BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED CLERK'S OFFICE

JUN 0 7 2005

STATE OF ILLINOIS Pollution Control Board

Probst Grain and Livestock, Inc. (Property Identification Numbers 58-06-05-400-010; 58-06-08-200-005; 58-06-09-400-02)

NOTICE

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

Chris Probst 11341 N. 200th Street Wheeler, Illinois 62479

PCB 05-

(Tax Certification)

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 <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

Rv

Vera Herst

Assistant Counsel

Division of Legal Counsel

DATED: June 6, 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

RECEIVED CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUN 0 7 2005

Probst Grain and Livestock, Inc. (Property Indentification Numbers 58-06-05-400-010; 58-06-08-200-005; 58-06-09-400-02))) PCB 05- D (Tax Certification)	STATE OF ILLINOIS Pollution Control Board

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

By: Vea 1

Assistant Counsel

Division of Legal Counsel

DATED: June 6, 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 JUN 0 7 2005

Probst Grain & Livestock, Inc.	STATE
(Property Identification Numbers) PCB 05- 20	Pollution
58-06-05-400-010; 58-06-08-200-005;) (Tax Certification)	
58-06-09-400-02	

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 September 14, 2004, the Illinois EPA received a request from Chris Probst (log number TC-27-04, 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:

Chris Probst

11341 N. 200th Street Wheeler, Illinois 62479

- 3. The proposed water pollution control facilities in this request are located at (1) Section 5, T7N, R8E of the 3rd P.M. in Jasper County; (2) Section 8, T7N, R8E of the 3rd P.M. in Jasper County; and (3) Section 9, T7N, R8E, of the 3rd P.M. in Jasper County; and consist of the following:
 - (1) Livestock waste management facilities consisting of one concrete pit (NB) (168 ft. x 10 ft. x 8 ft. deep), with two concrete pump out pits (each 3 ft. x 7 ft. x 8 ft. deep) with concrete covers and the concrete slotted portion of the flooring over the manure pit and one concrete pit (NF) (360 ft. x 41 ft. x 8 ft. deep) with eight concrete pump out pits (each 4 ft. x 6 ft. x 8 ft. deep) with plywood covers and the concrete slotted portion of the flooring over the manure pit; and

(3) Livestock waste management facilities consisting of one concrete pit (194 ft. x 101 ft. x 8 ft. deep) with six concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep) with plywood covers and the concrete slotted portion of the flooring over the manure pit.

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: June 6, 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 <u>APPEARANCE AND THE</u>

<u>RECOMMENDATION</u>, 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

Chris Probst 11341 N. 200th Street Wheeler, Illinois 62479

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

and mailing it from Springfield, Illinois, on June 6, 2005, with sufficient postage affixed for first class mail.

SUBSCRIBED AND SWORN TO BEFORE ME this $6^{\rm th}$ day of June, 2005

Motorry Dublic

OFFICIAL SEAL
BRENDA BOEHNER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 11-14-2005

nancy /

THIS FILING IS SUBMITTED ON RECYCLED PAPER



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

Memorandum

To:

Connie Tonsor, Division of Legal Counsel

MAR 0 8 2005

From: Bruce J. Yurdin, Manager, Watershed Management Section

Date:

3 2005 MAR

Re:

Probst Grain & Livestock, Inc. - Wheeler Recommendation of Tax Certification

Log # TC-27-04

Property Identification # 1.) 58-06-05-400-010

2.) 58-06-08-200-005

3.) 58-06-09-400-02

RECEIVED

Division of Legal Counsel

MAR - 8 2005

Environmental Protection Agency

The Bureau of Water received a request on September 14, 2004 from Chris Probst for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 II. Adm. Code 125.204. We offer the following recommendation.

The water pollution control facilities in this request include the following:

Chris Probst 1977 E. 1500th Avenue Wheeler, IL 62479

- 1.) Section 5, T7N, R8E of the 3rd P.M. in Jasper County
- 2.) Section 8, T7N, R8E of the 3rd P.M. in Jasper County
- 3.) Section 9, T7N, R8E of the 3rd P.M. in Jasper County
- 1.) Livestock waste management facilities consisting of one concrete pit (NB) (168 ft. x 10 ft. x 8 ft. deep) with two concrete pump out pits (each 3 ft. x 7 ft. x 8 ft. deep) with concrete covers and the concrete slotted portion of the flooring over the manure pit and one concrete pit (NF) (360 ft. x 41 ft. x 8 ft. deep) with eight concrete pump out pits (each 4 ft. x 6 ft. x 8 ft. deep) with plywood covers and the concrete slotted portion of the flooring over the manure pit. These livestock waste management facilities are used to collect, transport, and/or store livestock wastes prior to cropland application.
- 2.) Livestock waste management facilities consisting of one concrete pit (OF) (60 ft. x 14 ft. x 5 ft. deep) and the wire mesh portion of the flooring over the manure pits; one concrete pit (FN) (140 ft. x 24 ft. x 8 ft. deep) with two concrete pump out pits (each 4 ft. x 6 ft. x 8 ft. deep) with plywood covers, six PVC pump out ports (each 10 inch in diameter) and the wire mesh portion of the flooring over the manure pits and one concrete pit (LF) (60 ft. x 12 ft. x 8 ft. deep) with two PVC pump out ports (each 10 inch in diameter) and the wire mesh portion of the flooring over the manure pit. These livestock waste management facilities are used to collect, transport, and/or store livestock wastes prior to cropland application.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000 ELGIN – 595 South State, Elgin, IL 60123 – (847) 608-3131 • PEORIA – 5415 N. University St., Peoria, IL 61614 – (309) 693-5463 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462

SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892

CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800

COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120 MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

Page No. 2 Log No. TC-27-04

3.) Livestock waste management facilities consisting of one concrete pit (194 ft. x 101 ft. x 8 ft. deep) with six concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep) with plywood covers and the concrete slotted portion of the flooring over the manure pit. These livestock waste management facilities are used to collect, transport, and/or store livestock wastes prior to cropland application.

These facilities are 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 James Allison at 217/782-3362.

BJY:JRA:

cc: Tax Cert File

Vatersned Unit Tax Certification Review Sheet -

Location:

Wheeler

Probst

Reviewer:	•	18K			Date:	31 Jan 15
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APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT) POLLUTION CONTROL FACILITY AIR WATER

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

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.	•	Date
Sec. A	Company Name	Octanodacii iyo.		
060.7	Post- Crais & Livertact	The	9	-7-04
M	Probs + Grain + Livestock Person Authorized to Receive Certification	, +-1/C	Person to Contact for Ad	ditional Details
	Chris A. Probst		Chris A. 1	Drahet
	I Stroot Addroce		Circuit Address	
	1/241 11 200 th 5t		11211 11 20	oth St.
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	110 heeres T1 10 21/79		11) her lan 71	62479
I C	Wheeler, IL 62479 Telephone Number		Wheeler, IL Telephone Number	
APPLICANT	(217) 925-5314		(217) 925-5.	
	Location of Facility		Municipality	Township
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	SE14 Sec. 5 T7N Street Address	R8E	wheeler /	Vorth Muddy Book Number
}	Street Address		County	Book Number
	1977 €. 1500 Ave.	•	Jasper	
	Property Identification Number		Parcel Number	
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SIGNATURE	Chin A. Probet Vice President, Probet Grain + Livestock, Inc.						
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Section D Narrative

Manure Pit #1(NB) – Concrete manure pit – 168' X 10' X 8' with concrete slats covering the entire top.

Manure Pit #2 (NF) – Concrete manure pit - 360' X 41' X 8' with concrete slats covering the entire top.

Manure P:+ # a Fresh water pond 200' South of A:+ #1 Ganure Pit #1 Concrete slats over 1 Goucre to 891 Clour 41' 28'

Manure

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

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

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.		Date
Sec. A	Company Name	ant Tim		• •
	Probst Grain + Livest Person Authorized to Receive Certification	och, pho	Person to Contact for Add	itional Details
	Chris A. Probst		Chris A. Pro	6st
}	Street Address		Street Address	H d
1	11341 N. 200 St. Municipality, State & Zip Code		1/34/ 1/20 Municipality, State & Zip C	2 87,
Ę	Municipality, State & Zip Gode		101 A DIA TO	62117 9
APPLICANT	Wheeler, IL 62479 Telephone Number		Wheeler FL Telephone Number	<u> </u>
APP	(317) 935-5314 Location of Facility		(217) 925-5 Municipality	314
ļ	Location of Facility Quarter Section Township	Poppa	Municipality	Township
	Quarter Section Township NE 14 Section 8 T70	Range R 8E	Wheeler 1	Innth Muddy
	Street Address	NOL-	Wheeler N County	Book Number
	1977 E. 1500 4 Ave Property Identification Number	:	Josper	
	Property Identification Number		Parcel Number	•
Sec. B	SR-06-08-200-005 Nature of Operations Conducted at the Above	Logation	.115	
Sec. B	Control and storage	Of Swi	he manuse	
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MANUFACTURING OPERATIONS	Water Pollution Control Construction Permit N	lo.	Date Issued	
UFA	NPDES PERMIT No.		Date Issued	Expiration Date
NAN O				
_	Air Pollution Control Construction Permit No.		Date Issued	
	Air Bolletian Control Constitut Burinell			
	Air Pollution Control Operating Permit No.		Date Issued	
Sec. C	Describe Unit Process		10100 COLOR	3978780
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o		•		1501
S		•	SEF 14	
MANUFACTURING PROCESS	Materials Used in Process		ILLINOIS ENVIRC	NW ANTAL:
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MA	· · · · · · · · · · · · · · · · · · ·		BOW/WPC/PERMIT	SECTION
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Sec. D	Describe Pollution Abatement Control Facility			
-			•	
1001	- See attachment			
CRE				•
DES				
POLLUTION CONTROL FACILITY DESCRIPTION				
FAC		•	• .	
				. }

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. Chas A. Plobst Vice President, Probst Grain & Vivestock, Inc. Signature Title	Sec. E	c. E (1) Nature of Contaminants or Pollutants							
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. CLASA, PLOAD Vice President, Probst Grain + Vivestock, Inc. Signature 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 an 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. 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. Induce 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. Illem (2) – Refers to pollutants and contaminants removed from the processes by the pollution control facility. Illem (2) – Refers to pollutants and contaminants removed from the processes piping to and from the control facility. Illem (3) – If the collected contamin	40			M	Material Retained, Captured or Recovered				
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Historia CDA		Sac E	activate project review prior to certificat	ion by this Agency.		inting data most be	completed to		
Illinois EPA Thomas McSwiggin Donald E. Sutton		Sec. F	activate project review prior to certificat Self-explanatory. Signature must be a	corporate authorized signatu	re.	mung data most be	completed to		
1 0 0 D 40070		Sec. F	self-explanatory. Signature must be a Submit to:	corporate authorized signatu	re.	many data most be	completed to		
P.O. Box 19276 Permit Section Permit Section Permit Section Springfield, IL 62794-9276 Division of Water Pollution Control Division of Air Pollution Control		Sec. F	self-explanatory. Signature must be a Submit to: Illinois EPA	corporate authorized signatu	re. Attention: Donald E. St	utton	completed to		

Section D Narrative

Manure Pit #1(OF) – Concrete manure pit – 60' X 14' X 5' with wire mesh flooring covering the entire top.

Manure Pit #2 (FN) – Concrete manure pit - 140' X 24' X 8' with wire mesh flooring covering the entire top.

Manure Pit #3 (LF) – Concrete manure pit – 60° X 12' X 8' with wire mesh flooring covering the entire top.

Manure Pit #8

Manure Di+#1

> Dotted Lines indicate inner. Pit walls

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

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

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				Ì
File No.	Date Received	Certification No.	· 	eate	
Sec. A	Company Name Cobst Grain + Livestoc Person Authorized to Receive Certification	k, Inc.	ا Person to Contact for Addi	7 - 0 4 tional Details	
APPLICANT	Chris A. Probst Street Address 1/341 N. 200 5+. Municipality, State & Zip Code	c	Chris A. Probs Street Address 11341 N. 200 Municipality, State & Zip C	F 54,	
	Wheeler IL 63479 Telephone Number (317) 935-5314 Location of Facility		Wheeler, IL Telephone Number (217) 925-5	62479	
	Quarter Section Township SE 4 T7N Street Address	Range R SE	• • • • • • • • • • • • • • • • • • • •	Lh Muddy Jasper Book Number	Cou
Sec. B	Property Identification Number 5 \$\mathcal{T} = 0 (0 - 0 \mathcal{G} - 400 - 0 \mathcal{A}\$ Nature of Operations Conducted at the Above	L ocation	Pardel Number		
	-Control and Storage	of sw	he manule		
MANUFACTURING OPERATIONS	Water Pollution Control Construction Permit N	lo.	Date Issued		
MANUFA	NPDES PERMIT No.		Date Issued	Expiration Date	
	Air Pollution Control Construction Permit No. Air Pollution Control Operating Permit No.		Date Issued		
Sec. C	Describe Unit Process	1007	Date Issued		
			REC		,
MANUFACTURING PROCESS	Materials Used in Process		PROTECT	NVIRONMENTAL TION AGENCY ERMIT SECTION	
Sec. D	Describe Pollution Abatement Control Facility				•
POLLUTION CONTROL FACILITY DESCRIPTION	-see attachment				
POLLUTIO FACILITY D					

Sec. E								
	Material Retained, Captured or Recovere							
ZTS	Contan	ninant or Pollutant	DESCRIPTION	DISPOSAL OR USE				
. IN		ne Manure	Captused	Land applied at or				
ITAN				below agranomic rates				
r – Gontaminants				7				
=								
FAC	(2) Poi	nt(s) of Waste Water Discharge	None					
ő	1 (2/ 1 01)	(0) 3. 1143.5 1143.5 23.5 114.5	·					
F.			Plans and Specification	s Attached Yes No				
ö		Are contaminants (or residues) c		Ves No				
	(4)	Date installation completed /	12-03 status of installation of					
ATA	(5) a	. FAIR CASH VALUE IF CONSID	ERED REAL PROPERTY:	\$ 415,000.00				
7. 0.00	b	. NET SALVAGE VALUE IF CON	SIDERED REAL PROPERTY:	\$ 0,00				
N N	0	. PRODUCTIVE GROSS ANNUA	L INCOME OF CONTROL FACILITY:	\$ 90,000.00				
POLLUTION CONTROL FACILITY - ACCOUNTING DATA	d	. PRODUCTIVE NET ANNUAL IN	NCOME OF CONTROL FACILITY:	\$ 20,400.00				
O.	e	. PERCENTAGE CONTROL FAC	CILITY BEARS TO WHOLE FACILITY					
Sec. F	The follo	owing information is submitted in ac	cordance with the Illinois Property Tax	Code, as amended, and to the best of my				
Ш		lge, is true and correct. The facilitie Property Tax Code.	s claimed herein are "pollution control	facilities" as defined in Section 11-10 of the				
TUR) IIII 1015 F	A	2					
SIGNATURE	Cir	Chis A. Probst Vice President, Probst Grain + Livestock, Inc.						
Š	Signature Title							
Sec. G INSTRUCTIONS FOR COMPILING AND FILING APPLI				PLICATION				
	General:	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.						
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	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 Pennit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control				

Section D Narrative

Manure Pit #1 – Concrete manure pit – 194' X 101' X 8' with concrete slats covering the entire top.

Dotted Fire hit moll N. 194' - 4" Manure Pit #1