

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Grigsby Protein Realty II, Inc.
(Property Identification Number
07-012-012-01)

)
) **PCB 17-**
) **(Tax Certification)**
)

NOTICE


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

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

Randy Leka
10736 Markert Ave.
Tallula, Illinois 62688

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an **APPEARANCE and RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: May 25, 2017

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

Grigsby Protein Realty II, Inc.
(Property Identification Number
07-012-012-01)

)
) PCB 17-
) (Tax Certification)
)

APPEARANCE

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
Assistant Counsel
Division of Legal Counsel


DATED: May 25, 2017

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

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Vera Herst
Assistant Counsel
Division of Legal Counsel

Dated: DATED: May 25, 2017

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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Grigsby Protein Realty II, Inc.)
(Property Identification Number) PCB 17-
07-012-012-01)) (Tax Certification)
)

**RECOMMENDATION OF THE ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY**

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 ("Board"), 35 Ill. Adm. Code 125.204.

1. On December 6, 2016, the Illinois EPA received a request from Randy Leka (log number TC-137309, 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 facility's address is: Grigsby Protein Realty
6602 Plattner Road
Ashland, Illinois 62612

The proposed water pollution control facilities in this request are located at NW ¼ of Section 32, T18N, R8W of the 3rd PM in Cass County, and consist of the following:

The livestock waste handling facilities consisting of two (2) concrete manure pits (approximately 102 ft. x 305 ft. x 10 ft. each), the concrete slotted portion of the floor over the manure pits that captures and contains waste generated in the barns above, twenty four (24) (approximately 5 ft. x 6 ft. x 10 ft. each) pumpout pits to allow manure removal from the manure pits, and a perimeter drainage tile (approximately 2 in. x 6 in. x 812 ft.) located around the footing of each manure pit to prevent flotation of the pit.

These livestock waste management facilities are used to collect, transport and/or store livestock waste prior to cropland application, and are further described in Exhibit A.

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3. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2014), and Section 125.200(a) of the Board's regulations, 35 Ill. Adm. Code 125.200(a), define "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: eliminating, preventing, or reducing air or water pollution ...or 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.
4. In order to receive preferential tax treatment as pursuant to 35 ILCS 200/11-5 (2014), pollution control facilities must be certified as such by the Board, 35 ILCS 200/11-20 (2014) and 35 Ill. Adm. Code 125.200(a).
5. Upon receipt of a tax certification application, the Illinois EPA must file a recommendation on the application with the Board, 35 Ill Adm. Code 125.204(a).
6. Based on the information in the application and the purpose of the facility, 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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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

Memorandum

To: Charles Gunnarson, Division of Legal Counsel

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

Date: May 15, 2017

Re: Grigsby Protein Reality II, LLC – Ashland
Recommendation of Tax Certification
Log # TC-137309
Property Index# 07-012-012-01

The Bureau of Water received a request on December 16, 2016 from Randy Leka for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204. We offer the following recommendation.

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

Grigsby Protein Reality II, LLC
6602 Plattner Rd.
Ashland, IL 62612

NW 1/4 of Section 32, T18N, R8W of the 3rd PM in Cass County

The livestock waste handling facilities consisting of two (2) concrete manure pits (approximately 102 ft. x 305 ft. x 10 ft. each), the concrete slotted portion of the floor over the manure pits that capture and contain waste generated in the barns above, twenty-four (24) (approximately 5 ft. x 6 ft. x 10 ft. each) pumpout pits to allow manure removal from the manure pits, and a perimeter drainage tile (approximately 2 in. x 6 in. x 812 ft.) located around the footing of each manure pit to prevent flotation of the pit. The facility collects, transports and stores livestock waste prior to cropland application.

The facility is 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 Wei Han at 217/782-0610.

SAK:WH:Tax Cert Recommendation.docx

cc: Tax Cert File

4302 N. Main St., Rockford, IL 61103 (815) 997-7750
595 S. State, Elgin, IL 60123 (847) 608-3131
2125 S. First St., Champaign, IL 61820 (217) 278-5800
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309) 693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312) 814-6026

Watershed Unit Tax Certification Review Sheet

Project Name: Grigsby Protein Reality II, LLC

Date: May 12, 2017

Reviewer: WH

Type: ☐ Agchem

☒ Livestock

Log number: TC-137309

Contact: Randy Leka

Applicant: Randy Leka

10736 Markert Avenue

10736 Markert Avenue

Tallula, IL 62688

Tallula, IL 62688

Phone: 217-634-4123

Facility: Grigsby Protein Reality I, LLC

Property Index#: 07-012-012-01

6602 Plattner Rd.

Parcel#:

Ashland, IL 62612

County: Cass

Legal Description:

NW ¼ of Section: 32 Twp: 18N R: 8W PM: 3rd

Signature: Randa & Roudoll Leka

Date Control Devices installed: February 2016

Title: Manager

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:

The livestock waste handling facilities consist of two (2) concrete manure pits (approximately 102 ft. x 305 ft. x 10 ft.) and the concrete slotted portion of the floor over the manure pit that capture and contain waste generated in the barns above. Each concrete manure pit has twelve (12) (approximately 5 ft. x 6 ft. x 10 ft. each) pumpout pits to allow manure removal from the manure pit. A perimeter drainage tile (approximately 2 in. x 6 in. x 812 ft.) is located around the footing of the each manure pit to prevent flotation of the pit. The facility collects, transports and stores livestock waste prior to cropland application.

02/23/2017: Called Mr. Leka about the clarification of pollution control facility. He also provided section number 32.

02/23/2017: Received email from Mr. Leka.

03/14/2017: Emailed Mr. Leka regarding the withdrawal of barns above the manure pits and Section#.

03/16/2017: The barns above the pits are withdrawn from the certification. Section number is 32.

Pollution control facilities requested by the applicant:

Two (2) concrete manure pits (102 ft. x 305 ft. x 10 ft.): "Description of the Process" of the application forms.

Concrete slatted floor: Application form, Exhibit A Schematic flow diagram, and 02/23/2017 email from Randy Leka.

Twelve pumpout pits (5 ft. x 6 ft. x 10 ft.) at each pit: 02/23/2017 email from Randy Leka

Plastic perimeter drainage tile (2" x 6"x812 ft.): 02/23/2017 email from Randy Leka.

The schematic flow diagram was provided by Exhibit A attached to the application form, which shows manure from generation to land application. The 02/23/2017 email also withdrew manure pump, pipe and land application equipment shown in Exhibit A from certification request.

Recommended Action: Issue tax certification.

Han, Wei

From: Randy Leka <randy@agplus1.com>
Sent: Thursday, March 16, 2017 1:07 PM
To: Han, Wei
Subject: [External] Grigsby Protein II - Ashland Pollution Control Facilities

Dear Mr. Han,

Please be informed that in regards to our Grigsby Protein Realty II - Ashland Pollution Control facilities, the short legal description is as follows:

Part of the NW ¼, Section 32, TWP 18N, Range 8 West, 3rd P.M., Cass County, IL.

Also, please be informed that in regard to the diagram shown in "Exhibit A" previously provided. We are not requesting certification for the barns above the manure pits (pollution control structures).

Please let me know if I can be of further assistance.

Thank you.

Randall A. Leka, AFM
Farm Manager

Ag Plus Developments, Inc.
10736 Markert Ave.
Tallula, Illinois 62688

Telephone: 217-634-4123
E-Mail: Randy@agplus1.com

This e-mail, the information in it and any files transmitted with it are confidential and intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination, copying or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is strictly prohibited unless authorized by the sender. If you received this message in error, please contact the sender immediately and delete the message and attachments from your computer(s). Personal messages represent only the view of the sender and are not necessarily statements of company policy or position.

Han, Wei

From: Randy Leka <randy@agplus1.com>
Sent: Thursday, February 23, 2017 3:01 PM
To: Han, Wei
Subject: RE: [External] RE: Tax Certification for Grigsby Protein Realty I

Mr. Han,

Please be informed regarding our newly installed pollution control facilities located with an Ashland address, this location was installed in an H configuration with two pollution control facilities both having a dimension measuring 102 feet by 305 feet. These facilities have concrete floors and walls with the tops being slotted concrete. In addition, each facility has 12 pump outs with dimensions of 5 feet by 6 feet by 10 feet with concrete floors and walls. The entire outer perimeter of each facility has forma drains measuring 2 inches by 6 inches comprised of approximately 812 feet.

We are not requesting certification of the manure pump, pipe or application regarding exhibit 'A' attached to our application.

Please let me know if you have additional questions or need for additional information.

Thanks you.

Randall A. Leka, AFM

Ag Plus Developments, Inc.
10736 Markert Avenue
Tallula, Illinois 62688

217-634-4123
Randy@AgPlus1.com

From: Han, Wei [<mailto:Wei.Han@Illinois.gov>]
Sent: Thursday, February 23, 2017 9:36 AM
To: Randy Leka
Cc: 'Donna Mcneal'
Subject: RE: [External] RE: Tax Certification for Grigsby Protein Realty I

Mr. Leka and Donna,

This is the information I received from you for the Tallula facility. Please provide me the similar information for the Ashland facility, and section number and statement I talked to Donna today over the phone. Please provide the information on separate email for the two facilities. Please let me know if you have any questions.

Thank you.

Wei Han
Facility Evaluation Unit
Bureau of Water
Illinois Environmental Protection Agency

Phone: 217-524-3034
Email: Wei.Han@Illinois.gov

From: Randy Leka [<mailto:randy@agplus1.com>]
Sent: Friday, December 16, 2016 3:04 PM
To: Han, Wei
Cc: 'Donna Mcneal'
Subject: [External] RE: Tax Certification for Grigsby Protein Realty I

Mr. Han,

In regard to your questions regarding the newly installed pollution control facilities to be certified, please know that two facilities were installed at this site. Both facilities have the dimensions of 102 feet by 305 feet. These facilities have concrete floors and walls with the tops being slotted concrete. In addition, each facility has 12 pump outs with dimensions of 5 feet by 6 feet by 10 feet with concrete floors and walls. The entire outer perimeter of each facility has drain tile comprised of approximately 812 linear feet.

Attached is the application for the second site located in Cass County that I had made reference to during our phone conversation. This site is identical in physical dimensions, material and design as the application you are currently reviewing. Would it be possible to review the attached application at the same time.

If additional information is needed please let me know.

Thank you.

Randall A. Leka, AFM

Ag Plus Developments, Inc.
10736 Markert Avenue
Tallula, Illinois 62688
1-217-634-4123
Randy@Agplus1.com

From: Han, Wei [<mailto:Wei.Han@Illinois.gov>]
Sent: Thursday, December 15, 2016 5:00 PM
To: randy@agplus1.com
Subject: Tax Certification for Grigsby Protein Realty I

Mr. Leka,

Below is my contact information. Please make clarification on the pollution control facilities to be certified. Please provide number (2?), dimensions and material (concrete?) of the manure pit. Also provide the number, material and dimensions of the pumpouts. Please verify that the concrete floor over the pit is slotted for manure collection.

Your application for the other facility is not with me. But if you can make same statement and provide similar information for the other facility, I will forward it to the reviewer.

Please let me know if you have any questions.

Thank you.

Wei Han

Illinois Environmental Protection Agency
BOW/DWPC/Permit Section
1021 North Grand Avenue E.
P.O. Box 19276
Springfield, IL 62794-9276

Phone: 217-524-3034
Email: Wei.Han@Illinois.gov

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

TC-137309



Illinois Environmental Protection Agency

 Received 12/16/2016
by email

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3337

Application for Certification (Property Tax Treatment) Pollution Control Facility

FOR AGENCY USE ONLY

File Number

Date Recd

Certification Number

Date

Facility Type (check one): ☐ Air ☒ Water

This form is to be used for any application for certification of property tax treatment for a pollution control facility for air or water from the Illinois EPA. Separate applications must be completed for each control facility claimed. Do not mix types (air and water). Where both air and water operations are related, file two applications.

If attachments are needed, record them consecutively on an index sheet.

You may complete this form online, save a copy locally, print, sign and submit it to

Illinois EPA
Attention: Al Keller, Permit Section
Division of Water Pollution Control
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276

I. Applicant Information:

Company Name	<u>Grassby Protein Realty II, Inc.</u>		
Person Authorized to Receive Certification	<u>Randy Leka</u>	Person to Contact for Additional Details	<u>Randy Leka</u>
Street Address	<u>10736 Market Avenue</u>		
City	<u>Talia</u>	State	<u>IL</u>
Zip	<u>62568</u>	Phone	<u>217-634-4123</u>
Email Address	<u>randy@agpus1.com</u>		

II. Facility Information:

Facility Location: Quarter Section N 1/2 of Township 13N Range 6W
Municipality: _____ Township Newmansville
Note: A plat map location is requested for facilities located outside of municipal boundaries.
Address 6602 Plattner Road City Ashland
State IL Zip Code 62512 County Cass Book Number _____
Property Index Number 07-012-012-01

Note: The Property Index Number is the numerical reference used to identify a parcel of real property for assessment and taxation purposes.

Manufacturing Operations Information:

Nature of Operations Conducted at the Above Location

Permit Information:

WPC Construction Permit Number	<u>n/a</u>	Date issued	
NPDES Permit Number	<u>n/a</u>	Date issued	<u>Exp. Date</u>
APC Construction Permit Number	<u>n/a</u>	Date issued	
APC Operating Permit Number	<u>n/a</u>	Date issued	<u>Exp. Date</u>

Note: Submit copies of all relevant permits issued by local pollution control agencies (e.g., MSD Construction Permit).

This Agency is authorized to request this information under 115 ILCS 5/4-6 (2012). Disclosure of this information is voluntary, and no penalties will result from the failure to provide the information. However, the absence of this information could prevent your application from being processed or could result in denial of your application.

Manufacturing Process Information:

Please provide information on the manufacturing process and materials on which pollution control facility is used, including each major piece of equipment associated with the pollution control facility (or low sulfur dioxide emission coal fueled device).
Description of the Process:

This is a 9,306 head, wean to finish facility. There are two barns on this site. Each barn has a 102' x 305' x 10' concrete basement (deep pit) under it for collecting contaminants. The floors are slotted to allow the contaminants to enter the basement. Please see attached "Exhibit A" for more detail

Materials Used in the Process:

n/a

Pollution Control Facility Information:

Please provide a narrative description of the pollution control facility (or low sulfur dioxide emission coal fueled device) and an explanation of why its primary purpose is to eliminate, prevent or reduce pollution. State the type of control facility, as well as a narrative description and a process flow diagram describing the pollution control facility. Include an average analysis of the influent and effluent of the control facility stating the collection efficiency, if applicable.

Describe the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

Please see attached "Exhibit A"

Describe the Primary Purpose of the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

Please see attached "Exhibit A"

Identify the statute or regulation (federal or state) or local ordinance, if any, requiring the installation of the subject pollution control facility (or low sulfur dioxide emission coal fueled device):

Nature of Contaminants or Pollutants:

List air contaminants or water pollution substances released as effluents to the manufacturing processes. Also list the final disposal of any contaminants removed from the manufacturing processes.

Material Retained, Captured or Recovered		
Contaminant or Pollutant:	Description	Disposal or Use
swine manure	swine manure from 9,306 head of swine	the animal waste is injected into the ground at agricultural site

Note: Contaminant or pollutant means that which is removed from the process by the pollution control facility.

Point(s) of Waste Water Discharge:

Identify the location of the discharge to the receiving stream. This will typically refer to a source of water pollution but can include water-carried wastes from air pollution control facilities.

Plans and Specifications Attached ☒ Yes ☐ No

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.

Are contaminants (or residues) collected by the control facility? ☒ Yes ☐ No

Note: If the collected contaminants are disposed of other than as wastes, state the disposition of the materials and the value dollars reclaimed by the sale or reuse of the collected substances. State the cost of reclamation and related expense.

Project Status:

Date Installation Completed: Feb 4, 2016

Provide the date the pollution control facility was first placed into service and operated. If not, explain.

Status of installation on date of application:

complete

III. Verification and Signature:

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.

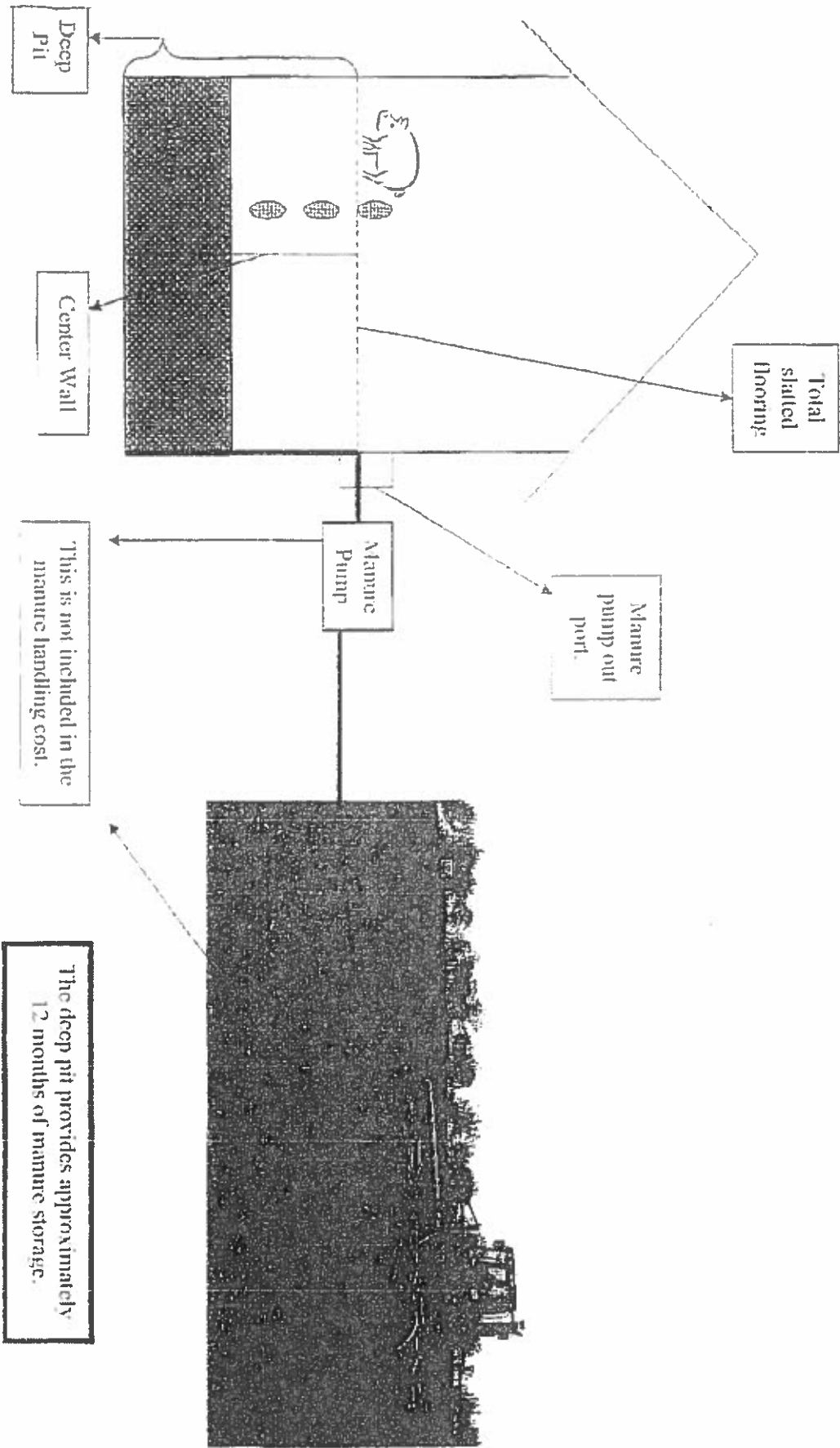
Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

John A. Smith 4100 N. Lincoln Ave., Chicago, IL 60630
John A. Smith Farm Manager
Printed Name Title

For incorporated entities, signature should be from an authorized corporate representative.

John A. Smith 4100 N. Lincoln Ave., Chicago, IL 60630
John A. Smith Farm Manager
Signature Date

Sketched Diagram showing the flow of livestock waste from the animal through the pollution control facility.



STATE OF ILLINOIS

COUNTY OF SANGAMON

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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of May 25, 2017, the attached **APPEARANCE** and **RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, upon the following persons by causing to be mailed a true copy thereof in an envelope duly addressed, bearing proper first class postage, and deposited in the United States mail at Springfield, Illinois:

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

Randy Leka
10736 Markert Ave.
Tallula, Illinois 62688

[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)

THIS FILING IS SUBMITTED ON RECYCLED PAPER