

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROY PAN, INC.
(Property Identification Number
15-16-200-003)
Petitioner,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY
Respondent.

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)
) PCB 01-107
) (Tax Certification)
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)
)

RECEIVED
CLERK'S OFFICE
MAY 07 2007
STATE OF ILLINOIS
Pollution Control Board

NOTICE

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

Tracy Kitley
13890 Old Highway 50
Clay City, Illinois 62824

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, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217-782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

ROY PAN, INC.
(Property Identification Number
15-16-200-003)
Petitioner,

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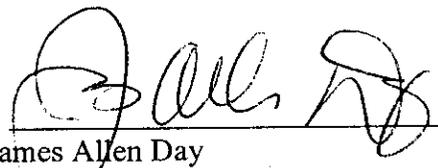
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY
Respondent.

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APPEARANCE

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, 2007

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STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
)
)
COUNTY OF SANGAMON)
)

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

Tracy Kitley
13890 Old Highway 50
Clay City, Illinois 62824

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, 2007** with sufficient postage affixed for first class mail.

Jara Micmore

SUBSCRIBED AND SWORN TO BEFORE ME

this third day of May, 2007

Brenda Boehner
Notary Public



RECEIVED
CLERK'S OFFICE

MAY 07 2007

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROY PAN, INC.)
(Property Identification Number)
15-16-200-003)
Petitioner,) PCB 07-107
) (Tax Certification)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Respondent.)

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.

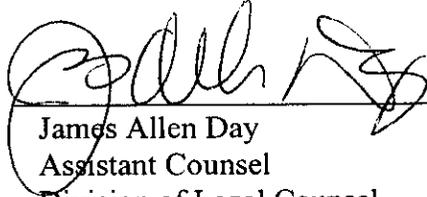
- 1) On February 27, 2007, the Illinois EPA received a request from Roy Pan, Inc. for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204, and noted the request as log number TC-06-07. (Exhibit A)
- 2) The applicant's mailing address is: Tracy Kitley
13890 Old Highway 50
Clay City, Illinois 62824
- 3) The facility is located at the following address: Roy Pan, Inc.
589 Azalea Lane
Flora, Illinois 62839
- 4) The water pollution control facilities in this request are located at the at the above facility address in the Southeast Quarter of Section 16, Township 2 North, Range 7 East of the 3rd Principal Meridian in Clay County, Illinois and consist of the following:

Livestock waste management facilities consisting of one concrete pit (101 ft. x 304 ft. x 8 ft. deep) with eight concrete pump out pits (each 4 ft. x 4 ft. x 8 ft. deep) with galvanized steel covers and the concrete slotted portion of the flooring over the manure pits in each of two swine buildings..

- 5) These livestock waste management facilities are used to collect, transport, and/or store livestock wastes prior to cropland application.
- 6) Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2004), 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.”
- 7) Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5 (2004).
- 8) 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.

- 9) Therefore, the Illinois EPA recommends that the Board issue the requested tax certification.

Illinois Environmental Protection Agency,

By: 
James Allen Day
Assistant Counsel
Division of Legal Counsel

May 3, 2007

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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397
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: Bruce J. Yurdin, Manager, Watershed Management Section
Date: **MAR 29 2007**
Re: Roy Pan, Inc. - Flora
Recommendation of Tax Certification
Log # TC-06-07
Property Identification # 15-16-200-003



RECEIVED
Division of Legal Counsel

MAR 30 2007

Environmental Protection
Agency

The Bureau of Water received a request on February 27, 2007 from Tracy Kitley 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:

Roy Pan, Inc.
589 Azalea Lane
Flora, IL 62839

SE 1/4 of Section 16, T2N, R7E of the 3rd P.M. in Clay County

Livestock waste management facilities consisting of one concrete pit (101 ft. x 304 ft. x 8 ft. deep) with eight concrete pump out pits (each 4 ft. x 4 ft. x 8 ft. deep) with galvanized steel covers and the concrete slotted portion of the flooring over the manure pits in each of two swine buildings. 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 James Allison at 217/782-3362.

BJY:JRA:

cc: Tax Cert File

Watershed Land Tax Certification Review Sheet

Project Name: Roy Pan, Inc.
Reviewer: JPA
Log No: TC-02-07

Location: Flora
Date: 12 Mar 07
Type: Agchem
 Livestock

Applicant: Tracy Kitley
13890 Old Highway 50
Clay City, IL 62834

Contact: Tracy Kitley
Phone: (618) 662-4603

Facility: Roy Pan, Inc
126 Flower Drive
Flora, IL 62839

Property ID: 15-16-200-003

Legal Description: SE 1/4 sec 16 T2N R7E of the 10th P.M.

County: Clay

Date Control Devices Installed: 4/10/06

Provided Fair Cash Value: \$ 575,000

Signature: Tracy Kitley

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:

2 buildings each w/
101' x 304' x 8' deep conc. pit w/ 8 pumpouts ports
slatted floors
4' x 4' x 8' concrete pumpout } 12 Mar 07
show cover }
w/ Tracy Kitley

Roy Pan, Inc
589 Azalea LN
Flora, IL 62839

Other: 12 Mar 07 spec w/ Tracy Kitley - verified pumpout pits w/ covers, modified legal description, and gave mailing address for Roy Pan since facility has no mail box.

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
P. O. Box 19276, Springfield, IL 62794-9276

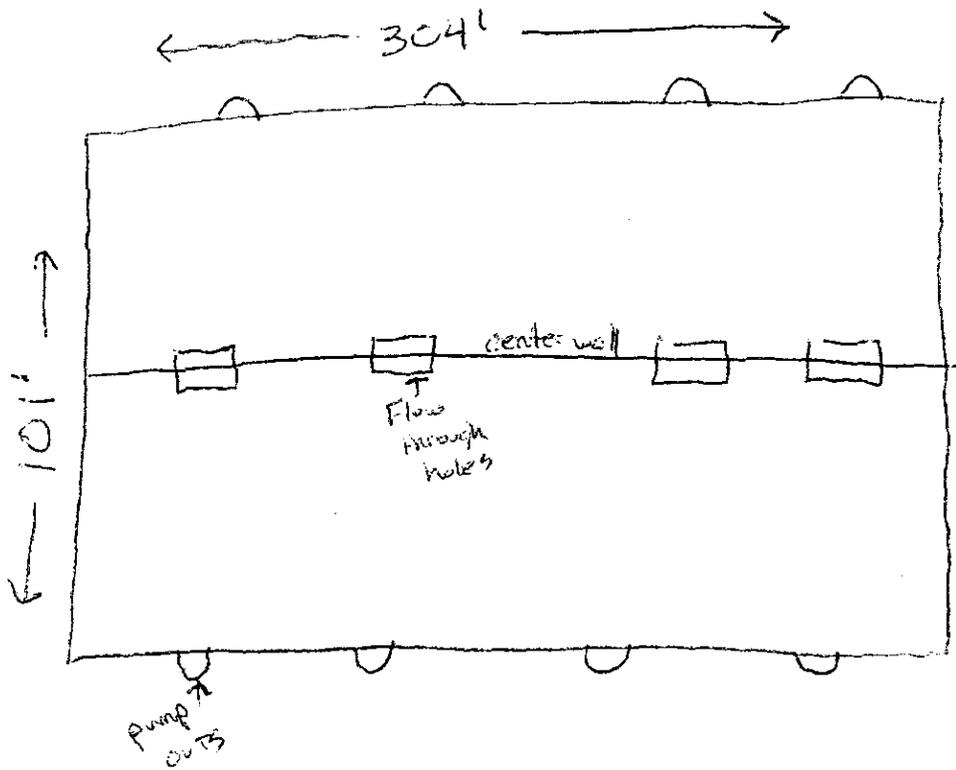
This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter, 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

FOR AGENCY USE

File No.	Date Received	Certification No.	Date
Sec. A APPLICANT	Company Name		
	Person Authorized to Receive Certification <i>Tracy Kitley</i>		Person to Contact for Additional Details <i>same</i>
	Street Address <i>13890 Old Highway 50</i>		Street Address <i>same</i>
	Municipality, State & Zip Code <i>Clay City, IL 62834</i>		Municipality, State & Zip Code <i>same</i>
	Telephone Number <i>(618) 663-4603</i>		Telephone Number <i>same</i>
	Location of Facility Quarter Section Township Range <i>NE section 16 2N 7E</i>		Municipality Township <i>Clay Stanford</i>
	Street Address <i>126 Flower Drive Flora, IL 62839</i>		County Book Number <i>Clay</i>
	Property Identification Number <i>15-16-200-003</i>		Parcel Number
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location <i>This is a 7200 head wear to finish the same facility. There are 2 barns on the site, both with deep pits.</i>	
Water Pollution Control Construction Permit No. <i>N/A</i>		Date Issued	
NPDES PERMIT No. <i>N/A</i>		<p>The land the buildings set on I lease from my father. It is in a corporation name Royden, Inc. The taxes for the barns will also be in this name. I will be paying the taxes, so if you need more information or have any other questions you can contact me.</p> <p align="right"><i>Tracy Kitley</i></p> 	
Air Pollution Control Construction Permit No. <i>N/A</i>			
Air Pollution Control Operating Permit No. <i>N/A</i>			
Sec. C MANUFACTURING PROCESS	Describe Unit Process <i>N/A</i>		
	Materials Used in Process <i>N/A</i>		
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility <i>see attached pages</i>		

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FEB 27 2007
Watershed Management Section
BUREAU OF WATER

POLLUTION CONTROL FACILITY - CONTAMINANTS	Sec. E (1) Nature of Contaminants or Pollutants <i>Swine manure</i>			
			Material Retained, Captured or Recovered	
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE	
	<i>Swine manure</i>	<i>swine manure from 7200 lbs. of manure to finish hogs</i>	<i>The animal waste is injected into the ground at agronomic rates in accordance with the Nutrient Management Plan</i>	
	(2) Point(s) of Waste Water Discharge <i>None</i>			
	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 <i>4/10/06</i> status of installation on date of application <i>Complete</i>		
	ACCOUNTING DATA	(5) a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ <i>575,000.00</i>
		b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ <i>15,000.00</i>
c.		PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ <i>-</i>	
d.		PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ <i>-</i>	
e.		PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% <i>45%</i>	
SIGNATURE	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.			
	<i>Tracy Kelley</i>	<i>owner</i>		
INSTRUCTIONS	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.		
	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	Thomas McSwiggin Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control	



This building houses 3000 Hds. of wean to finish hogs. This site contains 2 of these buildings.

The pit is 101' x 304' and is 8 feet deep. The concrete is reinforced with rebar and meets USDA standards. There is a center support wall in the middle and there are 4 flow throughs at the bottom of the center wall. There are also 4 pumpouts on each side of the building, where a pump can be inserted to pump out the manure. The floor of the building is 100% slatted,

Flow Diagram of Waste Handling

