

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Asay Farms, Inc.)
(Property Identification Number) PCB 013-
46-14-100-009) (Tax Certification
) Water)
)

NOTICE

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

Gary Asay
10179 N. 1600 Ave
Osco, Illinois 61274

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.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: February 14, 2013

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Asay Farms, Inc.)
(Property Identification Number) PCB 013-
46-14-100-009) (Tax Certification
) Water)
)

A P P E A R A N C E

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: February 14, 2013
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Asay Farms, Inc.)
(Property Identification Number) PCB 013-
46-14-100-009)) (Tax Certification
) Water)
)

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 October 25, 2012, the Illinois EPA received a request from Asay Farms, Inc. (log number TC-20-12, 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:	Asay Farms, Inc.
	10179 N. 1600 Ave
	Oscoda, Illinois 61274

3. The proposed water pollution control facilities in this request are located at Section NW14, T16N, R2E of the 4th PM in Henry County, at the above street address and consist of the following:

Livestock waste management facility consisting of a reinforced concrete manure pit (277' x 71' x 8') overlain by a concrete slatted floor, and six reinforced concrete manure pumpouts (approximately 5' x 6' x 8' each); a four-inch diameter plastic perimeter drain surrounding the manure pit; and a PVC sampling port to prevent manure pit floatation and provide for sampling of drainage water.

These pollution control facilities have the primary purpose of collecting, transporting, and storing livestock waste prior to cropland application, and are further described in Exhibit A.

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4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2010), 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

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requested tax certification.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: *Vera Herst*
Vera Herst
Assistant Counsel
Division of Legal Counsel

Dated: February 11, 2013
Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

Memorandum

To: Connie Tonsor, Division of Legal Counsel

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

Date: FEB -6 2013

Re: Asay Farms, Inc. - Osco, IL
Recommendation of Tax Certification
Log # TC-12-12
Property Identification # 06-05-26-200-002

Environmental Protection Agency
Division of Legal Counsel
FEB 14 2013

The Bureau of Water received a request on October 25th, 2012 from Gary Asay 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:

Asay Farms, Inc.
10179 N. 1600 Ave
Osco, IL 61274

Section NW14, T16N, R2E of the 4th P.M. in Henry County.

Livestock waste management facility consists of a reinforced concrete manure pit (approximately 277' x 71' x 8') overlain by a concrete slatted floor, and six reinforced concrete manure pumpouts (approximately 5' x 6' x 8' each). The livestock waste management facility also has a 4" diameter plastic perimeter drain which surrounds the manure pit and a PVC sampling port to prevent manure pit flotation and provide for sampling of drainage water. Livestock waste is collected, transported, and stored by these facilities prior to application on cropland.

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 Yacine Anane at 217/782-0610.

SAK:YA:TC20_12TaxMemo

cc: Tax Cert File

Anane, Yacine

From: Gary Asay <gbrasay@geneseo.net>
Sent: Tuesday, January 29, 2013 1:14 PM
To: Anane, Yacine
Subject: RE: Tax Certification TC-20-12
Attachments: epa tax certificate.docx

Yacine,
Hopefully this answers your questions.
Gary Asay


From: Anane, Yacine [mailto:Yacine.Anane@illinois.gov]
Sent: Tuesday, January 29, 2013 11:40 AM
To: gbrasay@geneseo.net
Subject: Tax Certification TC-20-12

Mr. Asay,

As stated in a recent phone call, I need some additional information regarding a Tax certification request sent by you in October of 2012.

- 1: Please state the purpose, construction materials, and dimensions of the perimeter drain.
- 2: Please state the purpose and the construction materials of the sampling port.
- 3: Please confirm with a statement that the barn on top of the manure pit will not be covered under this tax certification.

Sincerely,


Yacine Anane
Director
Illinois Department of Environmental Protection
600 North LaSalle Street
Springfield, Illinois 62762
Phone: 217/785-2000
Fax: 217/785-2001
Yacine.Anane@illinois.gov

Please consider the environment before printing.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.2890 / Virus Database: 2639/6066 - Release Date: 01/29/13

1: Please state the purpose, construction materials, and dimensions of the perimeter drain.

The purpose of the perimeter tile is to collect any excess water around the base of the hog building. The tile is 4 inch plastic tile with a cloth sock around the outside of the tile. The dimensions of the tile is 4 inch diameter and runs approximately 280 feet along the 2 long sides of the building and 73 feet along the short sides of the building. The tile is connected in a loop to the sampling port.

2: Please state the purpose and the construction materials of the sampling port.

The purpose of the sample port is to collect samples of the water that is collected from the perimeter tile. The port is constructed of heavy white pvc tile with a removable top. The perimeter tile runs into the port. The top of the port comes above ground next to building.

3: Please confirm with a statement that the barn on top of the manure pit will not be covered under this tax certification.

I understand that tax certificate is only for the manure containment portion of the building and not for parts of the building above that.

Gary Asay

TC-20-12

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 Asay Farms					
	Person Authorized to Receive Certification Gary Asay			Person to Contact for Additional Details Gary Asay		
	Street Address 10179 N 1600 Ave			Street Address 10179 N 1600 Ave		
	Municipality, State & Zip Code Osco, IL 61274			Municipality, State & Zip Code Osco, IL 61274		
	Telephone Number (309) 944-8878			Telephone Number (309) 944-8878		
	Location of Facility Quarter Section NW 14		Township 16-N	Range 2-E	Municipality Osco	Township 16-N
	Street Address 10179 N 1600 Ave		County Henry		Book Number	
	Property Identification Number			Parcel Number 46-14-100-009		

MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location Livestock waste controll from swine finishing operation.				
	Water Pollution Control Construction Permit No.			Date	
	NPDES PERMIT No.			Date	
	Air Pollution Control Construction Permit No.			Date	
	Air Pollution Control Operating Permit No.			Date	

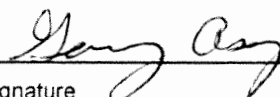
second building on this site. first constructed 2008

Gary Asay

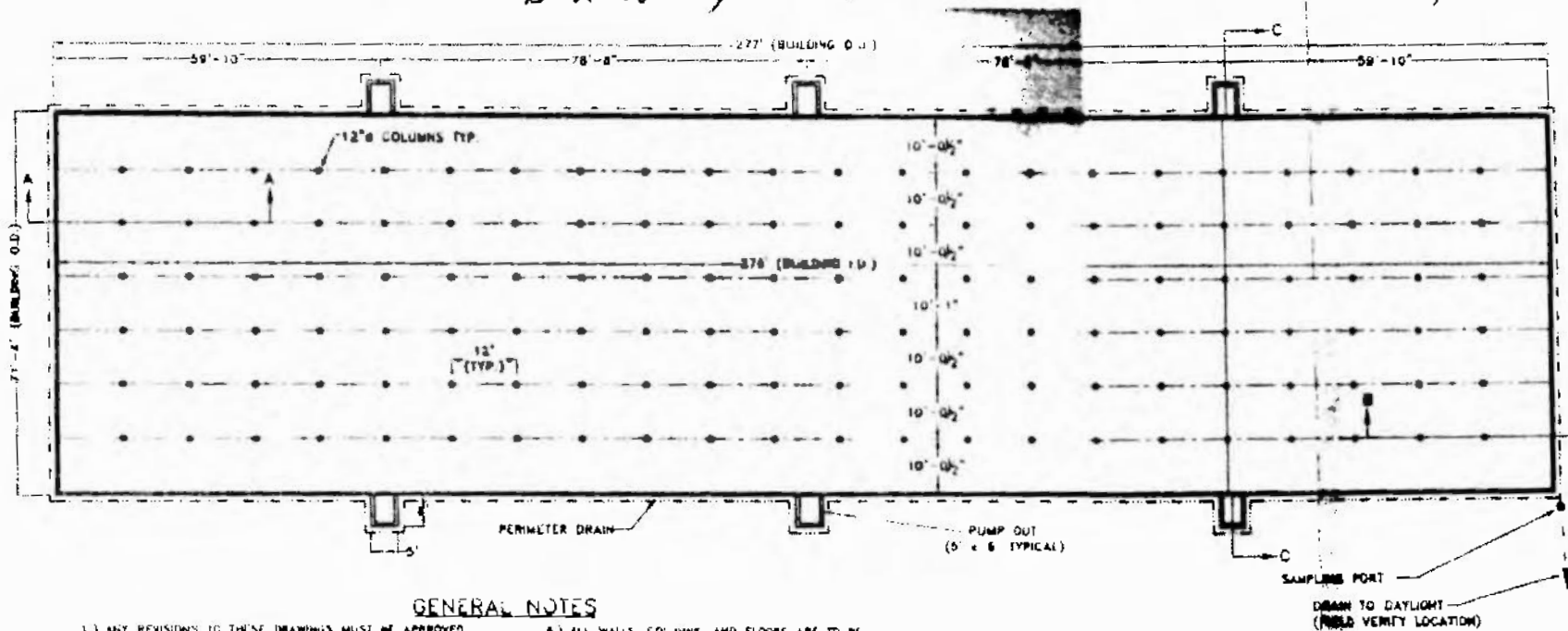
MANUFACTURING PROCESS	Sec. C Describe Unit Process				
	Materials Used in Process				

POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility				
	The facility utilizes a reinforced concrete waste containment structure that qualifies as a facility pollution abatement controll facility. The waste containment structure provdes capture and storage of 100% of the waste generated from the swine finishing facility. The wastes are fully contained until they are land applied to local agriculture farmland. Precast reinforced concrete slabs are utilized to provide top of wall support for the structure and are an intgral part of the pollution abatement control facility.				

RECEIVED
 OCT 29 2012
 RECEIVED
 OCT 23 2012

Sec. E	(1) Nature of Contaminants or Pollutants				
	CONTAMINANTS			Material Retained, Captured or Recovered	
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE	
		swine manure		fertilizer	
	ACCOUNTING DATA	(2) Point(s) of Waste Water Discharge			
				Plans and Specifications Attached	
				Yes <input type="checkbox"/>	
				No <input 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 _____ status of installation on date of application _____				
ACCOUNTING DATA	(5) a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 590,000.00		
	b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 295,000.00		
	c.	PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 20,000.00		
	d.	PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 12,000.00		
	e.	PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 35		
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	 _____ 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 <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.			
	INSTRUCTIONS	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

View from top of pit and support columns.
 Building sets on top. Gary Asay



GENERAL NOTES

- 1.) ANY REVISIONS TO THESE DRAWINGS MUST BE APPROVED BY THE PROJECT ENGINEER OF THE COMPANY LISTED IN THE TITLE BLOCK.
- 2.) CONCRETE CONSTRUCTION SHALL MEET WITH LOWEST PLAN SERVICE-38. CONCRETE MANDUC STORAGES UNLESS NOTED OTHERWISE.
- 3.) NO CONCRETE SHALL BE PLACED ON OR ON ICE, SNOW OR FROZEN FOUNDATION MATERIAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONCRETE DAMAGED BY LOW TEMPERATURES AND SHALL REMOVE AND REPLACE ANY CONCRETE SO DAMAGED AT HIS/HER EXPENSE.
- 4.) THE METHOD AND MANNER OF PLACING CONCRETE SHALL BE SUCH AS TO AVOID SEGREGATION OR SEPARATION OF THE AGGREGATES OR THE DISPLACEMENT OF THE REINFORCEMENT.
- 5.) THE FOOTINGS ARE TO BE CONSTRUCTED WITH A MINIMUM OF 3,000 PSI CONCRETE.
- 6.) ALL WALLS, COLUMNS, AND FLOORS ARE TO BE CONSTRUCTED OF 4,000 PSI CONCRETE.
- 7.) CONCRETE SLABS WILL BE UTILIZED FOR FLOORING.
- 8.) NO VEHICLE LOADS ALLOWED WITHIN 5' OF PIT/GUTTER WALLS.
- 9.) ALL BEAMS SHALL BE BUTTED RIGHT AND/OR GROUTED RIGHT. THE FULL WIDTH AND HEIGHT OF THE BEAM GROUT WILL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,500 PSI.
- 10.) ALL SLABS SHALL BE BUTTED RIGHT AND/OR GROUTED RIGHT. THE FULL LENGTH AND DEPTH OF THE SLAB GROUT WILL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,500 PSI.

STATE OF ILLINOIS

COUNTY OF SANGAMON

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PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 14, 2013, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

[1st Class U.S. Mail]

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

[1st Class U.S. Mail]

Gary Asay
10179 N. 1600 Ave
Osco, Illinois 61274

[Electronic Filing]

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

/s/ Vera Herst
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276-
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)

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