#### **BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

Applewood Farms of Virginia, IL, LLC (Property Identification Number 05-013-003-00)

) ) PCB No. 21-) (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> <u>ENVIRONMENTAL PROTECTION AGENCY</u>, copies of which are herewith served upon you.

Applewood Farms of Virginia, IL, LLC Gary Holloway 5793 IL Rte. 78 N Virginia, Illinois 62691

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

Bv:

Amanda S. Kimmel Assistant Counsel Division of Legal Counsel

DATED: March 26, 2021

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**

Applewood Farms of Virginia, IL, LLC (Property Identification Number 05-013-003-00)

) ) PCB No. 21-) (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

Bν

Amanda S. Kimmel Assistant Counsel Division of Legal Counsel

DATED: March 26, 2021

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**

Applewood Farms of Virginia, IL, LLC (Property Identification Number 05-013-003-00)

) ) PCB No. 21-) (Tax Certification) )

#### **<u>RECOMMENDATION OF THE ILLINOIS</u>** <u>ENVIRONMENTAL PROTECTION AGENCY</u>

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 December 28, 2020, the Illinois EPA received a request from Applewood Farms of Virginia, IL, LLC (log number TC-143486, 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: Applewood Farms of Virginia, IL, LLC 11448 E. County Line Rd. Oakford, IL 62673

The proposed water pollution control facilities in this request are located in the

SE ¼ of Section 33, T19N, R8W of the 3rd P.M. in Cass County, at the above street address

and consist of the following:

Livestock waste management facilities consisting of two concrete manure pits (approximately 80 ft. x 320 ft. x 2 ft. and 90 ft. x 175 ft. x 2 ft.), the concrete slatted portion of the floor over the manure pit that captures and contains waste generated in the barn above, an earthen lagoon with clay liner (approximately 320 ft. x 590 ft. x 10 ft. with 2.5 : 1 side slope), a concrete lift station (approximately 6 ft. dia. x 12 ft.) to allow manure removal from the manure pit to the earthen lagoon, PVC sewer pipes (approximately 590 ft. x 8 in.), and PVC forcemain (approximately 220ft. x 4 in.)

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. These

#### THIS FILING SUBMITTED ON RECYCLED PAPER

are separate facilities from the facilities in tax certification Applewood Farms of Virginia, IL, LLC (Property Identification Number 05-012-011-01) filed simultaneously to this request.

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 (2018) 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.

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WHEREFORE, the Illinois EPA recommends that the Board issue the requested

tax certification.

#### ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:

Amanda S. Kimmel Assistant Counsel Division of Legal Counsel

Dated: March 26, 2021

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

#### THIS FILING SUBMITTED ON RECYCLED PAPER



**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: Mike Roubitchek, Division of Legal Counsel

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

Date: January 22, 2021

Re: Applewood Farms of Virginia, IL, LLC Recommendation of Tax Certification Log# TC-143486 Property Index# 05-013-003-00

The Bureau of Water received a request on December 28, 2020 from Gary Holloway 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:

Applewood Farms of Virginia, IL, LLC 11448 E. County Line Rd. Oakford, IL 62673

SE ¼ of Section 33, T19N, R8W of the 3rd PM in Cass County

The livestock waste handling facilities consisting of two (2) concrete manure storage pits (approximately 80 ft. x 320 ft. x 2 ft. and 90 ft. x 175 ft. x 2 ft.), the concrete slatted portion of the floor over the manure pits that capture and contain waste generated in the barns above, an earthen lagoon with clay liner (approximately 320 ft. x 590 ft. x 10 ft. with 2.5:1 side slope), a concrete lift station (approximately 6 ft. dia. x 12 ft. precast), PVC sewer pipes (approximately 590 ft. x 8 in. total) that convey livestock waste from manure pits to the lift station, and PVC forcemain (approximately 220 ft. x 4 in. total) that transfer manure from lift station to the earthen lagoon. 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

2125 S. First Street, Champaign, IL 61820 (217) 278-5800 2009 Mall Street Collinsville, IL 62234 (618) 346-5120 9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000 595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200 412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022 4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Project Name: Applewood Farms of Virginia, IL, LLC.	Date: January 13, 2021	
Reviewer: WH	Type: Agchem	
Log number: TC-143486	Contact: Terry Feldmann 3116 N. Dries Lane, Suite 100	
Applicant: Gary Holloway 5793 IL Rte. 78 N	Peoria, IL 61604	
Virginia, IL 62691	Phone: 309-693-7615	
Facility: Applewood Farms of Virginia, IL, LLC. 11448 E. County Line Rd.	Property Index#: 05-013-003-00	
Oakford, IL 62673	Parcel#:	
Legal Description:	County: Cass	
SE of Section: 33 Twp: 19N R: 8W PM: 3 <sup>rd</sup>	Signature: Gary Holloway	
Date Control Devices installed: January 1999	Title: Owner/Partner	

Wastes:

2

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:

The livestock waste handling facilities consist of two (2) concrete manure storage pits (approximately 80 ft. x 320 ft. x 2 ft. and 90 ft. x 175 ft. x 2 ft.), the concrete slatted portion of the floor over the pits that capture and contain waste generated in the barns above, an earthen lagoon with clay liner (approximately 320 ft. x 590 ft. x 10 ft. with 2.5 : 1 side slope), and a concrete lift station (approximately 6 ft. dia. x 12 ft.) that conveys livestock waste from manure storage pits to the earthen lagoon. There are PVC sewer pipes (approximately 590 ft. x 8 in. total) connecting the manure storage pits to the lift station and PVC forcemain (approximately 220 ft. x 4 in. total) transferring manure from lift station to the earthen lagoon. The facility collects, transports and stores livestock waste prior to cropland application.

Pollution control facilities requested by the applicant through Description of Pollution Control Facilities, Section C of the application form and the attached drawings.

two concrete manure storage pits;

Concrete slatted floor at pit;

One earthen lagoon;

One lift station;

PVC pipes that connect manure pits to the lift station and from lift station to the earthen lagoon.

Plan view of the pits and a process flow diagram were submitted with the application.

Recommended Action: Issue tax certification.

wtaxcert review sheet



### 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:	
Facility Type (check one): 🗌 Air 🗹 Water	Certification Number:		Date:	

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: 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:	Applewood	Farms of Virginia, IL, LLC.			
Person Authorized to Receive Certification	Gary Hollow	ay	Person to Conta for Additional E		Terry L. Feldmann, PE
Street Address:	5793 IL Rte.	78 N	_ Street Address:	<u>3116 N</u>	Dries Lane, Suite 100
City:	Virginia	State: <u>IL</u>	_ City:	<u>Peoria</u>	State: <u>IL</u>
Zip:	62691	Phone: <u>217-883-0858</u>	_ Zip:	<u>61604</u>	Phone: <u>309-693-7615</u>
Email Address:	gary.applewood@gmail.com Email Address: <u>tlfeldmann@mstutz.com</u>			nn@mstutz.com	
il. Facility Informa	ation:				
Facility Location: Qua	arter Section:	SE - 33 Township: 19N	Range: 8	W	
Mu	nicipality:		– – – – Township	: Chandle	- erville
Note: A plat map locat	ion is reques	ted for facilities located outside	of municipal bou	ndaries.	
Address: 11448 E Co	unty Line Rd	•	City:Oakf	ord	
State: IL Zip Code:	62673	County: Cass	Book Nur	nber:	
Property Index Number	er: <u>05-013-00</u>	3-00			
Note: The Property Inc taxation purposes.	dex Number i	s the numerical reference used	to identify a parc	el of real	property for assessment and
Manufacturing Opera Nature of Operations (					
NA					
Permit Information:					
WPC Construction Pe	rmit Number:	None	Date Issued	1:	
NPDES Permit Numbe	er:	None	Date Issued	ł:	Exp. Date:
APC Construction Per	mit Number:	None	Date Issued	l:	······
APC Operating Permit Note: Submit copies of		None permits issued by local pollution	Date Issuec		Exp. Date: ISD Construction Permit)
IL 532-0222 Penalties v	cy is authorized vill result from th	to request this information under 415 I	LCS 5/4(b)(2012). Di	sclosure of	

## Electronic Filing: Received, Clerk's Office 03/26/2021 \*\* PCB 2021-079\*\* 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:

NA

Materials Used in the Process:

NA

#### 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):

See Attachment 1: Facility Pollution Control Facility Description

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

See Attachment 2: Purpose of the Pollution Control Facility

Identify the statute or regulation (federal or state), or local ordinance, if any, requiring the installation of the subject poliution control facility (or low sulfur dioxide emission coal fueled device).

Federal: Title 35, Subtitle E, Chapter I, Part 502&502; State: Title 8, Chapter 1, Subchapter t, Part 900

#### 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.

	Material Retained, Captured or Recovered		
Contaminant or Pollutant	Description	Disposal or Use	
Swine 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 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: Jan 1, 1999			
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:			
See Attachment 4: Status of Installation			

#### **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))

Gary Holloway Printed Name: Owner/fartne-Title For incorporated entities, signature should be from an authorized corporate representative. 12-23-2020 Date: Signature:

# Application for Certification (Property Tax Treatment) Pollution Control Facility Applewood Farms of Virginia, IL, LLC – Unit 28 Sow Farm By: Maurer-Stutz, Inc

# ATTACHMENT 1: Facility Pollution Control Facility Description

The Unit 28 Sow Farm consists of the following swine manure storage structures:

E1	80' x 320' x 2' deep	Shallow concrete pit below slotted flooring
E2	90' x 175' x 2' deep	Shallow concrete pit below slotted flooring
E3	320' x 590' x 10' deep	Earthen Lagoon w/ clay liner
E4	6' Ø x 12' deep	Lift Station – precast

The barn labelled E1 serves as a gestation facility equipped with concrete slatted flooring over a 2'-0" concrete pit consisting of a 4" thick base slab. The pit walls are 8" thick with footings that are 9" thick and 2'-6" wide. 6" stem walls poured systematically throughout the pit support the 4" thick precast concrete slotted gang slat floor. Precast concrete slotted floors enable excreta and wastewater to fall through and accumulate in the below floor pits. The pit utilizes pull plugs and drains via an 8" SDR-35 PVC sewer pipe to the lift station, E4. The barn contains 14 pull plug locations. There is 340 FT of 8" diameter PVC to transfer the manure to the lift station E4.

The barn labelled E2 serves as a farrowing facility equipped with slotted flooring over a 2'-0" deep concrete pit consisting of a 4" thick base slab. The pit walls are 8" thick with footings that are 9" thick and 2'-6" wide. 6" stem walls poured systematically throughout the pit support the slotted plastic and woven wire flooring. Slotted floors enable excreta and wastewater to fall through and accumulate in the below floor pits. The pit utilizes pull plugs and drains via an 8" SDR-35 PVC sewer pipe to lift station E4. The barn contains 14 pull plug locations. There is 250 FT of 8" diameter PVC to transfer the manure to the lift station E4.

The structure labelled E3 is an earthen lagoon. The pond is 10ft deep with side slopes at 2.5:1. The lagoon is compacted clay material designed to be impervious to wastewater and manure. The structure serves as the primary storage for the facility. A 4" SDR-26 PVC forcemain connects the lift station, E4, to the lagoon.

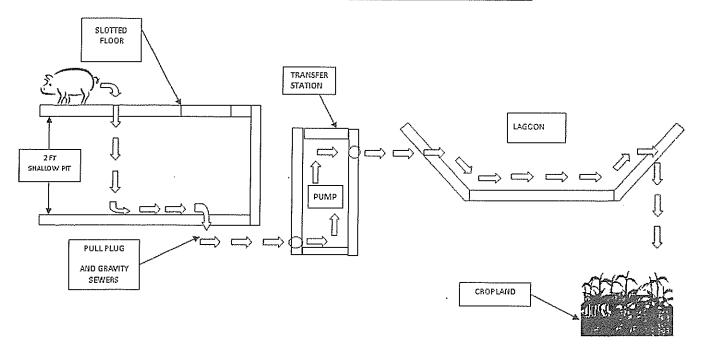
The lift station, E4, is a concrete precast structure 6ft diameter and 12ft deep. The 8" PVC gravity sanitary sewers that drain buildings E1 and E2 flow into the lift station. A permanent 15HP pump in the lift station is connected to 220 FT of 4" SDR-26 PVC (Force-main) which transfers the manure to lagoon E3.

There is 300 FT of 8" SDR-26 PVC (Force-main) connecting the lagoon, E3, to a center-pivot irrigator north of the swine barns. Manure and wastewater are pumped from the lagoon, E3, to the center pivot irrigator via tractor driven manure pump for application on cropland.

The facility protects ground and surface water by providing collection and storage of livestock waste for about 12 months. Subsequently, the waste is applied agronomically to cropland under proper soil and weather conditions for safe use.

Application for Certification (Property Tax Treatment) Pollution Control Facility Applewood Farms of Virginia, IL, LLC – Unit 28 Sow Farm By: Maurer-Stutz, Inc

## MANURE DIAGRAM FOR BUILDINGS E1 & E2, E3



## ATTACHMENT 2: Purpose of Pollution Control Facility

The primary purpose of the facilities is to provide collection and storage for the manure until it can be properly land applied to cropland at agronomic rates.

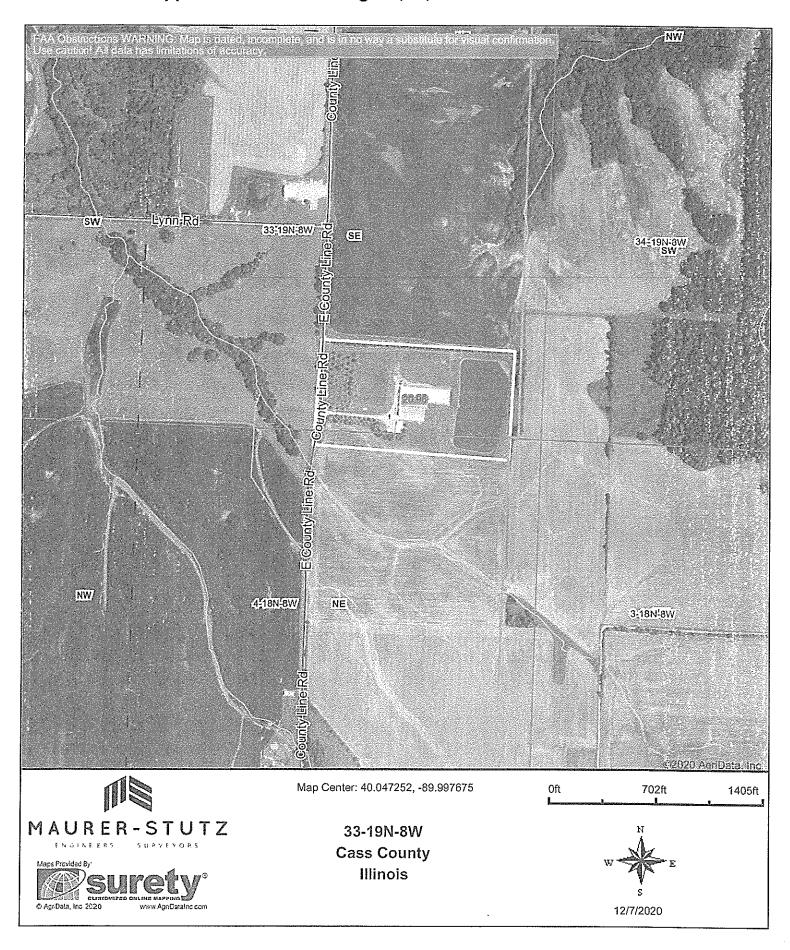
## **ATTACHMENT 3: Date of First Service**

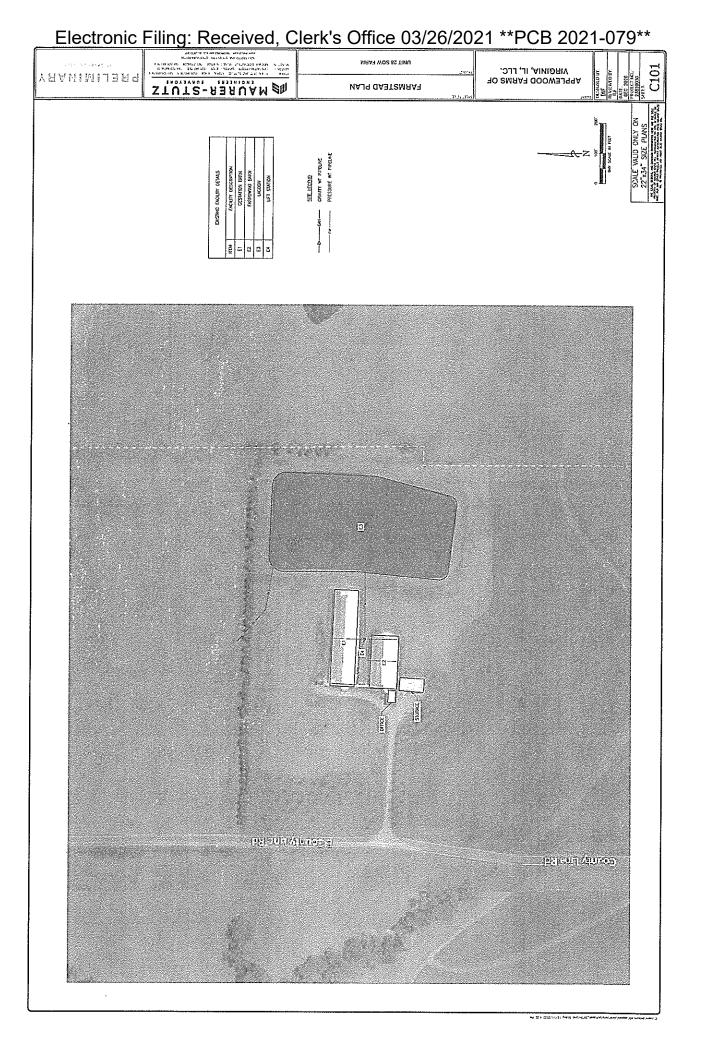
The pollution control facility constructed and first placed into service in 1999.

## **ATTACHMENT 4: Status of Installation**

Facilities described in Attachment 1 are fully constructed and in service as of January 1, 1999.

# Electronic Filing: Received, Clerk's Office 03/26/2021 \*\*PCB 2021-079\*\* Applewood Farms of Virginia, IL, LLC. - Unit 28 Sow Farm





# Hafliger, Belinda

From:	Han, Wei
Sent:	Wednesday, December 23, 2020 1:34 PM
То:	Hafliger, Belinda
Cc:	LeCrone, Darin
Subject:	FW: Applewood Farms U28 PCF Application
Attachments:	Property Tax Certification_U28_Submittal.pdf

Please log in. Thanks,

Wei Han, P.E. 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

From: Daniel N. Feucht <dnfeucht@mstutz.com>
Sent: Wednesday, December 23, 2020 1:28 PM
To: LeCrone, Darin <Darin.LeCrone@Illinois.gov>
Cc: Han, Wei <Wei.Han@Illinois.gov>; Terry L. Feldmann <tlfeldmann@mstutz.com>; Alan Wildt
<alwildt@casscomm.com>; Gary Holloway <gary.applewood@gmail.com>
Subject: [External] Applewood Farms U28 PCF Application

Darin,

Please find attached a Pollution Control Facility (Property Tax Treatment) application for a swine sow farm site owned by Applewood Farms of Virginia, IL, LLC. in Cass County.

Please contact Terry L. Feldmann or myself at (309) 693-7615 if you have any questions.

The application will follow by paper mail.

Regards,

Daniel

#### Daniel Feucht, CCA

MAURER-STUTZ | Agricultural Services Group 3116 N. Dries Lane Suite 100 | Peoria, IL 61604 Ph: (309) 693-7615 | Fax: (309) 693-7616 | Cell: (309) 635-5046 Email: <u>dnfeucht@mstutz.com</u> | Website: <u>www.mstutz.com</u>

Please consider the environment before printing this email.

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 March 26, 2021, the attached <u>NOTICE</u>, <u>APPEARANCE</u> and <u>RECOMMENDATION OF THE ILLINOIS</u> <u>ENVIRONMENTAL 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:

Applewood Farms of Virginia, IL, LLC Gary Holloway 5793 IL Rte. 78 N Virginia, Illinois 62691

#### 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/ Amanda S. Kimmel 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)