

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BMI Farms, LLC.-Versailles)
(Property Identification Number) PCB 10-
04-038-007 00) (Tax Certification)
)

NOTICE

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

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

BMI Farms, LLC.
RR #3, Box 126
Mount Sterling, Illinois 62353

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.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

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

DATED: April 29, 2010

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

BMI Farms, LLC.-Versailles)
(Property Identification Number) PCB 10-
04-038-007 00) (Tax Certification)
)

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: April 29, 2010
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

BMI Farms, LLC-Versailles)
(Property Identification Number) PCB 10-
04-038-007 00)) (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 11, 2009, the Illinois EPA received a request from BMI Farms, LLC (log number TC-20-09, 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: BMI Farms, LLC.
RR #1, Box 161
Versailles, Illinois 62378

3. The proposed water pollution control facilities in this request are located at SE ¼ of Section 28, T1S, R2W of the 4th PM in Brown County, at the above street address and consist of the following:

Livestock waste management facilities consisting of two concrete manure pits (each approximately 305 ft. x 101 ft. x 8 ft. deep) with twelve concrete pump out pits (each approximately 5 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 (2008), 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
Assistant Counsel
Division of Legal Counsel

Dated: April 29, 2010
Illinois Environmental Protection Agency
1021 North Grand Ave. East.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

***** PCB 2010-092 *****

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR



RECEIVED
Division of Legal Counsel
APR 12 2010
Environmental Protection Agency

Memorandum

To: Connie Tonsor, Division of Legal Counsel

From: Al Keller, P.E., Manager, Permit Section

Alan Keller by D. Heenan

Date: April 9, 2010

Re: BMI Farms, LLC - Versailles
Recommendation of Tax Certification
Log # TC-20-09
Property Identification # 04-038-007-00

The Bureau of Water received a request on December 11, 2009 from BMI Farms 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:

BMI Farms LLC
RR #1, Box 161
Versailles, IL 62378

SE ¼ of Section 28, T1S, R2W of the 4th P.M. in Brown County

The livestock waste management facilities consisting of two concrete manure pits (each approximately 305 ft. x 101 ft. x 8 ft. deep) with twelve concrete pump out pits each (each approximately 5 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 waste 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 Keith Runge at 217/782-3362.

SAK:KAR:

cc: Tax Cert File

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760
Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131
Bureau of Land - Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462
Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000
Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463
Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800
Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

Project Name: BMI Farms, LLC
Reviewer: KAR
Log No.: TC-20-09

Location: Versailles
Date: 2-18-10
Type: Agchem
 Livestock

Applicant: BMI Farms LLC
RR #3, Box 126
Mount Sterling, Ia. 62353

Contact: Brian Ingram
Phone: 217-257-9701

Facility: BMI Farms, LLC
R.R.1, Box 161
Versailles, Ia 62378

Property ID: 64-038-007-00

Legal Description: SE 1/4 Section 28, T15, R2W

County: Brown

Date Control
Devices Installed: 11-1-08

Provided
Fair Cash
Value: \$541,200

Signature: Brian Ingram

Title: Owner-President

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:

Two concrete manure pits (each ≈ 101 ft x 305 ft x 8 ft deep)
with 12 concrete pumpouts each (each ≈ 5 ft x 6 ft x 8 ft deep)
and concrete slats for floor over manure pit.

Other: Called Brian 2-18-10 property Id. # 04-038-007-00
called Brian 4-6-10 Tax cert was only for pits & flooring, not for building

Runge, Keith

From: Brian Ingram [bmifarms@gmail.com]
Sent: Wednesday, April 07, 2010 7:45 AM
To: Runge, Keith
Subject: application clarification

Keith

This letter is in regards to the application that has been submitted for the pollution control facility in Brown County IL . This application is for the eight foot deep pits that are under the 2-101'x305' hog confinement buildings not for the buildings themselves.

Thanks

Brian Ingram
RR3 Box 126
Mt Sterling IL 62353
217-257-7701

***** PCB 2010-092 *****

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

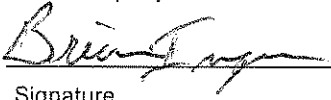
This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter, 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

RECEIVED
 DEC 11 2009

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 P.O. Box 19276, Springfield, IL 62794-9276
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 BOW/WPC/PERMIT SECTION

FOR AGENCY USE

File No.	Date Received	Certification No.	Date	
Sec. A APPLICANT	Company Name BMI Farms LLC			
	Person Authorized to Receive Certification Brian Ingram		Person to Contact for Additional Details Brian Ingram	
	Street Address RR #3 Box 126		Street Address RR #3 Box 126	
	Municipality, State & Zip Code Mount Sterling, Ill 62353		Municipality, State & Zip Code Mount Sterling, Ill 62353	
	Telephone Number (217) 257-7701		Telephone Number (217) 257-7701	
	Location of Facility Quarter Section se 28	Township 1south	Range 2 west	Municipality Township 1south
	Street Address RR 1 Box 161 Versailles Ill 62378		County Brown	Book Number
	Property Identification Number		Parcel Number	
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Swine wean to finish operation		
		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 concrete with a 4000 psi rating, rebar, wire mesh, swell stop, epoxy, wire ties			
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility (2) 101x305 buildings with 8 foot deep pits			

Sec. E	(1) Nature of Contaminants or Pollutants swine manure			
	CONTAMINANTS	Material Retained, Captured or Recovered		
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
		animal waste swine manure	captured	used for fertilizer for our farm
	ACCOUNTING DATA	(2) Point(s) of Waste Water Discharge human use septic tank, tile inspection drains		
		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>11/01/08</u> status of installation on date of application _____	
		(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 541,200.00
			b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 460,000.00
	c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 70,000.00		
	d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 40,000.00		
	e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 35		
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.			
	SIGNATURE	 Signature		
		Owner - President 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

STATE OF ILLINOIS

COUNTY OF SANGAMON

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PROOF OF SERVICE

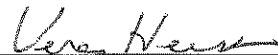
I, the undersigned, hereby certify that I have served the attached **APPEARANCE AND RECOMMENDATION**, upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

BMI Farms, LLC.
RR #3, Box 126
Mount Sterling, Illinois 62353

and mailing it from Springfield, Illinois, on April 29, 2010, with sufficient postage affixed for first class mail; and electronically on April 29, 2010:

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



Vera Herst