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CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 09 2007

Future Pork, LLC-Victor
(Property Identification Number
17-32-100-006)

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)
)
) **PCB 08- 06**
) **(Tax Certification)**

STATE OF ILLINOIS
Pollution Control Board

NOTICE

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

Dr. Steve Feuerbach (Future Pork)
2435 Bethany Road
Sycamore, Illinois 60178

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: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: July 5, 2007

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

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CLERK'S OFFICE

JUL 09 2007

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**Future Pork, LLC-Victor
(Property Identification Number
17-32-100-006)**

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) PCB 08- **06**
) (Tax Certification)
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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: July 5, 2007

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

JUL 03 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

Future Pork, LLC-Victor
(Property Identification Number)
17-32-100-006)

) **PCB-08 -06**
) **(Tax Certification)**
)
)

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 28, 2006, the Illinois EPA received a request from Future Pork, LLC (log number TC-29-076, 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:

Future Pork, LLC
7250 Sanderson Road
Victor, Illinois
3. The proposed water pollution control facilities in this request are located at NW ¼ of Section 32, T37N, R4E of the 3rd P.M. in DeKalb County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (126 ft. x 71 ft. x 2 ft. deep) with the slotted wire portion of the floor over the manure pit and approximately 50 ft. of 8-inch diameter PVC manure transfer pipe.

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 (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.”
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

requested tax certification.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

Dated: July 6, 2007

Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. 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 THE RECOMMENDATION**, upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

Dr. Steve Feuerbach (Future Pork)
2435 Bethany Road
Sycamore, Illinois 60178

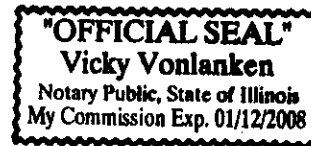
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

and mailing it from Springfield, Illinois, on July 5, 2007, with sufficient postage affixed for first class mail.

Ashli M. Stritzel

SUBSCRIBED AND SWORN TO BEFORE ME
This 5th day of July, 2007

Vicky VonLanken
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER



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: MAY 23 2007
 Re: Future Pork, LLC – Victor
 Recommendation of Tax Certification
 Log # TC-29-06
 Property Identification # 17-32-100-006

The Bureau of Water received a request on December 28, 2006 from Future Pork, LLC 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:

Steve Feuerbach (Future Pork, LLC)
 2435 Bethany Road
 Sycamore, IL 60178

NW ¼ of Section 32, T37N, R4E of the 3rd P.M. in DeKalb County

Livestock waste management facilities consisting of one concrete manure pit (126 ft. x 71 ft. x 2 ft. deep) with the slotted wire portion of the floor over the manure pit and approximately 50 ft. of 8-inch diameter PVC manure transfer pipe.

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 217/782-3362.

BJY:TJF:TC-29-06.doc

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Future Pork LLC
Reviewer: Theresa...
Log No.: TC-29-06-2006

Location: Victor
Date: 4/24/07
Type: Agchem
 Livestock

Applicant: Dr. Steve Fawcett
2435 Belvoir Rd.
Victor, NY 13850

Contact: Dr. Steve Fawcett
Phone: 815-756-3279

Facility: Future Pork LLC
7250 Sanderson Rd
Victor, NY

Property ID: 17-32-100-006

Legal Description: Section 32, T37N, R4E of the 3rd PM

County: DeKalb

Date Control Devices Installed: 7/1/06

Provided Fair Cash Value: \$90,000

Signature: Steve Fawcett

Title: CFO/Secretary

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 (126 sq ft x 24" deep) with wire flooring
50 feet of 8" diameter PVC pipe for manure transfer

Other: Expansion of existing facility
TC-29-06 is the same as TC-04-07

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 Future Pork, LLC			
	Person Authorized to Receive Certification Dr. Steve Feerbach		Person to Contact for Additional Details Dr. Steve Feerbach	
	Street Address 2435 Bethany Rd		Street Address	
	Municipality, State & Zip Code Sycamore, IL 60178		Municipality, State & Zip Code	
	Telephone Number 815-756-3279		Telephone Number	
	Location of Facility Quarter Section NW		Municipality Beland	Township Victor
	Street Address 7250 Sanderson Rd		County DeKalb	Book Number
	Property Identification Number		Parcel Number 17-32-100-006	
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Swine Production: Baby Piglets leave this sow Breed - wean unit @ ~ 21 days of age		
		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 > Please submit this application for its manure structures (i.e. pit, connecting PVC pipe, flooring etc). * * See attached sheet * * > The manure handling structures are vital to reducing potential waste pollution contaminants into the local water sources * Please note that this application is pertaining to an expansion onto an existing facility and the information herein pertains to this expansion *			

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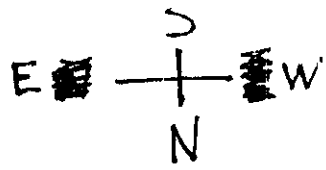
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 BOW/WPC/PERMIT SECTION

POLLUTION CONTROL FACILITY - CONTAMINANTS	Sec. E (1) Nature of Contaminants or Pollutants		
			Material Retained, Captured or Recovered
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
	Swine Manure	from Sows and Baby Pigs	Waste application to adjacent fields
	(2) Point(s) of Waste Water Discharge		
	Waste Removal will occur thru the <u>downspouts on building</u> ^(B) only		
	Plans and Specifications Attached		Yes <input checked="" 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 <u>7/1/06</u> status of installation on date of application <u>In use</u>		
	(5) a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY: <u>Expansion</u> \$ <u>90,000</u> (waste handling portion only)		
b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY: <u>Addition</u> \$ <u>0</u>			
c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY: <u>only!</u> \$ <u>0</u>			
d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY: \$ <u>0</u>			
e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE: <u>28</u> %			

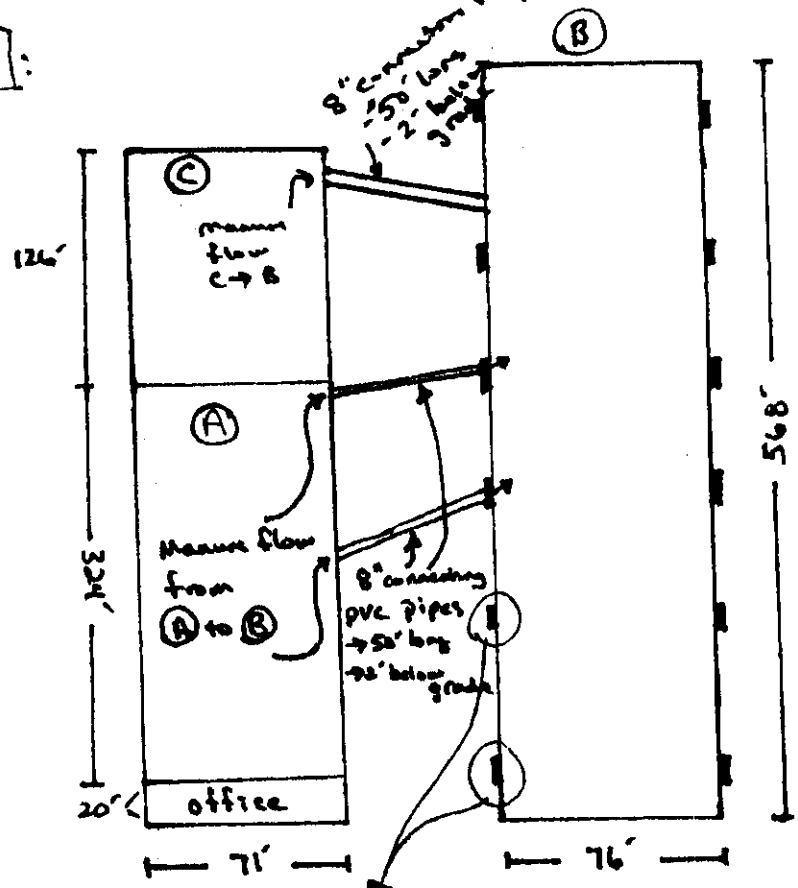
SIGNATURE	Sec. F	The following information is submitted in accordance with the Illinois Property Tax Code, as amended, and to the best of my knowledge, is true and correct. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.	
		<u>Dr. Steve Ferber</u>	<u>CPO / Secretary for Tuckers Park, LLC</u>
		Signature	Title

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 pollution control facility. 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	AJ Keller Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control

Future Pork, LLC

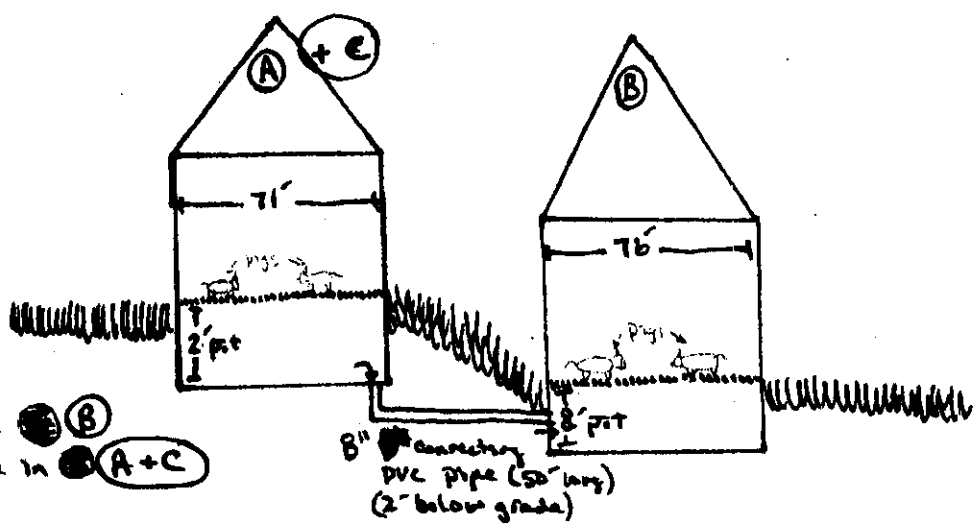


Overhead View:



≡ represents "pump-out areas" where manure is removed from the manure pit on building (B). Manure is then field applied by use of a "drag-hire" or "soil-incorporation" waste application process.

Cross-Sectional View:



total slatted area in (B) = heavy gauge wire in (A+C)
 ≡ = grass (ground area)

Exhibit A

Farrowing House:

→ The farrowing house waste falls through a large gauge wire (60") flooring into a 2' ^{deep} cement pit below. when these pits fill, a "pull-plug" system is utilized to transfer the waste to the Gestation building to the west through an 8" connecting PVC pipe.

Exhibit B

Breeding / Gestation Building:

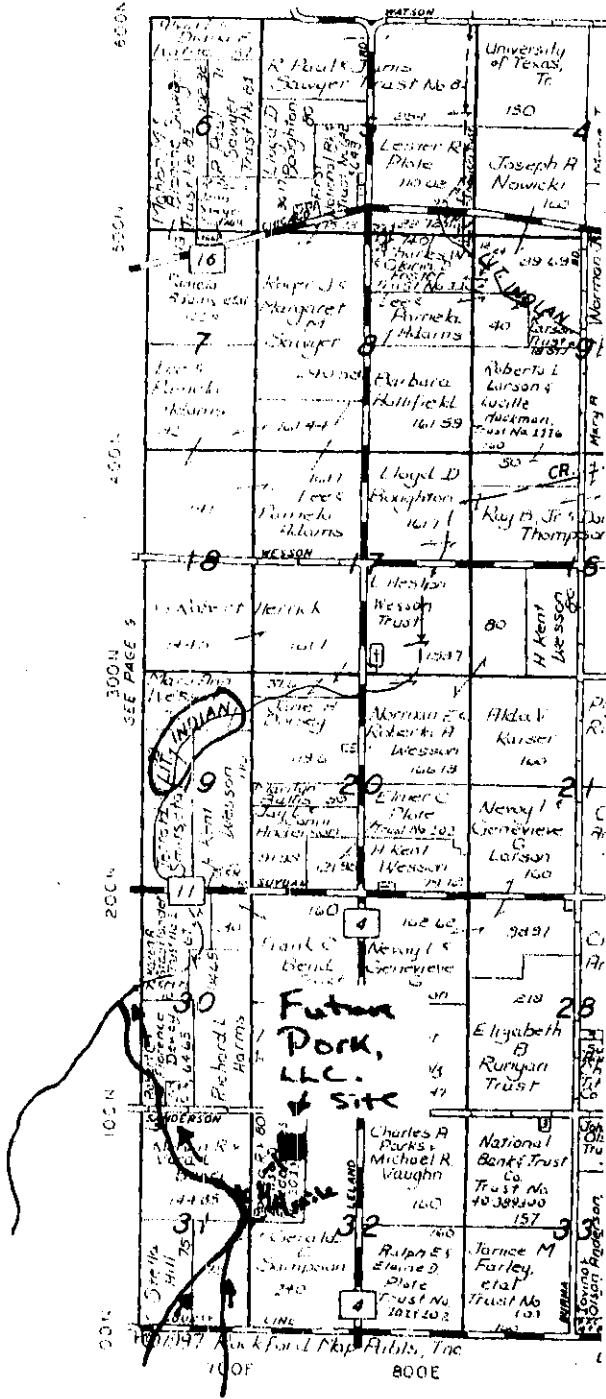
→ The gestation building is a ~~2'~~ 8' deep cement storage pit with totally slatted ^{concrete} floors above it. Manure from the Breeding / Gestation Building animals falls through the slats and is contained in this pit. Also, waste from the farrowing building to the East flows to this building for storage through an 8" connecting PVC Pipe.

* Please note that all pit walls and floors in buildings A + B ^{are} are 5" thick with 3500 p.s.i. exposed concrete. The ~~walls~~ ^{with rebar} walls/floors are heavily reinforced. The ^{construction of the} pit floor + walls were overseen by a representative from the Ill. dept. of Agriculture and meets all facets of the Department's "new" (1999) requirements

© The "new" farrowing addition has its waste fall thru ~~a~~ a large gauge ("00") wire flooring into a 2' deep cement pit below. When these pits full, a "pull-plug" system is utilized to transfer the waste to the Gestation building to the west through an 8" connecting PVC pipe.

VICTOR

T.37N.-R.4E.



The Future Park, LLC Site is located in a topographically "low area" compared to the surrounding area. There is a creek ~ 1/4 mile to the west that runs into the little Indian River ~ 1 mile to the North west. Without proper waste storage facilities and applications, runoff would be transferred through the nearby tilled soils (because in a "low area") into the creek to the west that would eventually drain into and contaminate the little Indian River. Also, oversaturation of rain in this area would run the risk of contaminating underground water supplies since the ~~aquifer~~ aquifer level in this area is not very far below ground level and water does not naturally "flow" out of this area but tends to just soak into the ground. Run-filled or silt-filled (tile) would potentially allow waste runoff to contaminate underground water sources if not for the pollution reducing structures at Future Park, LLC.

Farmers State Bank of Somonauk

ONE BANK... TWO LOCATIONS!

<p>MAIN BANK 128 South Depot Street Somonauk, Illinois 60552 Phone: (815) 498-3396</p>	<p>COUNTY LINE BRANCH 21 Gletty Road Sandwich, Illinois 60548 Phone: (815) 786-9292</p>
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<p>(815) 786-2144 CRAIG ELLIOTT - Broker, Owner (815) 495-9422 MARVIN WESTBY - Salesperson (815) 498-2803</p>	<p>(815) 786-2190 DAVID JOHNSON - Salesperson (815) 495-9507 JUDY GREEN - Salesperson (815) 496-9319</p>
---	--

605 East Market Street - Suite A, Somonauk, Illinois
Phone: (815) 498-2373 or (630) 552-4289