

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Alan Durkee Swine Farm-Stronghurst)
(Property Identification Number) PCB 09-
01-006-001-05)) (Tax Certification)
)
)

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:

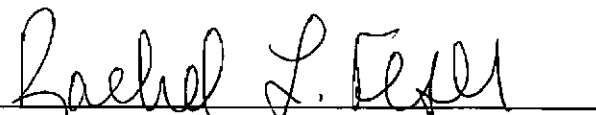
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, IL 62794

Alan Durkee Swine Farm
Route 1 Box 73
Stronghurst, IL 61480

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

And electronically, on June 15, 2009 to:

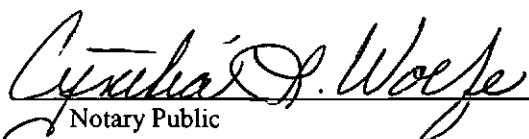
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite. 11-500
Chicago IL 60601



 Rachel L. Feser

SUBSCRIBED AND SWORN TO BEFORE ME

This 15th day of June, 2009



 Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Alan Durkee Swine Farm-Stronghurst)
(Property Identification Number) PCB 09-
01-006-001-05) (Tax Certification)
)
)

NOTICE

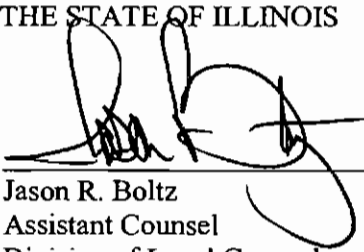
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite. 11-500
Chicago IL 60601

Alan Durkee Swine Farm
Route 1 Box 73
Stronghurst, IL 61480

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: 

Jason R. Boltz
Assistant Counsel
Division of Legal Counsel

DATED: June 15, 2009

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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Alan Durkee Swine Farm-Stonghurst)
(Property Identification Number) PCB 09-
01-006-001-05) (Tax Certification)
)
)

APPEARANCE

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

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By: 

Jason R. Boltz
Assistant Counsel
Division of Legal Counsel

DATED: June 15, 2009

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1021 North Grand Avenue East
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Alan Durkee Swine Farm-Stronghurst)
(Property Identification Number) PCB 09-
01-006-001-05) (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 June 11, 2009, the Illinois EPA received a request from Alan Durkee, Alan Durkee Swine Farm-Stronghurst (log number TC-39-08, 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 facility address is:
Alan Durkee Swine Farm
Route 1 Box 73
Stronghurst, IL 61480

The proposed water pollution control facilities in this request are located at Section 6, T8N, R4W of the 4th P.M. in Henderson County, at the above street address and consist of the following:

Livestock waste management facilities consisting of two concrete manure pits (each approximately 189 ft. x 53 ft. x 8 ft. deep) with the slotted concrete portion of the floor over the manure pits and one concrete manure pit (approximately 270 ft. x 71 ft. x 8 ft. deep) with the slotted concrete portion of the floor 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 (2006), defines "pollution control facilities" as:

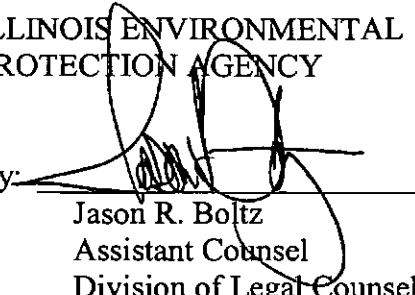
any system, method, construction, device or appliance appurtenant thereto or any portion of any building or equipment, that is designed, constructed, installed or operated for the primary purpose of: (a) eliminating, preventing, or reducing air or water pollution ...or (b) treating, pretreating, modifying 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: _____


Jason R. Boltz
Assistant Counsel
Division of Legal Counsel

Dated: June 15, 2009
Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

Exhibit A



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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: Al Keller, P.E., Manager, Permit Section

Date: JUN 11 2009

Re: Alan Durkee Swine Farm - Stronghurst
Recommendation of Tax Certification
Log # TC-39-08
Property Identification # 01-006-001-05

RECEIVED
Division of Legal Counsel

JUN 12 2009

Environmental Protection
Agency

The Bureau of Water received a request on December 31, 2008 from Alan Durkee 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:

Alan Durkee Swine Farm
Route 1 Box 73
Stronghurst, IL 61480

Section 6, T8N, R4W of the 4th P.M. in Henderson County

Livestock waste management facilities consisting of two concrete manure pits (each approximately 189 ft. x 53 ft. x 8 ft. deep) with the slotted concrete portion of the floor over the manure pits and one concrete manure pit (approximately 270 ft. x 71 ft. x 8 ft. deep) with the slotted concrete portion of the floor 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 Thaddeus Faught at 217/782-3362.

SAK:TJF:TC-39-08.doc

cc: Tax Cert File

Project Name: Alan Durkee Swine Farm
Reviewer: Thaddous Faust
Log No.: TC-29-08

Location: Stronghurst
Date: 5/14/09
Type: Agchem
 Livestock

Applicant: Alan Durkee
Rt. 1 Box 73
Stronghurst, IL 61480
309-221-9511

Contact: Alan Durkee
Phone: 309-221-9511

Facility: Alan Durkee Swine Farm
(applicant address)

Property ID: 01-006-001-05

Legal Description: Section 6, T8N, R4W of the 4th PM

County: Henderson

Date Control Devices Installed: 1998 + 2007

Provided Fair Cash Value: \$800,000

Signature: signed by Alan Durkee

Title: owner

Wastes: Livestock waste is applied to cropland.
 Agricultural rinsate and spillage is recycled through the facility and/or land applied.
 Other: _____

Physical Description of Pollution Control Devices:
two concrete manure pits (each 189 ft x 53 ft x 8 ft deep) w/ concrete slats
one concrete manure pit (270 ft x 71 ft x 4 ft deep) w/ concrete slats

Other: 6/3/09 signed w/ Alan Durkee
Alan verified that the slatted floor is not constructed or maintained.

RECEIVED
 JAN - 2 2009

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

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 P. O. Box 19278, Springfield, IL 62794-9278**

The Watershed Management Section lists this information on the Illinois Water Pollution Control Act, 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 APPLICANT	Company Name <i>Alan Durkee Swine Farm</i>		Person to Contact for Additional Details	
	Person Authorized to Receive Certification <i>Alan Durkee</i>		<i>same</i>	
	Street Address <i>Rt 1 Box 73</i>		Street Address	
	Municipality, State & Zip Code <i>Stronahurst IL 61480</i>		Municipality, State & Zip Code	
	Telephone Number <i>309-221-8511</i>		Telephone Number <i>same</i>	
	Location of Facility Quarter Section	Township <i>Raritan</i>	Range <i>4</i>	Municipality <i>Henderson</i>
	Street Address <i>Rt 1 Box 73</i>		County <i>Henderson</i>	Book Number
	Property Identification Number <i>01-006-001-05</i>		Parcel Number <i>34</i>	
Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location <i>wean to finish (swine)</i>			
	Water Pollution Control Construction Permit No. <i>NA</i>	Date Issued		
	NPDES PERMIT No. <i>NA</i>	Date Issued	Expiration Date	
	Air Pollution Control Construction Permit No. <i>NA</i>	Date Issued		
Sec. C MANUFACTURING PROCESS	Describe Unit Process <i>NA</i>			
	Materials Used in Process <i>NA</i>			
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility * <i>3</i> swine buildings with deep pits (2) 189' x 53' x 8ft+deep (1) 270' x 71' x 8ft+deep see attached photo; pits are concrete 8ft deep with slats			

RECEIVED
 DEC 31 2008
 ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY
 BOW/WPC/PERMIT SECTION

Sec. E	(1) Nature of Contaminants or Pollutants		
	CONTAMINANTS	Material Retained, Captured or Recovered	
Contaminant or Pollutant		DESCRIPTION	DISPOSAL OR USE
	swine manure		fertilizer / crop fields
	(2) Point(s) of Waste Water Discharge <u>NA / none</u>		
	Plans and Specifications Attached		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	(3) Are contaminants (or residues) collected by the control facility?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	(4) Date installation completed <u>2007</u> status of installation on date of application <u>running</u>		
ACCOUNTING DATA	(5) a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$	800,000
	b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$	0
	c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$	172,000
	d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$	83,000
	e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	%	20%

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 Alamy Title OWNER

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 pollution control facility. Include 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 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

T661

Date: 6/3/2008

Customer(s): ALAN DURKEE

District: HENDERSON COUNTY SOIL & WATER CONSERVATION DISTRICT

Field Office: STRONGHURST SERVICE CENTER

Agency: NRCS

Assisted By: Wyatt E Junis



Legend

- Practices (lines)
- ▣ Practices (polygons)
- practice_instance_point
- practice_instance_polyline
- ▣ practice_instance_polygon
- ▣ land_unit
- ▣ township section

DURKEE_ALAN-----2369-Consplan

1 = 270 x 71 x 8ft deep (2007)

2,3 = 189 x 53 x 9ft deep (1998)

The pits provide positive containment till field application. The fields are bordered above

