

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

Clayton Pork, LLC-Eureka )  
(Property Identification Number ) PCB 11-  
05-08-100-002 ) (Tax Certification)  
)

**NOTICE**

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

Clayton Pork, LLC  
1795 Country Road 1150 N  
Eureka, Illinois 61530

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 22, 2011

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

David and Harold Hawkinson-Galesburg.                     )  
(Property Identification Number                                 ) PCB 11-  
48-05-05-22-300-004   ) (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 22, 2011  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
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Clayton Pork, LLC-Eureka )  
(Property Identification Number ) PCB 11-  
05-08-100-002 ) (Tax Certification)  
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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 May 19, 2010, the Illinois EPA received a request from Clayton Pork, LLC (log number TC-10-10, 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: Clayton Pork, LLC  
2152 State Rt 117  
Eureka, Illinois 61350
3. The proposed water pollution control facilities in this request are located at NW Section 8, T28N, R1E of the 3<sup>rd</sup> PM in Woodford County, at the above street address and consist of the following:  
  
Livestock waste management facilities consisting of one concrete manure pit approximately (101 ft. x 200 ft. x 8 ft. deep) and the portion of slotted concrete flooring over the manure pit in building #1.

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.

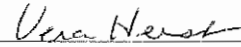
4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2008), defines “pollution control facilities” as:

“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 22, 2011  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East.  
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) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

## Memorandum

To: Connie Tonsor, Division of Legal Counsel

From: Al Keller, Manager, Permit Section *AK*

Date: April 19, 2011

Re: Clayton Pork LLC - Eureka  
Recommendation of Tax Certification  
Log # TC-10-10  
Property Identification # 05-08-100-002

The Bureau of Water received a request on May 19, 2010 from Clayton 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:

Clayton Pork LLC  
2152 State Rt 117  
Eureka, IL 61530

NW Section 8, Township 28N, Range 1E of the 3rd PM in Woodford County.

Livestock waste management facilities consisting of one concrete manure pit approximately (101 ft. x 200 ft. x 8 ft.) and the portion of concrete slotted flooring over the manure pit in building #1.

These livestock waste management facilities are used

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 Blessman at 217/782-3362.

SAK:JTB:TC-10-10\_Tax Cert Recommendation\_19May10.docx

cc: Tax Cert File  
JTB

Watershed Unit Tax Certification Review Sheet

Project Name: Clayton Pork LLC

Location: Eureka

Reviewer: JTB

Date: January 31, 2011

Log number: TC-10-10

Type:  Agchem  
 Livestock

Applicant: Clayton Pork LLC  
1795 County Road 1150 N  
Eureka, IL 61530

Contact: \_

Phone: \_(309) 923-2941

Facility: Clayton Pork LLC  
2152 State Rt 117  
Eureka, IL 61530

Property ID: 05-08-100-002

County: Woodford

Legal Description:  
S: NW Section 8 Twp: 28N R: 1E PM: 3rd

Signature: Steve Sauder

Title: Designated Representative

Date Control Devices installed: 5/30/2006

Provided Fair cash Value: 175,400

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:

Livestock waste management facilities consisting of one concrete manure pit approximately (101 ft. x 200 ft. x 8 ft.) and the portion of concrete slotted flooring over the manure pit in building #1.

These livestock waste management facilities are used

[1/31/2011 : Steve sauder returned phone call 1120 stated 4 pumpouts on pit. ]-[1/31/2011 : ]-  
[1/27/2011 : called Steve Sauder to find out the number of pumpouts on the pit. ]-[ 12/20/10 Logged  
in]



## Memorandum

To: Connie Tonsor, Division of Legal Counsel

From: Al Keller, Manager, Permit Section

Date:

Re: Clayton Pork LLC - Eureka  
Recommendation of Tax Certification  
Log # TC-10-10  
Property Identification # 05-08-100-002

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Eureka, IL 61530

NW Section 8, Township 28N, Range 1E of the 3rd PM in Woodford County.

Livestock waste management facilities consisting of one concrete manure pit approximately (101 ft. x 200 ft. x 8 ft. deep) and the portion of concrete slatted flooring over the manure pit in building #1.

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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 Blessman at 217/782-3362.

SAK:JTB

cc: Tax Cert File



\*\*\*\*\* PCB 2011-073 \*\*\*\*\*  
 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 Clayton Pork LLC			
	Person Authorized to Receive Certification Steve Sauder		Person to Contact for Additional Details Steve Sauder	
	Street Address 1795 County Road 1150 N		Street Address 1795 County Road 1150 N.	
	Municipality, State & Zip Code Eureka, IL. 61530		Municipality, State & Zip Code Eureka, IL. 61530	
	Telephone Number (309) 923-2941		Telephone Number (309) 923-2941	
	Location of Facility Quarter Section	Township 28N	Range 1E.	Municipality Benson
	Street Address 2152 State Rt. 117		County Woodford	Township 28N
	Property Identification Number 05-08-100-002		Parcel Number 05-08-100-002	Book Number
	Sec. B  MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Swine Finishing		
Water Pollution Control Construction Permit No.		Date Issued		
NPDES PERMIT No.		Date Issued		
		Expiration Date		
Air Pollution Control Construction 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 Slatted Flooring over 101'x200'x8' deep poured concrete manure pit. Walls are poured 8" thick, reinforced, concrete. Built ILL, Dept. of Ag specs. Pits are ventilated, and hold approx. 12 months of waste. Pits have pump out stations where waste is removed yearly and applied to surrounding farmground at recommended agronomic rates.			

**RECEIVED**  
 MAY 19 2010  
 ILLINOIS ENVIRONMENTAL  
 PROTECTION AGENCY  
 BOW/WPC/PERMIT SECTION

STATE OF ILLINOIS

COUNTY OF SANGAMON

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)

**PROOF OF SERVICE**

I, the undersigned attorney at law, hereby certify that on April 22, 2011, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

**[1<sup>st</sup> Class U.S. Mail]**

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

**[1<sup>st</sup> Class U.S. Mail]**

Clayton Pork, LLC  
1795 Country Road 1150 N  
Eureka, Illinois 61530

**[Electronic Filing]**

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

/s/ Vera Herst

Assistant Counsel  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276-  
Springfield, Illinois 62794-9276  
217.782.5544  
217.782.9143 (TDD)

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