BEFORE THE ILLINOIS POLLUTION CONTROL BOARD RECEIVED

NOTICE

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

Steve Santarelli Illinois Department of Revenue 101 West Jefferson Post Office Box 19033 Springfield, Illinois 62794 Bay Creek 3 Investments, LLC RR 1 Box 210B Nebo, Illinois 62355

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an <u>APPEARANCE AND THE RECOMMENDATION</u> of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY OF THE STATE OF ILLINOIS

By: Vena Henst

Vera Herst

Assistant Counsel

Division of Legal Counsel

DATED: January 26, 2005

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 RECEIVED CLERK'S OFFICE

Bay Creek 3 Investments, LLC
(Property Indentification Number
73-002-09A

)
PCB 05- 144
) (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

Vera Herst

Assistant Counsel

Division of Legal Counsel

DATED: January 26, 2005 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 JAN 28 2005

STATE OF ILLINOIS Pollution Control Board

RECOMMENDATION

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, 35 Ill. Adm. Code 125.204.

- 1. On April 12, 2004, the Illinois EPA received a request from Bay Creek 3
 Investments, LLC (log number TC-19-04, 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 applicant's address is:

Bay Creek 1 Investments, LLC

RR 2 Box 210B

Nebo, Illinois 62355

3. The proposed water pollution control facilities in this request are located at Section 2, T7S, R3W of the 4th P.M. in Pike County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure, pit (41 ft. x 44 ft. x 8 ft. deep), with the slotted concrete portion of the floor over the manure pit and one pull plug drain located in one swine isolation building; one concrete manure pit (79 ft. x 500 ft. x 10 ft. deep) with the slotted concrete portion of the floor over the manure pit and 12 concrete pump out manure pits (each 6 ft. x 6 ft. x 10 ft. deep) located in one swine gestation building; one concrete manure pit (79 ft. x 272 ft. x 2 ft. deep) with the slotted concrete portion of the floor over the manure pit and one pull plug drain located in one swine farrowing building; and approximately 100 ft. of 10-inch diameter PVC manure transfer pipe.

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

4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2004), 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."

- 5. Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5.
- 6. Based on the information in the application and the purpose of the facilities, 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:

Vera Herst

Assistant Counsel

Division of Legal Counsel

Dated: January 26, 2005

Illinois Environmental Protection Agency 1021 North Grand Ave. E. P.O. 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 THE 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

Bay Creek 2 Investments, LLC RR 1 Box 210B Nebo, Illinois 62355

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

and mailing it from Springfield, Illinois, on January 26, 2005, with sufficient postage affixed for first class mail.

SUBSCRIBED AND SWORN TO BEFORE ME this 26th day of January, 2005

Notary Public

CYNTHIA L. WOLFE

NOTARY PUBLIC STATE OF ILLINOIS

NY COMMISSION EXPIRES 3-20-2007

Nancy J D & amport

THIS FILING IS SUBMITTED ON RECYCLED PAPER

Watershed Unit Tax Certification Review Sheet

Project Name:	Bay Creak 3 Investments LLC Theories Found TC-19-04	Location:	Nebo
Reviewer: Log No.:	Theddens Francis	Date: Type:	12/9/04
205 110			□ Agchem ☑ Livestock
Applicant:	Ken Maschhoff	Contact:	
Applicant.	7475 State Knu-e 27	Phone:	Jason Logsdan 101a-594-2175
	Carlyle, IL 62231		10:5 2:123
	613-594-2125		
Facility:	Bay Creek 3 Investments LIC	Property ID:	73-002-094
••••	RR1 150m 210B	rroporty 12.	
	Noba 51 192355		
Legal Description:	Section 2. TTS. RBW OF the with PM	County:	Pike
		•	
Date Control		Provided	
Devices installed:	March 2003	Fair Cash Value:	\$625,000
,	Ken Maschaste		
Signature:	Ren Maschapta	Title:	MERAINS
Wastes:	Livestock waste is applied to cropland. Agrichemical rinsate and spillage is recycled through the f	acility and/or la	nd applied.
	□ Other:		
Physical Description	n of Pollution Control Devices:		
One connete	manure pit (41 ft x 44 ft x 8 ft dep) w	M	e stated floors and
	one pull plus in one Isolation build	in a	e stotted floors and
DAG TANTILA	2 pampouts in Mr setting building	ist ment	e stated others and
	•	/	
The surveyo	Manure plf (79 st x 272 ft x 2 ft deep)	with COM	rite slotted floor and
	one pollphon in one faccowing willing		
agrayim el,	100 Et of 10" discite PVC Marine	transfer	Pipe
7			
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Other: 12/17/04 - 5/	onke with Jama 'ourrier - Joseph Sour	1 waste	ir act promised to
51	poke with Javan narrian - Joson Saro a brillings, it drains via Ipull pho- lding when it is pumport shout 17 car	1012 4	is not proposed of
bui	la brillings, it doing via I pull plus ling where It is pumport shough 17 car	Serie 6 Fo	x GFF x 19ft dup proports

APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT) POLLUTION CONTROL FACILITY AIR WATER M

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

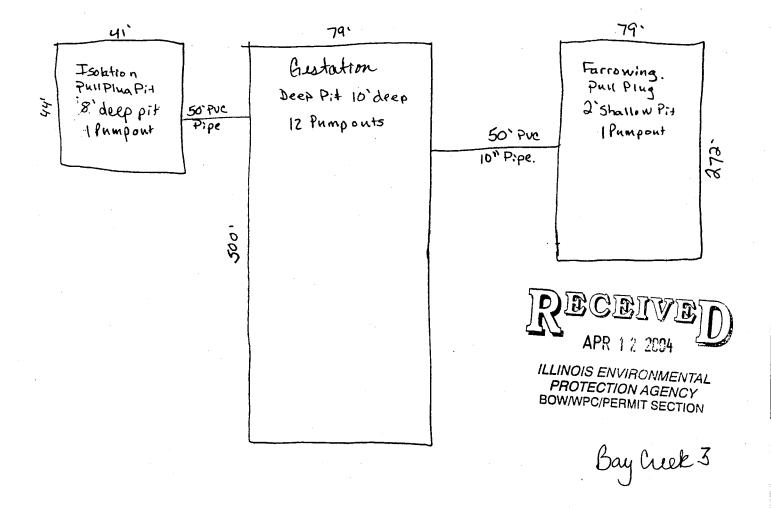
TC-19-04

This Agency is authorized to request this information under Illinois Revised Statues, 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.		Dante	
Sec. A	Company Nama				
APPLICANT	Bay Creek & Investmen	ts, LLC	•		
	Person Authorized to Receive Certification		Person to Contact for Addi	tional Details	
	Ken Maschhoff		Jason Logodon		
	Street Address		Street Address		
	7475 State Route 127		same		
	Municipality. State & Zip Code		Municipality, State & Zip Code		
	Carlyle, IL 62231		SAME		
Ĭ	Telephone Number		Telephone Number		
₹	618-594-2125		SAME Municipality	Fownship	
.	Location of Facility Quarter Section Township	Range	минарану	Ownship	
	75	3W			
	Street Address			Book Number	
	RRI BOX 210B Nebo, JL 62355		Pike	•	
	Property Identification Number		Parcel Number		
	73-002-094				
Sec. B	Nature of Operations Conducted at the Above	Location		4	
	this is a 5950 Head	Farrow to	Finish swine Co	nfinement	
	l a				
_	facility.				
<u>≅</u> 2					
μĘ	Water Pollution Control Construction Permit	40 .	Date Issued		
A F	NIA		N/H Date Issued	Expiration Date	
MANUFACTURING OPERATIONS	NPDES PERMIT No.		N/A	CAPITATION Date	
ž	Air Pollution Control Construction Permit No.		Date Issued		
	NIA		NIA	•	
	Air Pollution Control Operating Permit No.		Date Issued		
	NIA		NIA		
Sec. C	Describe Unit Process				
	NIA		•		
0 2	14 14				
ESS SS				•	
UFACTURING PROCESS	Materials Used in Process				
₹	·				
MANU	NA				
	IN IN				
Sec. D	Describe Pollution Abatement Control Facility		3552		
36 0. D	Describe Foliation Abatement Control Facility			TO TO TO	
S S S	000 111 1 1 2			S A TROUBLE	
₩	SEE Attouched Diagrams.		APD 1	, 2024	
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POLLUTION CONTROL FACILITY DESCRIPTION	·		ILLINOIS ENVIR	RONMENTAL	
35			1 11015	1/1/2004/	
_ <u>0</u>			BOW/WPC/PERM	IT SECTION	
				·· · · · · · · · · · · · · · · · · · ·	

ec. E	(1) Nature of Contaminants or Pollutants								
ł	Swine Manne		Material Reta	Material Retained, Captured or Recovered					
2	Contaminant or Pollutant								
Ž.		ne Manune	agoined to cropland		USE U.R.F. Grand				
W		7.14.144	1	We pump the Manure from					
1 S					it into the				
٥٤		,		agronomic Rates in accordance					
					MMP.				
¥.	(2) Point(s) of Waste Water Discharge NoNE								
701 101									
NO.		•	Plans and Specifications	Attached	Yes	No X			
Ö.		re contaminants (or residues) colle			Yes X	No .			
<u></u>	(4) D	ate installation completedmarc	ch 2003 status of installation of	n date of a	pplication	plete.			
POLLUTION CONTROL FACILITY – CONTAMINANTS CONTAMINANTS	(5) a.	FAIR CASH VALUE IF CONSIDER	RED REAL PROPERTY:		\$ 625,0	00			
NGP	b.				\$ 15,0	00			
TNO	c.				\$ Ø				
CCC	d.				\$ \$				
Sec. F	е.	PERCENTAGE CONTROL FACILITY Wing information is submitted in according	ITY BEARS TO WHOLE FACILITY		% 3 6 %	8			
SIGNATURE	knowledg Illinois P	ge, is true and correct. The facilities of reperty Tax Code.	Manage	facilities" as	defined in Section	on 11-10 of the			
7	i Sianatu	re \///	. Title •						
Sec. G	Signatu		Title INS FOR COMPILING AND FILING APP	PLICATION					
Sec. G	General:	INSTRUCTIO Separate applications must be completed artitions are related, file two applications. It information refers to applicant as listed in	INS FOR COMPILING AND FILING APP of for each control facility claimed. Do not f attachments are needed, record them on the tax records and the person to be con	ot mix types (consecutively	on an index sheet.	Inspection of			
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The isolation Bldg is 41'×44' with a 8' deep pit. There is one pump out on this building. This building connects to the gestation building with a 50'-10" PVC Pipe this Pipe Keeps the Pits levels equal. The gutation building is 79°×500' with a 10' deep pit. There are b pumpouts on each side of the building. There is another 50'-10" PVC Pipe that connects to the famowing building. The famowing building is 79°×272' with a 2' Shallow pit. There is I pump out on this building.



Flow Diagram of Waste Handling

the farrowing bldg and the The manure drains from Isolation bldg into the Gestation bldg. the manure into the fields The injector will inject at agronomic rates in bldg's are 2' deep and the The Gestation bldg's pit is 10' deep. The Farrowing Isolation bldg's pit is 8' deep. pumped out of the Gestation The waste is then pit and sent to a is 100% concrete Swine floor Slats Finish Pigs Farrow to 5,950

accordance to the Manure

drag line injector.

Management Plan.



ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY
BOWWPC/PERMIT SECTION