

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

APR 10 2008

CNS Farms, Inc.-Malta
(Property Identification Number
04-21-300-009)

)
) PCB 08- 61
) (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. Charles Schelkopf
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: April 3, 2008

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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STATE OF ILLINOIS
Pollution Control Board

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: April 3, 2008
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CNS Farms, Inc.-Malta
(Property Identification Number
04-21-300-009)

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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 April 25, 2007 the Illinois EPA received a request from Charles Schelkopf (log number TC-10-07, 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: CNS Farms, Inc
26065 McQueen Road
Malta, IL 60150

3. The proposed water pollution control facilities in this request are located at SW ¼ of Section 21, T41N, R3E 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 (225 ft. x 77 ft. x 8 ft. deep) with eight concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep) and the slotted concrete portion of the floor over the manure pit.

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 (2006), 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: April 3, 2008
Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. 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: Al Keller, Manager, Permit Section *AK*

Date: MAR 12 2008

Re: CNS Farms, Inc. – Malta
 Recommendation of Tax Certification
 Log # TC-10-07
 Property Identification # 04-21-300-009

Environmental Protection Agency

MAR 12 2008

RECEIVED
 Division of Legal Counsel

The Bureau of Water received a request on April 25, 2007 from Charles Schelkopf 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:

CNS Farms, Inc.
 26065 McQueen Road
 Malta, IL 60150

SW ¼ of Section 21, T41N, R3E of the 3rd P.M. in DeKalb County

Livestock waste management facilities consisting of one concrete manure pit (225 ft. x 77 ft. x 8 ft. deep) with eight concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep) and the slotted concrete portion of the floor over the manure pit.

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.

SAK:TJF:TC-10-07.doc

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: CNS Farms, Inc.
Reviewer: Thaddeus Faught
Log No.: TC-10-07

Location: Malta
Date: 7/11/06
Type: Agchem
 Livestock

Applicant: Dr. Charles Schelkopf
2435 Bethany Road
Sycamore, IL 60178

Contact: Charles Schelkopf
Phone: 815-756-3279

Facility: CNS Farms
26065 McQueen Pl.
Malta, IL 60150

Property ID: 04-21-300-209

Legal Description: Section 21 T41N R3E

County: DeKalb

Date Control Devices Installed: 10/1/06

Provided Fair Cash Value: \$ 240,000

Signature: by Charles Schelkopf

Title: member

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 (225 ft x 77 ft x 8 ft deep) w/ concrete slatted floor
w/ 8 concrete pumpouts (each 6 ft x 6 ft x 9 ft deep)

Other: _____

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

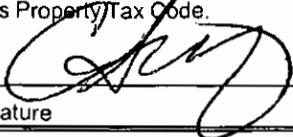
**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 P. O. Box 19276, Springfield, IL 62794-9276**

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.

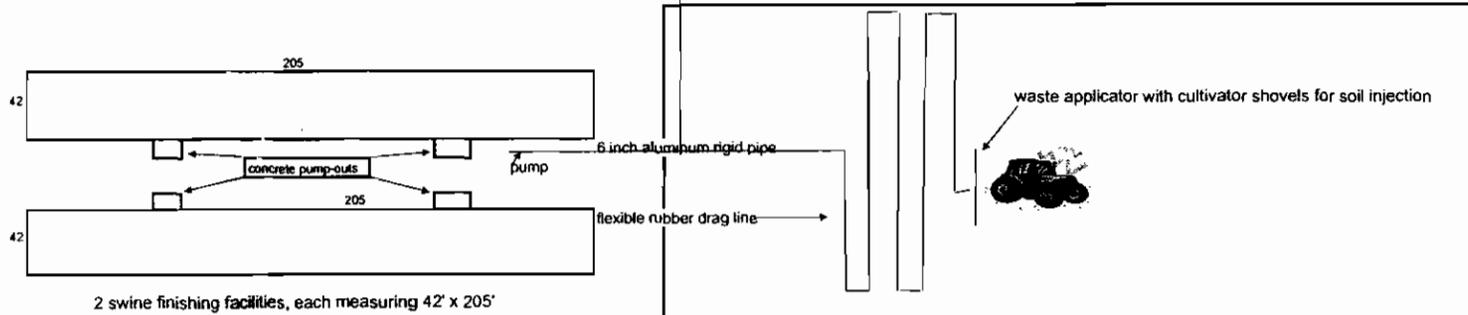
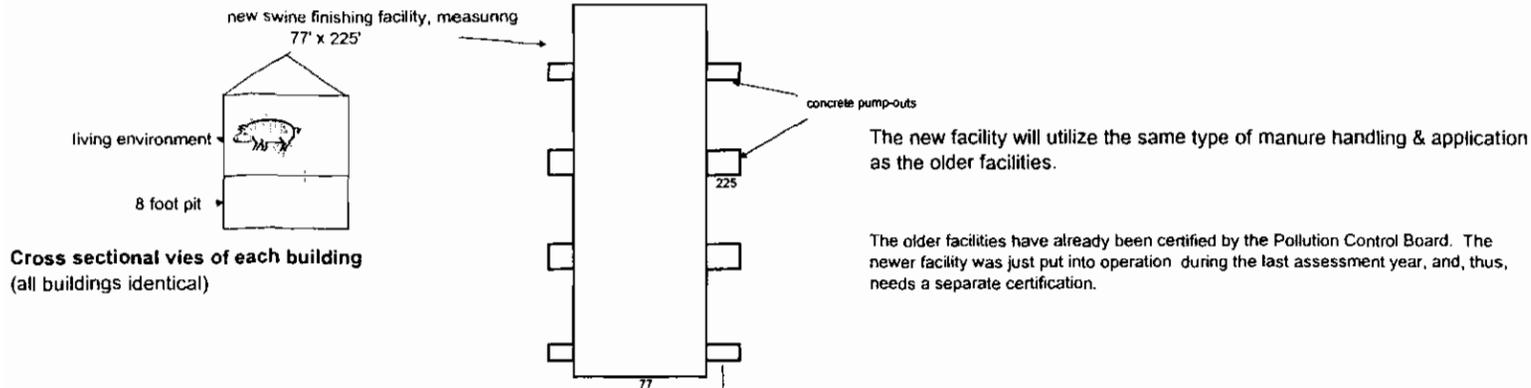
FOR AGENCY USE				
File No.	Date Received	Certification No.	Date	
APPLICANT	Sec. A Company Name CNS Farms, Inc.			
	Person Authorized to Receive Certification Dr. Charles Schelkopf		Person to Contact for Additional Details Dr. Charles Schelkopf	
	Street Address 2435 Bethany Road		Street Address 2435 Bethany Road	
	Municipality, State & Zip Code Sycamore, IL 60178		Municipality, State & Zip Code Sycamore, IL 60178	
	Telephone Number (815) 756-3279		Telephone Number (815) 756-3279	
	Location of Facility Quarter Section 21-SW	Township T41N	Range R3E	Municipality Malta
	Street Address 26065 McQueen Rd., Malta, IL		County DeKalb	Township South Grove
	Property Identification Number 04-21-300-009		Parcel Number 04-21-300-009	Book Number 2004-002529 & 2004-002530
	MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location 900 hd swine finishing/gestation facility		
		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			
	Manure structures that include a new 900 hd gestation/finishing facility, including the concrete slatted floors, the 8' deep manure pit (77' x 225'), including 6' x 6', 8' deep concrete pumpouts.			

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 APR 25 2007

**ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY
 BOW/MPC/PERMIT SECTION**

Sec. F	POLLUTION CONTROL FACILITY -- CONTAMINANTS	(1) Nature of Contaminants or Pollutants Liquid swine waste			
				Material Retained, Captured or Recovered	
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE	
		Liquid swine waste	From finishing pigs	Land applied to adjacent fields	
ACCOUNTING DATA	(2) Point(s) of Waste Water Discharge Waste is pumped from the lagoon for land application				
	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>10/01/06</u> status of installation on date of application _____			
	(5)	a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 240,000.00	
		b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$	
		c.	PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$	
		d.	PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$	
		e.	PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 35	
	Sec. F	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. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.		
 _____ Signature			 _____ Title		
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	Al Keller Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control		

Charles Schelkopf Finishing Operation



The swine waste is contained in 2 concrete pits contained under the buildings. Swine waste falls through concrete slats into the 5 inch thick concrete pits. The waste is pumped from the pits by placing a flexible hose into concrete pump outs attached to the concrete pits. The waste is pumped through a series of joined 6 inch rigid aluminum pipes that are attached to a flexible rubber drag line. The series of aluminum pipes can be extended to whatever length is necessary to reach the application area. The drag line is attached to a drawbar that flows the waste into channels created by field cultivator shovels. This process injects the waste directly into the soil, leaving no opportunity for run-off and maximizes the fertilizer value of the waste. All waste is injected to further reduce odor & potential runoff. The tractor operator is always in full view of the piping in the event that a breach would occur in the piping system.

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

C. Alan Kellmann
1312 E. 1000th Avenue
Altamont, Illinois 62411

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

and mailing it from Springfield, Illinois, on April 3, 2008, with sufficient postage affixed for first class mail.

Brenda Boehner

SUBSCRIBED AND SWORN TO BEFORE ME
This 3rd day of April, 2008

Cynthia L. Wolfe
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER