

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Hagenbuch Family Farms	)
(Property Identification Number	) PCB 015-
07-35-103-000)	) (Tax Certification
	) Water)

NOTICE

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

John Hagenbuch  
Hagenbuch Family Farms  
3440 E. 11<sup>th</sup> Road  
Utica, Illinois 61373

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: April 28, 2015

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**

Hagenbuch Family Farms )  
(Property Identification Number ) PCB 015-  
07-35-103-000 ) (Tax Certification  
 ) Water)

**A P P E A R A N C E**

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

DATED: April 28, 2015  
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**

Hagenbuch Family Farms )  
(Property Identification Number ) PCB 015-  
07-35-103-000 ) (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 December 3, 2012, the Illinois EPA received a request from Hagenbuch Family Farms (log number TC-24-12, 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: Hagenbuch Family Farms  
3675 E. 10<sup>th</sup> Road  
Utica, Illinois 61373

3. The proposed water pollution control facilities in this request are located at Section 35, T35N, R2E of 3<sup>rd</sup> PM in LaSalle County, at the above street address and consist of the following:

Livestock waste management facilities consisting of two concrete manure pits (each approximately 200 ft. x 100 ft. x 8 ft. deep) with 4 concrete manure pump out pits (approximately 5 ft. x 5 ft. x 8 ft. each) and the portion of concrete slotted flooring over the manure pits.

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 (2012), defines "pollution control facilities" as:

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“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.

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WHEREFORE, the Illinois EPA recommends that the Board issue the requested tax certification.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

Dated: April 28, 2015  
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) 782-2829

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

# Memorandum

To: Charles Gunnarson, Division of Legal Counsel

From: Al Keller, Manager, Permit Section

A handwritten signature in black ink, appearing to be 'Al Keller', written over the 'From:' line.

Date: April 16, 2015

Re: Hagenbuch Family Farms – Utica (3675 10<sup>th</sup> Rd.)  
Recommendation of Tax Certification  
Log # TC-24-12  
Property Identification # 07-35-103-000

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The Bureau of Water received a request on December 3, 2012 from John Hagenbuch 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:

Hagenbuch Family Farms  
3675 E. 10<sup>th</sup> Road  
Utica, IL 61373

Section 35, Township 35N, Range 2E of the 3<sup>rd</sup> PM in LaSalle County.

Livestock waste management facilities consisting of two concrete manure pits (each approximately 200 ft. x 100 ft. x 8 ft. deep) each with 4 concrete manure pump out pits (approximately 5 ft. x 5 ft. x 8 ft. each) and the portion of concrete slotted flooring over the manure pits.

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 217/782-0610.

SAK:TJF:TC-24-12.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Hagenbuch Family Farms  
 Reviewer: Thaddeus Fought  
 Log No.: TC-24-17

Location: Utica  
 Date: 3/5/14  
 Type:  Agchem  
 Livestock

Applicant: Hagenbuch Family Farms  
3446 E. 11th Rd.  
Utica, IL 61373

Contact: John Hagenbuch  
 Phone: 815-712-9399

Facility: 3675 E. 10th Rd.  
Utica, IL 61373

Property ID: 07-35-103-000

Legal Description: Section 35, T35N, R2E of 3rd P.M.

County: LaSalle

Date Control Devices Installed: 6/1/12

Provided Fair Cash Value: \$400,000

Signature: John Hagenbuch

Title: owner

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:

2 concrete manure pits (each 200ft x 100ft x 8ft deep) w/ 4 concrete manure pumpout pits (each 5ft x 5ft x 3ft deep) all have concrete slats each

Other: 3/5/14 left message for Mr. Hagenbuch

3/30/15 - spoke w/ Mr. Hagenbuch, John said there are 2 identical manure pits at this site. Each is concrete w/ concrete slats. Both pits are 200 ft x 100 ft x 8 ft deep w/ 4 concrete pumpout pits that are 5 ft. x 5 ft. x 3 ft. deep. John said the pits are located in section 35, T35N, R2E of 3rd P.M.

TC-24-12

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

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

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
Sec. A  APPLICANT	Company Name <b>Hagenbuch Family Farms</b>		<b>10/21/12</b>
	Person Authorized to Receive Certification <b>John Hagenbuch</b>		Person to Contact for Additional Details <b>Same</b>
	Street Address <b>3440 E. 11th Rd</b>		Street Address
	Municipality, State & Zip Code <b>Utica, IL 61373</b>		Municipality, State & Zip Code
	Telephone Number <b>815-712-9399</b>		Telephone Number
	Location of Facility Quarter Section      Township      Range		Municipality      Township
	<b>W 1/2 N 83.34A NW 1/4</b>		<b>Ophir</b>
	Street Address <b>3675 E. 10th Rd, Utica 61373</b>		County      Book Number <b>LaSalle</b>
	Property Identification Number <b>W 1/2 N 83.34A NW 1/4</b>		Parcel Number <b>07-35-103-000</b>
Sec. B  MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location <b>Hog Finishing Barn</b>		
	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		
	Materials Used in Process		
Sec. D  POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility		
	<p><b>RECEIVED</b>                  DEC - 3 2012                  ILLINOIS ENVIRONMENTAL PROTECTION AGENCY                  ROW/WPC/PERMIT SECTION</p>		





STATE OF ILLINOIS )  
 )  
 )  
COUNTY OF SANGAMON )  
 )

**PROOF OF SERVICE**

I, the undersigned attorney at law, hereby certify that on April 28, 2015, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

**[1<sup>st</sup> Class U.S. Mail]**

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

John Hagenbuch  
Hagenbuch Family Farms  
3440 E. 11<sup>th</sup> Road  
Utica, Illinois 61373

**[Electronic Filing]**  
John Therriault, 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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