |
|--|---|-----------------------------|
| DARE FARMS, LLP (Property Identification | ) |                             |
| Number 09-08-13-100-001),                | ) |                             |
|  | ) |                             |
| Petitioner,                              | ) |                             |
|  | ) |                             |
| v.                                       | ) | PCB 20-41                   |
|  | ) | (Tax Certification - Water) |
| ILLINOIS ENVIRONMENTAL                   | ) |                             |
| PROTECTION AGENCY,                       | ) |                             |
|  | ) |                             |
| Respondent.                              | ) |                             |
|  | ) |                             |

ORDER OF THE BOARD (by C.M. Santos):

Amended Petition for Review and Reconsideration

On January 16, 2020, the Board issued its decision with regard to certifying specified facilities of Dare Farms, LLP. The Board's order states that Dare Farms, LLP must file an answer on or before Tuesday, February 18, 2020.

On February 13, 2020, Henry Dare and Phil Dare filed a signed petition for review on behalf of Dare Farms, LLP. The Board accepted the petition as timely, but found it to be deficient.

On February 20, 2020, the Board stated that Dare Farms, LLP must file with the Board an amended petition filed by an attorney on behalf of Dare Farms, LLP by March 23, 2020. The Board additionally stated that Dare Farms, LLP must mail a copy of the amended petition to the Agency and file proof with the Board that the petition was mailed to the Agency.

Dare Farms, LLP requests a review and reconsideration recommendation to deny a tax certificate for the following facilities:

The 80x150 covered feed storage building was built at the request of the Illinois EPA for the purpose of controlling the potential contamination of surface and ground water. Ethanol by-products and corn silage are stored and contained in this building. If feed is not covered and stored on concrete, rain water leaches through the feed and runs out of it, then runs into the nearby surface waters. Feed has to be stored on the farm for future use. This building prevents polluted water from running into the surface waters on the farm. In 2019 this building diverted 366,000 gallons of rain water that remained clean, from being contaminated and running off the farm;

The 50x96 solid bedding pack building stores manure under roof with concrete walls on the back side as well as two ends, and concrete floor. Feed bunks provide manure containment on the front of this building. Currently 300 tons of manure is being stored in this building, waiting for field application in the spring. This building diverted 146,000 gallons of clean rain water in 2019;

The 30x72 cattle building has a concrete floor and curb. Solid manure can be stored in it and in 2019 it diverted 66,000 gallons of clean rain water;

The 33x108 cattle building has a concrete floor. Solid manure can be stored in it and in 2019 it diverted 109,000 gallons of clean rain water; and

The 100x200 solid bedding pack building contains manure storage areas within the building. The curbing has been approved, but without the roof over 600,000 gallons of contaminated water would have been washed into nearby creeks and streams. The roof prevented this runoff from occurring. As much as 600 tons of manure has been stored in this building awaiting proper field application.

2019 was an extremely wet year. In total Dare Farms, LLP received 48.3 inches of rain. That is an abundant amount, but that's what Mother Nature provided. These buildings provide an incredible amount of protection from the huge amount of contamination that would be present without them.

In the filing Dare Farms, LLP received, the reference materials discussed how the facilities were being used for feeding, keeping animals clean, shelter, bedding reduction, and not pollution control. Dare Farms, LLP fully recognizes and agrees with the benefits economically and in terms of animal husbandry, however to say these facilities are not for pollution control is not at all accurate. As discussed in the proceeding paragraphs, this past year the buildings in question kept approximately 1,287,000 gallons of water from coming in contact with manure. Again, Dare Farms, LLP recognizes these buildings are great for the cattle, but they are doing an excellent job of keeping literally tons of water clean.

In reference to the covered feed area. In 2011 Illinois EPA discussed with us the need to immediately begin to cover our feed supply. At first, we used tarps and tire sidewalls in a terrible attempt to comply. After failed efforts and further water pollution we decided to build the 80x150 foot roof that now covers Dare Farms, LLP's feed storage area. This roof was constructed exclusively to prevent water pollution from all the rain leaching through the stored feed. Again, last year this roof kept 366,000 gallons of water clean.

Dare Farms, LLP hopes this will provide more insight to the extreme usefulness of these structures to contain and control livestock waste and pollution on our farm.

Thank you for your time and consideration of this important matter. Dare Farms, LLP feels these structures are critically important to our pollution control and Dare Farms, LLP sincerely hopes you do also.

WHEREFORE, Dare Farms, LLP asks for reconsideration of denial of the tax certificates for the 80x150 covered feed storage building, 50x96 solid bedding pack building, 30x72 cattle building, 33x108 cattle building, and 100x200 solid bedding pack building.

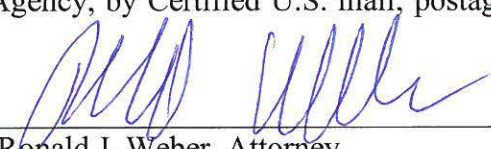
DARE FARMS, LLP

  
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Ronald J. Weber, Its Attorney

Froehling, Weber & Schell, LLP  
Attorney for Dare Farms, LLP  
167 West Elm Street  
Canton, Illinois 61520  
Telephone: (309) 647-6317  
rweber@fwslawyers.com

CERTIFICATE OF SERVICE

I certify that this Amended Petition for Review and Reconsideration in the above-captioned matter has been served upon Michael S. Roubitchek, Assistant Counsel, Division of Legal Counsel, Illinois Environmental Protection Agency, by Certified U.S. mail, postage prepaid, on March 20, 2020.

  
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Ronald J. Weber, Attorney  
Dare Farms, LLP