

RECEIVED
CLERK'S OFFICE

MAY - 5 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PATRICK J. HARMS HOG PRODUCTION)
(Charlotte Facility))
(Property Identification Number)
24-24-18-300-007))
Petitioner,) PCB 06- 169
) (Tax Certification)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Respondent.)

NOTICE

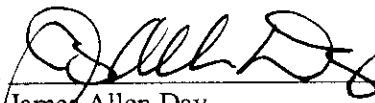
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite. 11-500
Chicago, Illinois 60601

Patrick Harms
26596 E. 1000 North Rd.
Forrest, IL 61741

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: May 3, 2006

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

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MAY - 5 2006

STATE OF ILLINOIS
Pollution Control Board

PATRICK J. HARMS HOG PRODUCTION)
(Charlotte Facility))
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24-24-18-300-007))
Petitioner,) PCB 06- 169
) (Tax Certification)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Respondent.)

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 December 29, 2005, the Illinois EPA received a request from Patrick J. Harms Hog Production 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-20-05. (Exhibit A)
- 2) The applicant's mailing address is: Patrick Harms
26596 E. 1000 North Rd.
Forrest, IL 61741
- 3) The facility address is: 30471 N. 1200 E. Rd.
Forrest, IL 61741
- 4) The water pollution control facilities in this request are located at Section 18, T27N, R8E of the 3rd P.M. in Livingston County, Illinois at the above facility address and consist of the following:

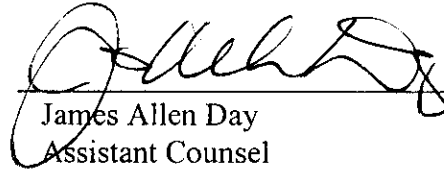
Livestock waste management facilities consisting of two concrete manure pits (each 187 ft. x 40 ft. x 8 ft. deep) with 8 concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep with wood and aluminum covers) and the slotted concrete portion of the floor over the manure pits; two concrete manure pits (each 175 ft. x 45 ft. x 8 ft. deep) with 8 concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep with wood and aluminum covers) and the slotted concrete portion of the floor over the manure pits; one concrete manure pit (192 ft. x 95 ft. x 8 ft. deep) with 4 concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep with wood and aluminum covers) and the slotted concrete portion of the floor over the manure pit.

- 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, 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.
- 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:

A handwritten signature in black ink, appearing to read "James Allen Day", is written over a horizontal line.

James Allen Day
Assistant Counsel
Division of Legal Counsel

May 3, 2006

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

Patrick Harms
26596 E. 1000 North Rd.
Forrest, IL 61741

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

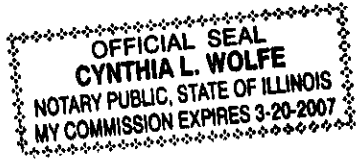
and mailing it from Springfield, Illinois on **May 3, 2006** with sufficient postage affixed for first class mail.

Nancy J. Lampert

SUBSCRIBED AND SWORN TO BEFORE ME
this third day of May, 2006

Cynthia L. Wolfe

Notary Public



I am withdrawing my
Spreader injector and
pump and steel enclosed
walls and roof from
my tax certified application
Log TC - 20 - 05
TC - 21 - 05

Patrick Harms

RECEIVED
MAR - 9 2006

Watershed Management Section
BUREAU OF WATER

**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 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.

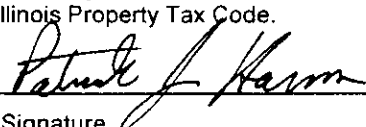

TC-20-05

FOR AGENCY USE

File No.	Date Received	Certification No.	Date	
Sec. A APPLICANT	Company Name Patrick J. Harms Hog Production - [6.07 ac]			
	Person Authorized to Receive Certification Patrick Harms		Person to Contact for Additional Details Patrick Harms	
	Street Address 26596 E 1000 North Road		Street Address 26596 E 1000 North Road	
	Municipality, State & Zip Code Forrest, IL 61741			
	Telephone Number (815)867-7567			
	Location of Facility Quarter Section Township Range SW Qtr Sec 18 27 N 8 E		Municipality Township rural Charlotte	
	Street Address 30471 N 1200 E Road		County Book Number Livingston	
	Property Identification Number 24-24-18-300-007		Parcel Number 24-24-18-300-007	
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Pork production / raising hogs in confinement. The livestock waste controlled is hog waste.		
		Water Pollution Control Construction Permit No.	Date Issued	
NPDES PERMIT No.		Date Issued	Expiration Date	
Air Pollution Control Construction Permit No.		Date Issued		
Air Pollution Control Operating Permit No.		Date Issued		
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 1- Flow diagram. See attached exhibit showing flow of waste from animals to disposal on cropland. 2- Description. See attached exhibit for description of major pollution control components at this facility. 3- Local Streams. See attached exhibit for waters protected and explanation how the facility keeps waste from same.			

RECEIVED
DEC 29 1995
Watershed Management Section
BUREAU OF WATER

Sec. E	(1) Nature of Contaminants or Pollutants			
	CONTAMINANTS	Material Retained, Captured or Recovered		
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
		swine manure / waste		
	(2) Point(s) of Waste Water Discharge N/A			
	Plans and Specifications Attached		Yes	No
	(3)	Are contaminants (or residues) collected by the control facility?	Yes	No <input checked="" type="checkbox"/>
	(4)	Date installation completed <u>2/1/05</u> status of installation on date of application <u>completed, operati</u>		
ACCOUNTING DATA	(5) a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 30,000.00	
	b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 10,000.00	
	c.	PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$238,000.00	
	d.	PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 24,000.00	
	e.	PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 75%	

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		 12.28.05
	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 <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

Patrick Harms

Sec. 18-T 27N. R8E

Charlotte Supp.

Id # 911

304 71 NE 1200 Rd

Section D (Exhibit D-1, 2, 3)

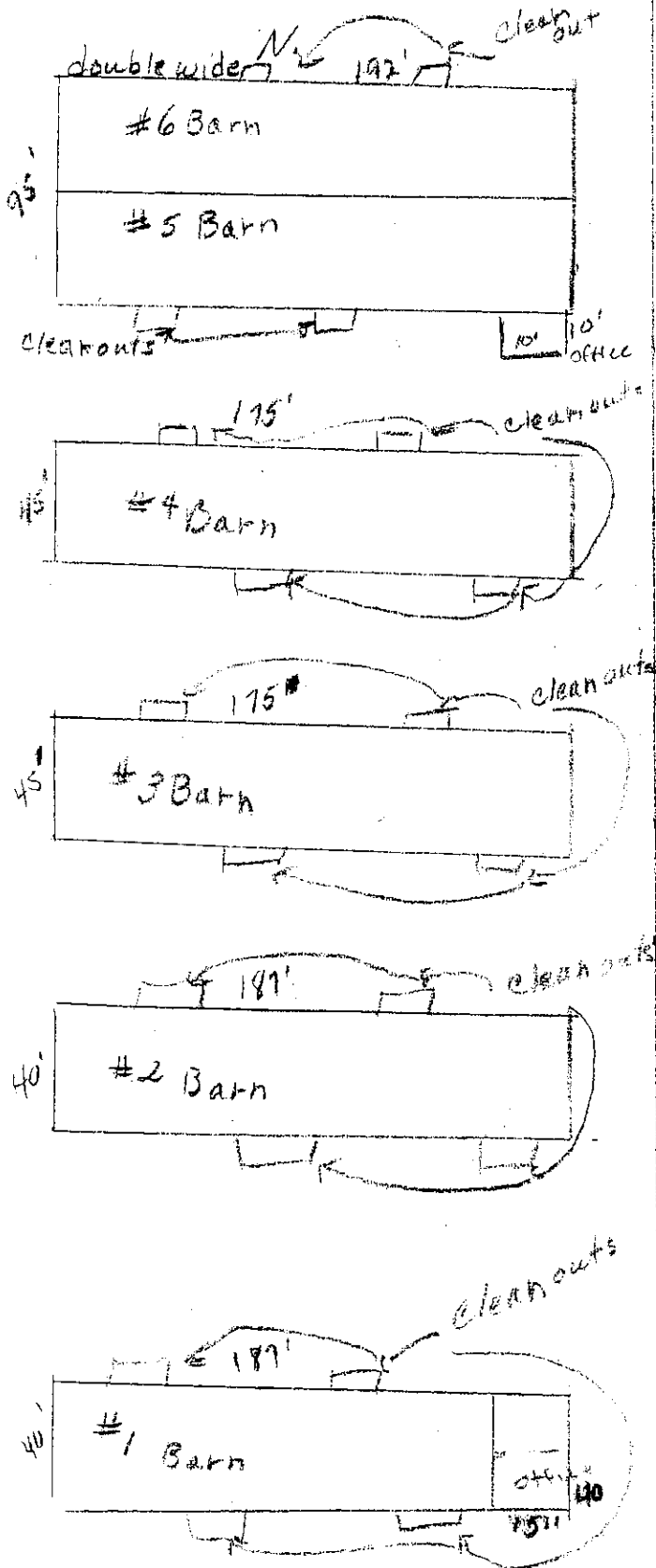
Buildings and their dimensions are shown on drawing (to the left).

Flow diagram - each building has an 8-foot deep concrete waste holding pit beneath hog area, floor of hog area being concrete slat. Waste enters pit via gravity.

As needed, a 100 horse power Houle 8-inch agitation pump is placed into pit to move pit material to spreader. The spreader is a 6,300 gallon houle fully enclosed, five injection knife spreader / injector. Waste is then held to fields for injection into soil as fertilizer. List of field locations is available if desired. Grassy vegetative filters separate fields from any drainage structures.

Nature of pollution control components at facility. Construction is reinforced concrete pit in foundation, concrete slatted floors, steel enclosed walls and roof structures. Pump and spreader are as indicated above.

Local streams. Local streams, etc., are shown on the attached exhibit. The facility is constructed of such materials and design factors as to insure no leakage. Pump and spreader are enclosed systems, so that leakage or spillage does not occur. Spreader injector system insures that material enters and remains in the soil. Fields in which injection is done are sufficiently far from any drainage structures so as to insure that material does not cause any pollution.



? TAX bill on Gray Farm (204 ac +/-) wh/ we
 shall include the Gray Farm (to; fac.

Livingston County Real Estate Tax Bill

Livingston County Collector's Office, P.O. BOX 50, Pontiac, IL 61764

BARBARA R. SEAR, LIVINGSTON COUNTY TREASURER

Township: Charlotte
 Tax Code: 24002
 Prop Class: 0011

Parcel Number: 24-24-18-300-007
 Parcel Address:

**PLEASE READ REVERSE SIDE
 FOR IMPORTANT INFORMATION**

Grays Hog building
 Legal Description
 24-18-300-007 S18 T27 R8 204.61 ACRES
 PT NW LYG S & W OF CRK (EX W70.21 ACS & E6.07 ACS) & ALL SW

1st INSTALL DUE: 07/15/2005
 2nd INSTALL DUE: 09/16/2005

HARMS, PATRICK J
 26596 E 1000 N RD
 FORREST, IL 61741-0000

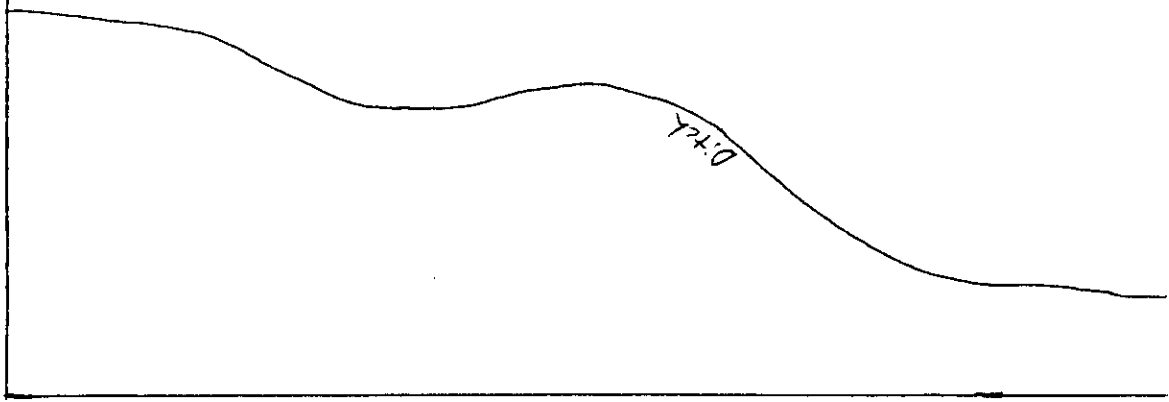
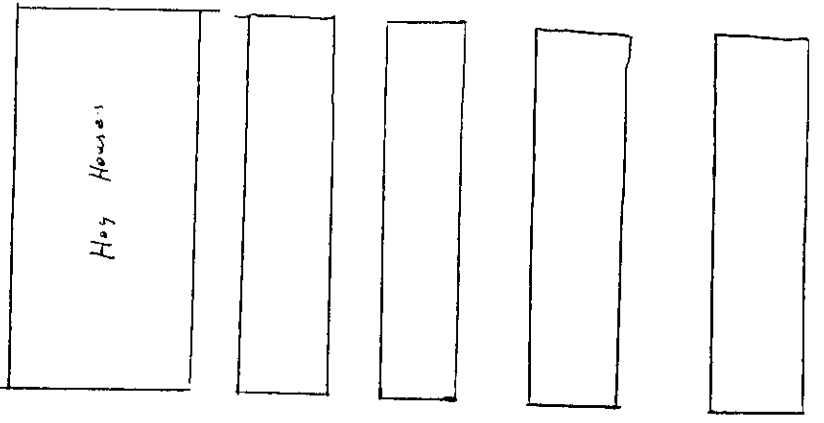
PENALTIES
 PENALTY OF 1 1/2% PER MONTH ADDED
 AFTER EACH INSTALLMENT DUE DATE FOR
 EACH MONTH OR PART OF MONTH

Taxing Body	Prior Year Rate	Prior Year Tax	Current Rate	Current Tax	Pension Amount	Difference
RURAL SELCAS	0.02956	\$22.71	0.03255	\$50.22	0.00	27.51
LIVINGSTON COUNTY	1.13684	\$873.27	1.20042	\$1,852.22	410.20	978.95
VERM. RIVER OUTLET	0.00000	\$68.32	0.00000	\$68.32	0.00	0.00
CHATSWORTH FIRE 02	0.41515	\$318.90	0.41663	\$642.85	0.00	323.95
ARKLAND CC 505	0.48379	\$371.63	0.48513	\$748.54	0.00	376.91
WPS 17,18,23,24	0.04721	\$36.26	0.05047	\$77.87	0.00	41.61
CAPS-CHATSWORTH #4	0.35026	\$269.06	0.35083	\$541.32	0.00	272.26
CHARLOTTE RD DIST	0.73116	\$561.65	0.74936	\$1,156.24	0.00	594.59
CHARLOTTE TWP	0.78976	\$606.66	0.80968	\$1,249.31	74.96	642.65
RAIRIE CENTRAL U8	5.74997	\$4,416.90	4.85285	\$7,487.80	582.14	3070.90
RAIRIE CENTRAL BOND	0.00000	\$0.00	1.00793	\$1,555.21	0.00	1555.21
Totals	9.73370	\$7,545.36	9.95585	\$15,429.90	\$1,067.30	\$7,884.54

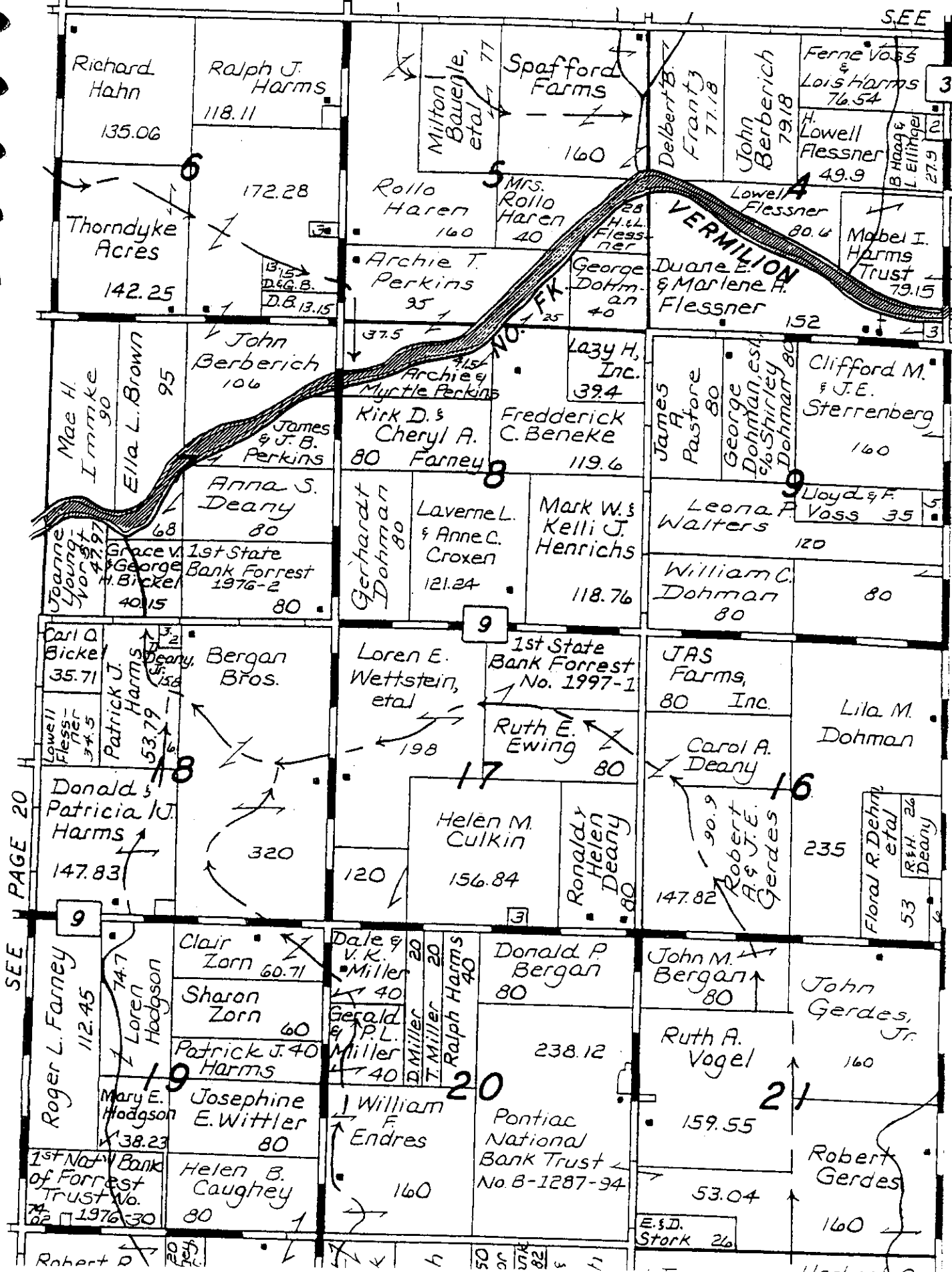
TIF BASE	0
1977 EQUALIZED	0
SAF BASE	0
FAIR CASH VALUE	0
TOTAL ACRES	204.61
LAND VALUE	0
+ BUILDING VALUE	0
- HOME IMPROVEMENT	0
= ASSESSED VALUE	0
x STATE MULTIPLIER	1.0000
= EQUALIZED VALUE	0
- OWNER OCCUPIED	0
- HOMESTEAD EXMPT	0
- SAF EXEMPTION	0
- VETERAN FREEZE	0
+ FARM LAND	25,564
+ FARM BUILDING	128,733
= NET TAXABLE VAL	154,297
x TAX RATE	9.95585
= CURRENT TAX	\$15,361.58
- ENTERPRISE ZONE	\$0.00
+ DRAINAGE	\$68.32
+ PRIOR YR BALANCE	
= TOTAL TAX DUE	\$15,429.90

004 PAYABLE 2005

Owner Name: HARMS, PATRICK



CHARLOTTE SOUTH PART SULLIVAN



SEE PAGE 20

SEE

Richard Hahn 135.06
Ralph J. Harms 118.11
Milton Bauefle et al 77
Spafford Farms 160
Delbert B. Frantz 77.18
John Berberich 79.18
Ferne Voss & Lois Harms 76.54
H. Lowell Flessner 49.9
B. Haag & L. Ellingel 27.9
Thorndyke Acres 142.25
172.28
Rollo Haren 160
Mrs. Rollo Haren 40
Lowell Flessner 80.4
Mabel I. Harms Trust 79.15
George Dohman 40
Duane E. & Marlene H. Flessner 152
John Berberich 106
Archie T. Perkins 95
George Dohman 40
Lazy H, Inc. 39.4
James A. Pastore 80
George Dohman, et al 80
Clifford M. & J.E. Sterrenberg 160
James & J.B. Perkins 80
Kirk D. & Cheryl A. Farney 80
Frederick C. Beneke 119.6
Anna S. Deary 80
Gerhardt Dohman 80
Laverne L. & Anne C. Croxen 121.24
Mark W. & Kelli J. Henrichs 118.76
James A. Pastore 80
George Dohman, et al 80
Clifford M. & J.E. Sterrenberg 160
Lloyd & F. Voss 35
Jeanne Young-Worst 47.97
George Forrest 1976-2 80
Gerhardt Dohman 80
Laverne L. & Anne C. Croxen 121.24
Mark W. & Kelli J. Henrichs 118.76
William C. Dohman 80
Carl O. Bickel 35.71
Patrick J. Harms 53.79
Bergan Bros. 120
Loren E. Wettstein, et al 198
1st State Bank Forrest No. 1997-1
Ruth E. Ewing 80
JAS Farms, Inc. 80
Lila M. Dohman
Carol A. Deary
Robert A. & J.E. Gerdes 147.82
Helen M. Culkin 156.84
Ronald & Helen Deary 80
Donald & Patricia J. Harms 147.83
320
120
156.84
147.82
Robert A. & J.E. Gerdes 147.82
Helen M. Culkin 156.84
Ronald & Helen Deary 80
Roger L. Farney 112.45
Loren Hodgson 74.7
Clair Zorn 60.71
Sharon Zorn 60
Patrick J. Harms 40
Mary E. Hodgson 138.23
Josephine E. Wittler 80
William F. Endres 160
Pontiac National Bank Trust No. B-1287-94
John M. Bergan 80
Ruth A. Vogel 159.55
John Gerdes, Jr. 160
1st Nat. Bank of Forrest Trust No. 74-62 1976-30
Helen B. Caughey 80
Robert P. 30
E.S.D. Stork 26
160



Bureau of Environmental Programs

State Fairgrounds • P.O. Box 19281 • Springfield, IL 62794-9281 • 217/785-2427 (voice/TDD) • Fax 217/524-4882
Pesticide Misuse Hotline 1-800-641-3934 (voice/TDD)



Registrant:

Mr. Patrick Harms
Lazy H, Inc.
708 N. 4th St.
Fairbury, IL 61739

Facility Location:

Wing, IL
Facility ID#:
LF1050190001

Date Issued: December 14, 2004

The Department has received a certification notice from the owner or operator relative to the completion of construction of a non-lagoon livestock waste handling structure at the aforementioned facility. The certification indicates that the waste handling structure has been constructed or modified in accordance with the requirements of the Livestock Management Facilities Act (Act) (510 ILCS 77/1 et seq.) and rules and that the information provided during the registration process is correct.

On December 9, 2004, Department representatives conducted a final inspection at the facility pursuant to the Livestock Management Facilities Act (510 ILCS 77/13 (g)). No deviations from the construction plan were noted during the inspection. Inspections of the facility were also conducted prior to and during the construction phase of the project.

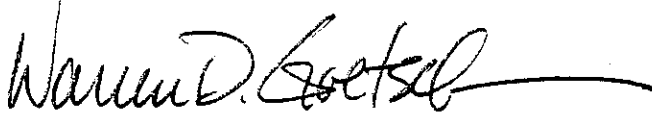
Pursuant to the Section 13 of the Livestock Management Facilities Act, the construction plan and certification requirements of the Act have been met. The owner or operator of the livestock waste handling facility may proceed to place the structure into service.

Pursuant to 35 Illinois Administrative Code 506.304 (c), this structure was required to install a perimeter foundation drain that included a sampling port to allow for quarterly sampling pursuant to 8 Illinois Administrative Code 900.511. The samples must be analyzed for the following items: nitrate-nitrogen, phosphate-phosphorus, chloride, sulfate and ammonia-nitrogen. **The quarterly sampling period assigned to your facility is as follows: January, April, July and October.** Please be advised that sample results must be submitted to the Department within 30 days after sample collection and must contain a discussion relative to the significance of the results.

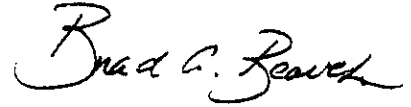
If you have any questions or if the Department may be of service to you, please feel free to contact us at 217/785-2427.

Sincerely,

ILLINOIS DEPARTMENT OF AGRICULTURE



Warren D. Goetsch, P.E.
Bureau Chief, Environmental Programs



Brad A. Beaver
Manager, Livestock Waste Program

cc: file
Tim Kluge, IEPA

LF1050190001cpfinal