

NOV 04 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

MCLEAN PROPERTIES, LLC)
(Property Identification Number)
16-27-34-200-003)
Petitioner,)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Respondent.)

PCB 05- 80
(Tax Certification)

NOTICE

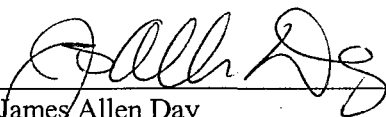
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite. 11-500
Chicago, Illinois 60601

McLean Properties, LLC.
Attn.: Ken Maschoff
7475 State Route 127
Carlisle, IL 62231

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: 
James Allen Day
Assistant Counsel
Division of Legal Counsel

DATED: November 3, 2004
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217-782-5544

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CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD NOV 04 2004

MCLEAN PROPERTIES, LLC)
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16-27-34-200-003))
Petitioner,)
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STATE OF ILLINOIS
Pollution Control Board

PCB 05-80
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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 the Respondent, Illinois Environmental Protection Agency.

ENVIRONMENTAL PROTECTION
AGENCY OF THE STATE OF ILLINOIS

By: 
James Allen Day
Assistant Counsel
Division of Legal Counsel

DATED: November 3, 2004

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STATE OF ILLINOIS
Pollution Control Board

MCLEAN PROPERTIES, LLC)
(Property Identification Number)
16-27-34-200-003))
Petitioner,)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
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PCB 05- 80
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RECOMMENDATION

Now Comes the Illinois Environmental Protection Agency ("Illinois EPA") by James Allen Day, one of its attorneys, and pursuant to Section 125.204 of the Illinois Pollution Control Board's (Board) regulations files the following Recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204.

- 1) On July 16, 2004, the Illinois EPA received a request from Kathryn Bradley for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204, and noted the request as log number TC-21-04.
(Exhibit A)
- 2) The applicant's mailing address is: McLean Properties, LLC.
Attn.: Ken Maschoff
7475 State Route 127
Carlisle, IL 62231
- 3) The facility's physical address is: McLean Properties, LLC.
2492 N. 975 E. Road
McLean, IL 61754
- 4) The water pollution control facilities in this request are located in Section 34, Township 22 North, Range 1 East of the 3rd Principal Meridian in McLean County, Illinois at the above physical address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (75 ft. x 368 ft. x 2 ft. deep) with a manure drain pull plug and the slotted concrete portion of the floor over the manure pit in each of two swine wean to finish buildings; one concrete manure containment basin (225 ft. in diameter x 12 ft. deep); and approximately 660 feet of 10 inch diameter PVC manure transfer pipe.

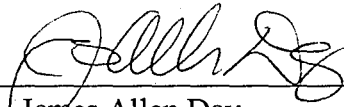
- 5) These livestock waste management facilities are used to collect, transport, and/or store livestock wastes prior to cropland application.
- 6) Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2000), defines "pollution control facilities" as: "any system, method, construction, device or 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."
- 7) Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5 (2000).
- 8) Based on the information in the application and the purpose of the facilities (collecting, transporting and/or storing livestock wastes prior to cropland application), 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. Therefore, the facilities are eligible for tax certification from the

Board.

- 9) Therefore, the Illinois EPA recommends that the Board issue the requested tax certification.

Illinois Environmental Protection Agency,

By:



James Allen Day
Assistant Counsel
Division of Legal Counsel

November 3, 2004

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

STATE OF ILLINOIS)
)
)
COUNTY OF SANGAMON)
)

PROOF OF SERVICE

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

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

McLean Properties, LLC.
Attn.: Ken Maschoff
7475 State Route 127
Carlisle, IL 62231

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

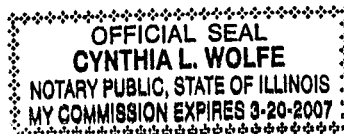
and mailing it from Springfield, Illinois on November 3, 2004 with sufficient postage affixed for first class mail.

Nancy J D Lamport

SUBSCRIBED AND SWORN TO BEFORE ME

this third day of November, 2004

Cynthia L. Wolfe
Notary Public



APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)

POLLUTION CONTROL FACILITY

AIR

WATER

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
P. O. Box 19276, Springfield, IL 62794-9276

TL-12-04

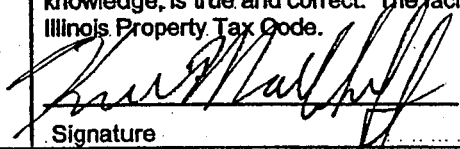
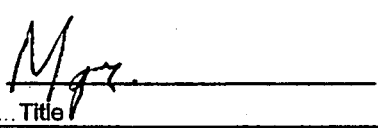
This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter, 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

FOR AGENCY USE

File No.	Date Received	Certification No.	Date
Sec. A APPLICANT	Company Name Melean Properties, LLC		
	Person Authorized to Receive Certification Ken Maschhoff		Person to Contact for Additional Details Jason Logsdon
	Street Address 7475 State Route 127		Street Address SAME
	Municipality, State & Zip Code Carlyle, IL 62231		Municipality, State & Zip Code SAME
	Telephone Number 618-594-2125		Telephone Number SAME
	Location of Facility Quarter Section Township Range 34 22 N 1E		Municipality Township
	Street Address 2492 N 975 E Rd McLean, IL 61754 McLean		County Book Number
	Property Identification Number 16-27-34-200-003		Parcel Number
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location This is a 6,500 head wean to finish facility. There are 2 barns on this site.	
Water Pollution Control Construction Permit No. N/A		Date Issued N/A	
NPDES PERMIT No. N/A		Date Issued N/A	Expiration Date
Air Pollution Control Construction Permit No. N/A		Date Issued N/A	
Air Pollution Control Operating Permit No. N/A		Date Issued N/A	
Sec. C MANUFACTURING PROCESS	Describe Unit Process N/A		
	Materials Used in Process N/A		
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility See attached documents.		

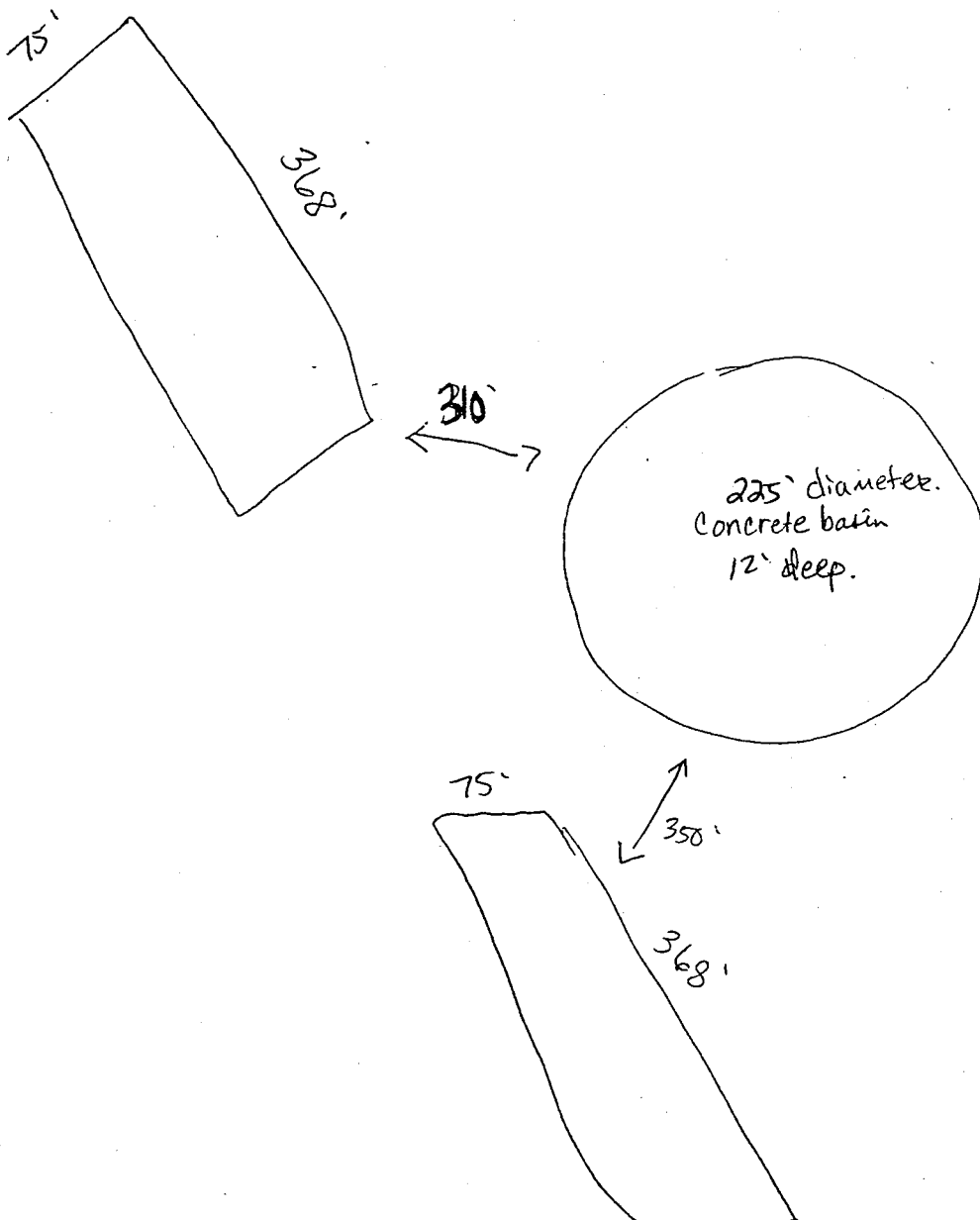
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BOW/WPC/PERMIT SECTION

Sec. E	(1) Nature of Contaminants or Pollutants Swine Manure			
	CONTAMINANTS	Material Retained, Captured or Recovered		
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
		Swine manure	Swine manure from 6500 Hd of Wean to Finish Hogs.	The animal waste is injected into the ground at agronomic rates in accordance with the Nutrient Management Plan.
	(2) Point(s) of Waste Water Discharge NONE			
	Plans and Specifications Attached		Yes	No X
	(3)	Are contaminants (or residues) collected by the control facility?	Yes X	No
	(4)	Date installation completed 1-1-96 status of installation on date of application Complete		
	ACCOUNTING DATA	(5) a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 410,000
		b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 10,000
c.		PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 0	
d.		PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 0	
e.		PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 46%	
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				
	Signature	Title		
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 pollution control facility. Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an average analysis of the influent and effluent of the control facility stating the collection efficiency.			
INSTRUCTIONS	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:	Attention:	Attention:	
	Illinois EPA P.O. Box 19276 Springfield, IL. 62794-9276	Thomas McSwiggin Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control	

Each building holds 3,250 head of wean to finish hogs. Both buildings have 2' shallow pits and have total slatted floors. The pits are the same dimensions as the buildings.

There are 10" PVC pipes running from the pits to the basin. The pits are pull plug. The basin is 12' deep.



Flow Diagram of Waste Handling

