

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

North Fork Pork, LLC - West Point)
(Property Identification Number) PCB 09-
23-08-300-003)) (Tax Certification)
)
)

NOTICE


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

Gary Donley
PO Box 220
Carthage IL 62321

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield IL 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: 
Chad M. Kruse
Assistant Counsel
Division of Legal Counsel

DATED: April 14, 2009

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

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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:

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

Gary Donley
PO Box 220
Carthage IL 62321

and mailing it from Springfield, Illinois, on April 15, 2009, with sufficient postage affixed for first class mail.

And electronically, on April 14, 2009 to:

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

Dawn G. Hellis

SUBSCRIBED AND SWORN TO BEFORE ME
This 14th day of April, 2009

Brenda Boehner
Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

North Fork Pork, LLC - West Point)
(Property Identification Number) PCB 09-
23-08-300-003) (Tax Certification)
)
)

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 December 28, 2007, the Illinois EPA received a request from Gary Donley, North Fork Pork, LLC (log number TC-45-07, 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: North Fork Pork, LLC
450 N. County Road 1425E
West Point, IL 62380

The proposed water pollution control facilities in this request are located at Section 8, T3N, R7W of the 4th P.M. in Hancock County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete pit (81 ft. x 236 ft. x 8 ft. deep) and the portion of the plastic and cast iron slotted flooring over the manure pit in Building # 1; one concrete pit (77 ft. x 720 ft. x 10 ft. deep) with twenty concrete pump out pits (each 4 ft. x 4 ft. x 10 ft. deep) and the portion of the concrete slotted flooring over the manure pits in Building # 2; one concrete pit (81 ft. x 771 ft. x 2 ft. deep) and the portion of the plastic and cast iron slotted flooring over the manure pit in Building # 3; one concrete pit (77 ft. x 720 ft. x 10 ft. deep) with twenty concrete pump out pits (each 4 ft. x 4 ft. x 10 ft. deep) and the portion of the concrete slotted flooring over the manure pits in

Building # 4; and approximately 50 ft. of 8 inch diameter PVC manure transfer piping.

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 (2006), 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: 
Chad M. Kruse
Assistant Counsel
Division of Legal Counsel

Dated: April 14, 2009
Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Exh. A

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

Memorandum

To: Connie Tonsor, Division of Legal Counsel

From: Alan Keller, Manager, Permit Section *AK*

Date: March 16, 2009

Re: North Fork Pork, LLC - West Point
Recommendation of Tax Certification
Log # TC-45-07
Property Identification # 23-08-300-003

RECEIVED
Division of Legal Counsel

MAR 17 2009

Environmental Protection
Agency

The Bureau of Water received a request on December 28, 2007 from North Fork Pork, LLC for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Il. Adm. Code 125.204. We offer the following recommendation.

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

North Fork Pork, LLC
450 N. County Road 1425E
West Point, IL 62380

Section 8, T3N, R7W of the 4th P.M. in Hancock County

Livestock waste management facilities consisting of one concrete pit (81 ft. x 236 ft. x 8 ft. deep) and the portion of the plastic and cast iron slotted flooring over the manure pit in Building # 1; one concrete pit (77 ft. x 720 ft. x 10 ft. deep) with twenty concrete pump out pits (each 4 ft. x 4 ft. x 10 ft. deep) and the portion of the concrete slotted flooring over the manure pits in Building # 2; one concrete pit (81 ft. x 771 ft. x 2 ft. deep) and the portion of the plastic and cast iron slotted flooring over the manure pit in Building # 3; one concrete pit (77 ft. x 720 ft. x 10 ft. deep) with twenty concrete pump out pits (each 4 ft. x 4 ft. x 10 ft. deep) and the portion of the concrete slotted flooring over the manure pits in Building # 4; and approximately 50 ft. of 8 inch diameter PVC manure transfer piping. 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 Dan Heacock at 217/782-3362.

SAK:DLH:tc-45-07m.doc

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: 1425 East 1st Street
Reviewer: JES
Log No: TC - 482-000

Location: West Point
Date: 4 Aug 08
Type: Agchem
 Livestock

Applicant: Gene Donley
PO Box 120
Corbridge, IL 62326

Contact: same
Phone: (217) 357-2811

Facility: 430 N. County Road 1425 E
West Point, IL 62380

Property ID: 23-08-300-003

Legal Description: Sec 8 T3N R 7W of 4th pm

County: Hancock

Date Control Devices Installed: 02/01/03

Provided Fair Cash Value: \$ 2,165.000

Signature: Gene Donley

Title: Registered Agent

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:

Build 1	81' x 236' x 8'	concrete	w/ plastic ground sheet	
Build 2	77' x 720' x 10'	concrete	w/ concrete sheet	w/ 20 impervious 4' x 4' x 10'
Build 3	81' x 771' x 2'	concrete	w/ plastic & coated iron sheet	
Build 4	771' x 720' x 10'	concrete	w/ concrete sheet	w/ 20 impervious 4' x 4' x 10'
unpaved lumber shed	2' x 6' x 50'	PVC		

Other: _____

Allison, James

From: Pam Flesner [pflesner@hogvet.com]
Sent: Wednesday, October 22, 2008 2:43 PM
To: Allison, James
Subject: RE: update

See answers below in red

From: Allison, James [mailto:James.Allison@Illinois.gov]
Sent: Monday, October 20, 2008 1:42 PM
To: Pam Flesner
Subject: RE: update

Pam,

I have recieved the information and signature pages since we last spoke. There are a couple follow up questions and some of the unanswered questions from last time so I can finish.

The following is an update on the projects.

TC-39-07 -- Deer View, LLC
 - Preparing paperwork

TC-40-07 -- Wildcat Farms, LLC
 - Preparing paperwork

TC-41-07 -- LaMoine Valley Farms, LLC
 - Provide dimensions of the manure collection pits on buildings 1 and 4. Dimensions same as the buildings x 2' deep.

TC-42-07 -- Hilltop View, LLC
 - Provide dimensions of the manure collection pits on buildings 1 and 4. Dimensions same as the buildings x 2' deep.

TC-43-07 -- Lone Hollow, LLC
 - Provide the depths for each manure pit. Bldg 2 = 8' / Bldg 3 & 5 = 10'
 - Provide which manure pits have pumpout pits and how many? Bldg 2 has 6 pump outs / Bldg 3 & 5 have 14 pump outs each

TC-44-07 -- Eagle Point Farms, LLC
 - Provide dimensions of the manure collection pits on buildings 1 and 4. Dimensions same as the buildings x 2' deep.

TC-45-07 -- North Fork Pork, LLC
 - Provide the depths for each manure pit. Bldg 2 & 4 = 10' / Bldg 1 = 8' / Bldg 3 = 2'
 - Provide which manure pits have pumpout pits and how many? Bldg 2 & 4...20 on each bldg

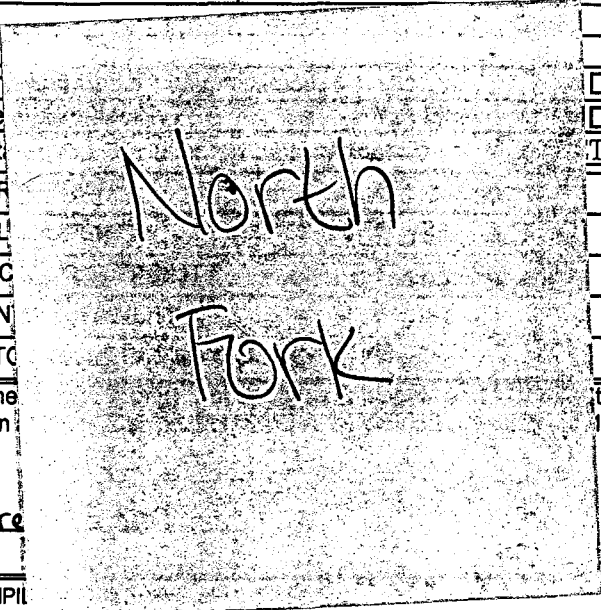
TC-46-07 -- Timberline, LLC
 - Provide the depths for the manure collection pit in Building #4. 2'
 - Provide how many pumpout pits for the manure pit in Building #1, 2, and 3. Bldg 1 has 6 / Bldg 2 & 3 have 16 pump outs each

TC-47-07 -- Pinnacle Genetics, LLC
 - Provide the depth for the manure collection pit in Building #1. 2'
 - Provide which manure pits have pumpout pits and how many? Bldgs 2 & 3...each have 12 pumpouts
 - Provide the dimensions of the pumpout pits. Working on...

TC-48-07 -- Western Creek Farms, LLC

10/22/2008

Sec. E	(1) Nature of Contaminants or Pollutants			
	POLLUTION CONTROL FACILITY - CONTAMINANTS	Material Retained, Captured or Recovered		
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
		Swine Manure		Spread as fertilizer
	ACCOUNTING DATA	(2) Point(s) of Waste Water Discharge		
		None		
		(3)	Are contaminants (or residues) collected by the	Plan <input type="checkbox"/>
		(4)	Date installation completed <u>02/01/03</u>	st <input type="checkbox"/>
		(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PR	TE
			b. NET SALVAGE VALUE IF CONSIDERED REAL	
	c. PRODUCTIVE GROSS ANNUAL INCOME OF C			
	d. PRODUCTIVE NET ANNUAL INCOME OF CON			
	e. PERCENTAGE CONTROL FACILITY BEARS TO			
Sec. F	The following information is submitted in accordance with the knowledge, is true and correct. The facilities claimed herein Illinois Property Tax Code.		1 of my 10 of the	
SIGNATURE	<u>Ray Donly</u>	<u>Registered</u>		
	Signature	Title		
Sec. G	INSTRUCTIONS FOR COMPI			
	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.			
INSTRUCTIONS	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	Al Keller Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control	



RECEIVED
SEP 03 2008

Allison, James

From: Pam Flesner [pflesner@hogvet.com]
Sent: Monday, August 25, 2008 2:27 PM
To: Allison, James
Subject: RE: IL EPA App for Cert (Property Tax Treatment)

James, I have some of the info you need in red below... I am working on getting the info for the last 4 farms.

Also, I will be mailing the signature pages with the original signatures out today. Should I mail to the PO 19276 Springfield address?

From: Allison, James [mailto:James.Allison@Illinois.gov]
Sent: Wednesday, August 06, 2008 3:01 PM
To: Pam Flesner
Subject: RE: IL EPA App for Cert (Property Tax Treatment)

yes

From: Pam Flesner [mailto:pflesner@hogvet.com]
Sent: Wednesday, August 06, 2008 11:56 AM
To: Allison, James
Subject: RE: IL EPA App for Cert (Property Tax Treatment)

Thank you. I will work on getting this info together. I assume you will need the signature pages mailed, not faxed or scanned?

From: Allison, James [mailto:James.Allison@Illinois.gov]
Sent: Tuesday, August 05, 2008 9:36 AM
To: Pam Flesner
Subject: RE: IL EPA App for Cert (Property Tax Treatment)

TC-39-07 -- Deer View, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? West Point, IL 62380
- Which Section is the facility located in terms of Legal Description? 29 (NE Qtr)

TC-40-07 -- Wildcat Farms, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? Dallas City, IL 62330
- Which Section is the facility located in terms of Legal Description? 28 (SW Qtr)

TC-41-07 -- LaMoine Valley Farms, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? Colchester, IL 62326
- Provide the depths for each manure pit. Bldg 2 = 8' / Bldg 3 & 5 = 10'
- Provide which manure pits have pumpout pits and how many? Bldg 2 has 6 pumpouts/ Bldg 3 & 5 have 10 pumpouts each

TC-42-07 -- Hilltop View, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? Rushville, IL 62681
- Which Section is the facility located in terms of Legal Description? 16 (SW Qtr)
- Provide the depths for each manure pit. Bldg 2 = 8' / Bldg 3 & 5 = 10'

9/2/2008

Electronic Filing - Received, Clerk's Office, April 14, 2009

- * * * * * RCB 2009-083 * * * * *
- Provide which manure pits have pumpout pits and how many? Bldg 2 has 6 pumpouts/ Bldg 3 & 5 have 10 pumpouts each

IC-43-07 -- Lone Hollow, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? Bowen, IL 62316
- Provide the depths for each manure pit.
- Provide which manure pits have pumpout pits and how many?

IC-44-07 -- Eagle Point Farms, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? Table Grove, IL 61482
- Provide the depths for each manure pit. Bldg 2 = 8' / Bldg 3 & 5 = 10'
- Provide which manure pits have pumpout pits and how many? Bldg 2 has 10 pumpouts / Bldg 3 & 5 have 20 pumpouts each

IC-45-07 -- North Fork Pork, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? West Point, IL 62380
- Provide the depths for each manure pit.
- Provide which manure pits have pumpout pits and how many?

IC-46-07 -- Timberline, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? Rushville, IL 62681
- Provide the depths for the manure pit in Building #4.
- Provide how many pumpout pits for the manure pit in Building #1, 2, and 3.

IC-47-07 -- Pinnacle Genetics, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? Colchester, IL 62326
- Provide the depth for the manure pit in Building #1.
- Provide which manure pits have pumpout pits and how many?

IC-48-07 -- Western Creek Farms, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? LaHarpe, IL 61450
- Provide which manure pits have pumpout pits and how many? Bldg 1 & 2 have 6 pumpouts each

IC-50-07 -- Cedercrest, LLC

- Provide a signature page with an original signature. Mailing today...
- Which City is the facility in or near? Table Grove, IL 61482
- Provide the depths for each manure pit. Bldg 2 = 8' / Bldg 3 & 5 = 10'
- Provide which manure pits have pumpout pits and how many? Bldg 2 has 8 pumpouts / Bldg 3 & 5 have 20 pumpouts each

This communication, along with any information and attachments, is privileged and confidential and protected from disclosure and covered by federal and state law governing electronic communication. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by replying to the message and deleting it from your computer. Thank you. Carthage Veterinary Service, Ltd.

Visit us at www.hogvet.com

TC-45-07

**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.

FOR AGENCY USE				
File No.	Date Received	Certification No.	Date	
APPLICANT	Sec. A Company Name North Fork Pork, LLC			
	Person Authorized to Receive Certification Gary Donley		Person to Contact for Additional Details Gary Donley	
	Street Address P.O. Box 220		Street Address P.O. Box 220	
	Municipality, State & Zip Code Carthage, IL 62321		Municipality, State & Zip Code Carthage, IL 62321	
	Telephone Number (217) 357-2811		Telephone Number (217) 357-2811	
	Location of Facility Quarter Section Township Range 8 3N 7W		Municipality Township 3N	
	Street Address 450 N County Rd 1425 E		County Book Number Hancock	
	Property Identification Number 23-08-300-003		Parcel Number	
	MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location		
		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		
MANUFACTURING PROCESS	Sec. C Describe Unit Process			
	Materials Used in Process			
POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility			
	Please see attached sheet			

RECEIVED
DEC 28 2007

Watershed Management Section
BUREAU OF WATER

Second Attached Sheet in Support of Application for Certification of Pollution Control Facility
For North Fork Pork LLC
Page 1 Section D of the form -

North Fork Pork Bldg Layout

