

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JAN 28 2005

STATE OF ILLINOIS
Pollution Control Board

McLean Properties, LLC
(Property Identification Number
07-16-01-00-300-005

)
)
)
) PCB 05- 141
) (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
5510 E. 730th Rd.
Martinsville, Illinois 62442

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: Vera Herst
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

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STATE OF ILLINOIS
Pollution Control Board

A P P E A R A N C E

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Vera Herst
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

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STATE OF ILLINOIS
Pollution Control Board

McLean Properties, LLC)
(Property Identification Number) PCB 05- 141
07-16-01-300-005) (Tax Certification)
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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 2, 2004, the Illinois EPA received a request from McLean Properties, LLC (log number TC-15-04, 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:

McClean Properties, LLC
5501 E. 730th Rd.
Martinsville, Illinois 62442
3. The proposed water pollution control facilities in this request are located at SW ¼ Section 1, T9N, R14W of the 2nd P.M. in Clark County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (41 ft. x 210 ft. x 8 ft. deep), with the slotted concrete portion of the floor over the manure pit and 6 concrete pump out manure pits (each 6 ft. x 6 ft. x 8 ft. deep) located in each of nine swine buildings.

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
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

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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

McLean Properties, LLC
5510 E. 730th Rd.
Martinsville, Illinois 62442

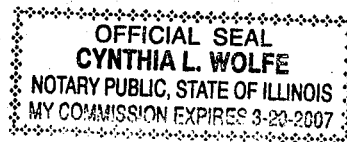
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

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

Nancy J D Lamport

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

Cynthia L. Wolfe
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

Watershed Unit Tax Certification Review Sheet

#41

Project Name: McLean Properties, LLC
Reviewer: Thaddeus Farrant
Log No.: TC-15-04

Location: Martinsville
Date: 12/8/04
Type: Agchem
 Livestock

Applicant: Ken Maschnoff
7475 State Route 127
Carlinville, IL 62231
618-594-2125

Contact: Jason Loosdon
Phone: 618-594-2125

Facility: McLean Properties, LLC
5501 E. 730th Rd.
Martinsville, IL 62242

Property ID: 07-16-01-00-300-005

Legal Description: SW 1/4 Section 1, T4N, R14W of 2nd PM

County: Clark

Date Control Devices Installed: 4-1-06

Provided Fair Cash Value: \$563,000

Signature: Signed by Ken Maschnoff

Title: manager

Wastes: 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:

One concrete manure pit (41 ft x 210 ft x 8 ft deep) w/ concrete diked floor
2 pumps (6 ft x 6 ft x 8 ft) per pit in each of 9 buildings

Other: A total pit = 5 (1 pit / building → 9 buildings)

12/17/04 spoke with Jason Loosdon - Jason said 9 pumps are concrete 6 ft x 6 ft x 8 ft

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
P. O. Box 19276, Springfield, IL 62784-9276

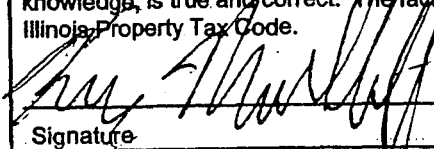
7C-15-04

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.

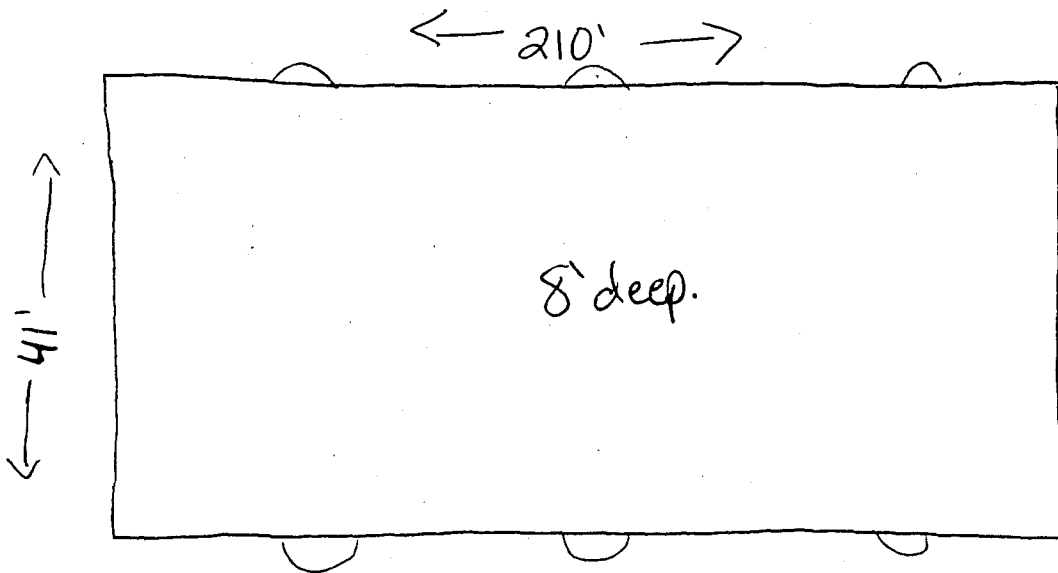
FOR AGENCY USE			
File No.	Date Received	Certification No.	Date
APPLICANT	Sec. A Company Name McLean Properties, LLC		
	Person Authorized to Receive Certification Ken Maschhoff		Person to Contact for Additional Details Jason Logsdon
	Street Address 7475 State Route 127		Street Address SAME
	Municipality, State & Zip Code Carlyle, IL 62231		Municipality, State & Zip Code SAME
	Telephone Number 618-594-2125		Telephone Number SAME
	Location of Facility	Municipality	Township
	Quarter Section	Township	Range
	SW 1/4 NE 1/4 SW 1/4 Sec. 1 9N		14E 14W
	Street Address 5501 E. 730th Rd. Martinsville, IL 62442 Clark		County
	Property Identification Number 07-16-01-00-300-005		Parcel Number
MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location This is a 9,000 head feeder to finish facility. There are 9 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	
MANUFACTURING PROCESS	Sec. C Describe Unit Process N/A		
	Materials Used in Process N/A		
POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility See attached documents.		

RECEIVED
APR 12 2004

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY
BOW/WPC/PERMIT SECTION

Sec. E	(1) Nature of Contaminants or Pollutants Swine Manure		
			Material Retained, Captured or Recovered
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
	Swine manure	Swine manure from 9000 Hd of feeders 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 <input checked="" type="checkbox"/>
	(3)	Are contaminants (or residues) collected by the control facility?	Yes <input checked="" type="checkbox"/> No
	(4)	Date installation completed <u>4-1-96</u> status of installation on date of application <u>Complete.</u>	
	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ <u>563,000</u>
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ <u>10,000</u>
c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:		\$ <u>0</u>	
d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:		\$ <u>0</u>	
e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:		% <u>48 %</u>	
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 <u>Mgr.</u>		
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 <u>pollution control facility</u> . Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an <u>average</u> analysis of the influent and effluent of the control facility stating the collection efficiency.		
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

There are 9 of these buildings at this site.
Each building houses 1,000 Head of feeder
to finish hogs. The pits are 41' x 210' and
8' deep. The concrete is reinforced with rebar.
The floor is 100% total concrete slabs.
There is 3 pump outs on each side
of each building.



Flow Diagram of Waste Handling

9000
Feederto Finish
Pigs



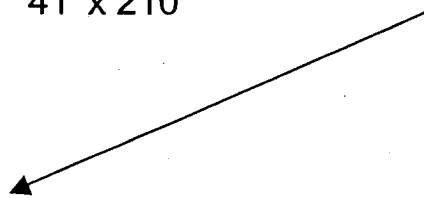
Swine floor
is 100% concrete
Slats



All concrete
pits under the
slats, 8' deep
41' x 210'



Wase is pumped
out annually of
deep pit, through
the take out holes.



Waste is loaded
into wagons and
brought out to the
injector to be spread
onto the fields.



Waste is injected into
the soil based on rates
determined by soil samples
and the NMP.