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CLERK'S OFFICE

MAY - 5 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LARRY WERNING (Raymond Facility))
(Property Identification Number)
13-000-148-00))
Petitioner,) PCB 06- 168
) (Tax Certification)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Respondent.)

NOTICE

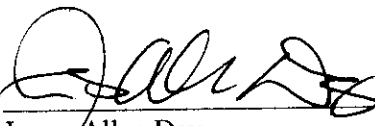
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite. 11-500
Chicago, Illinois 60601

Larry Wernsing
9212 N. 22nd Ave.
Raymond, IL 62560

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.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By: 
James Allen Day
Assistant Counsel
Division of Legal Counsel

DATED: May 3, 2006

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

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Pollution Control Board

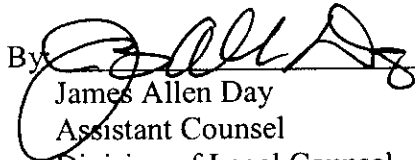
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PROTECTION AGENCY)
Respondent.)

A P P E A R A N C E

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

ENVIRONMENTAL PROTECTION
AGENCY OF THE STATE OF ILLINOIS

By  _____
 James Allen Day
 Assistant Counsel
 Division of Legal Counsel

DATED: May 3, 2006

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RECOMMENDATION

Now Comes the Illinois Environmental Protection Agency ("Illinois EPA") by James Allen Day, one of its attorneys, and pursuant to Section 125.204 of the Illinois Pollution Control Board's (Board) regulations files the following Recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204.

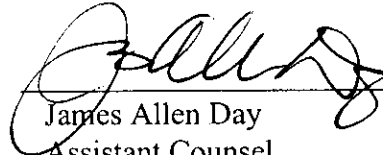
- 1) On August 12, 2005, the Illinois EPA received a request from Larry Wernsing for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204, and noted the request as log number TC-10-05. (Exhibit A)
- 2) The facility address and applicant's mailing address is:

Larry Wernsing
9212 N. 22 nd Ave.
Raymond, IL 62560
- 3) The water pollution control facilities in this request are located at Section 15, T10N, R4W of the 3rd P.M. in Montgomery County, Illinois at the above facility address and consist of the following:
 - One concrete manure pit (160 ft. x 50 ft. x 8 ft. deep) with six 10" PVC pump out ports and the slotted concrete portion of the floor over the manure pit;
 - one concrete manure pit (160 ft. x 40 ft. x 8 ft. deep) with 4 concrete pump out pits (each 4 ft. x 2 ft. x 9 ft. deep with polyurethane covers); and
 - the slotted concrete portion of the floor over the manure pit.

- 4) These livestock waste management facilities are used to collect, transport, and/or store livestock wastes prior to cropland application.
- 5) Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10, 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.”
- 6) Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5.
- 7) Based on the information in the application and the purpose of the facilities (collecting, transporting and/or storing livestock wastes prior to cropland application), 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. Therefore, the facilities are eligible for tax certification from the Board.
- 8) Therefore, the Illinois EPA recommends that the Board issue the requested tax certification.

Illinois Environmental Protection Agency,

By:

A handwritten signature in black ink, appearing to read "J. Allen Day", is written over a horizontal line.

James Allen Day
Assistant Counsel

Division of Legal Counsel

May 3, 2006

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

STATE OF ILLINOIS
COUNTY OF SANGAMON

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)
)
)
)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached **APPEARANCE AND RECOMMENDATION**, upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

Larry Wernsing
9212 N. 22nd Ave.
Raymond, IL 62560

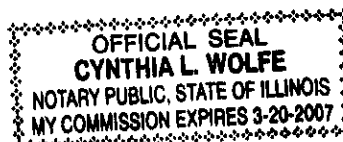
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

and mailing it from Springfield, Illinois on **May 3, 2006** with sufficient postage affixed for first class mail.

Nancy J D Lampert

SUBSCRIBED AND SWORN TO BEFORE ME
this third day of May, 2006

Cynthia L. Wolfe
Notary Public



TC-10-05

to: Thad Faught

from: Larry Werning

re: tax cert. for manure storage facilities

Please note that on my application the following equipment should not be included as taxable property:

- 1.) portable P.T.O. manure pump
- 2.) portable load stand
- 3.) slurry wagon + spreader

Thanks for your effort,

Larry Werning

RECEIVED
MAR 10 2006
Watershed Management Section
BUREAU OF WATER

**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 <i>Harry Wernsing</i>		Date <i>same</i>		
	Person Authorized to Receive Certification		Person to Contact for Additional Details		
	Street Address <i>9212 N. 22nd Ave</i>		Street Address		
	Municipality, State & Zip Code <i>Raymond, Ill. 62560</i>		Municipality, State & Zip Code		
	Telephone Number <i>217-229-2638</i>		Telephone Number		
	Location of Facility Quarter Section Township Range <i>NE 1/4 T. 10N R. 4W</i>		Municipality	Township	
	Street Address <i>9212 N. 22nd Ave</i>		County <i>Montgomery</i>	Book Number	
	Property Identification Number <i>13-000-148-00</i>		Parcel Number		
	MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location <i>wean/finish swine, feed-out buildings</i>			
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				

RECEIVED
AUG 12 2005
Watershed Management Section
BUREAU OF WATER

Watershed Unit Tax Certification Review Sheet

Project Name: Larry Weensing
Reviewer: Thaddeus Fought
Log No.: TC-10-05

Location: Raymond
Date: 2/9/06
Type: Agchem
 Livestock

Applicant: Larry Weensing
9212 N. 22nd Ave.
Raymond, IL 62560

Contact: Larry Weensing
Phone: 217-229-3638

Facility: 9212 N. 22nd Ave.
Raymond, IL 62560

Property ID: 13-000-148-00

Legal Description: Section 15, T10N, R4W of the 3rd PM

County: Montgomery

Date Control Devices installed: 2002 + 2004

Provided Fair Cash Value: \$420,000

Signature: Signed by Larry Weensing

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:

one concrete manure pit (160 ft x 50 ft x 8 ft deep) w/ concrete slats and 6 10-inch PVC pipe pumpout ports.
one concrete manure pit (160 ft x 40 ft x 8 ft deep) w/ concrete slats and 4 concrete pumpout pits
(each 4 ft x 2 ft x 9 ft deep) with polyurethane covers.
one 6" PTO driven centrifugal pump

Other: 2/22/06 - spoke with Larry Weensing - Larry said that one building is 40x160 and
the other is 50x160 (not both 50x160)
The 50x160 building has 6 10-inch PVC pipe pumpout ports.
The 40x160 building has 4 concrete pumpout pits (each 4ft x 2ft x 9ft deep) w/ polyurethane cover

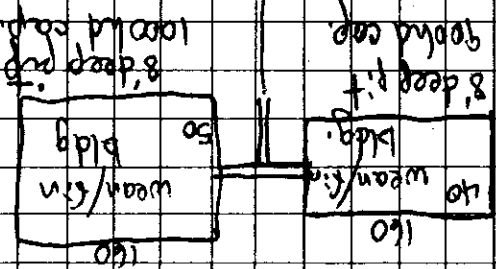
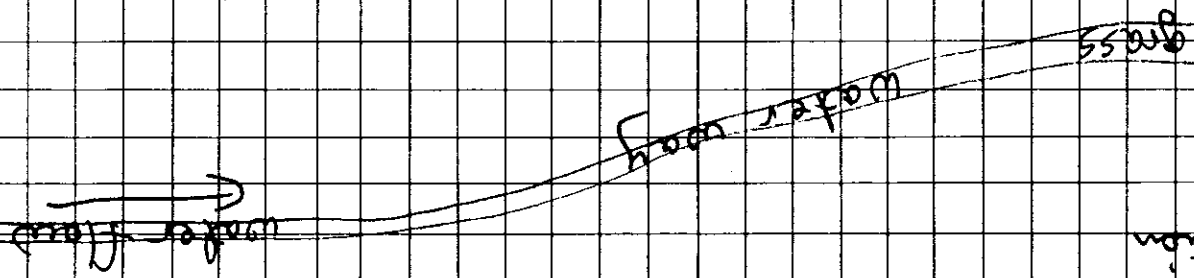
160ac
 NE 1/4 sec. 15 T10N R4W
 Montgomery Co, Ill.

S
 80ac field
 crops

corn - soybean rotation

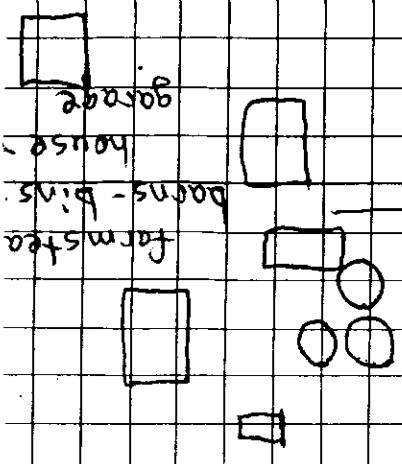


8' deep manure tank under
 slots in each bldg. Pump-out
 ports on each side of bldg.
 Manure is pumped out in fall,
 with 6" P.T.O. Soda pump into
 6000 gal Slurry-wagon with a
 plug on back. Manure is pumped
 into top of wagon & hauled to
 fields & spread below ground
 level.

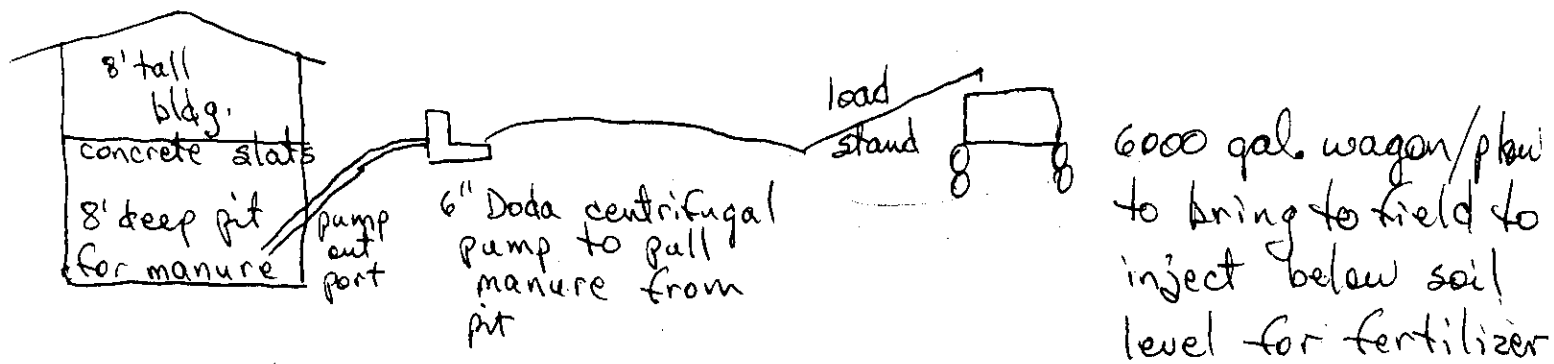


80ac field
 crops

N



W



pits are 50' x 60' x 8' deep - they hold 11-12 mo. of manure storage by animals. After harvest the pits are pumped down - with waste being pulled to fields by 375 H.P. tractor + 6000 gal wagon with plow on rear that diverts waste from tank into ground. This way the odor is minimal and the best fertilizer value is kept from the animal waste

The manure pits are built of all concrete floors + walls according to specifications spelled out in the L.M.F.A. which governs the construction. Plenty of steel rebar are used in the wall. 2-4 pump out holes with pipes are put on each side of the pits for pumping or agitating. The dirt that is back filled around bldg after excavation is sloped away so that roof water + surface water runs away from bldg - with no chance of any going into manure pits underneath

A grass-waterway located 200-250' south of the facility is kept free from manure run-off by the holding nature of the manure pits.