

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Johnson-Pate Pork, Inc.-Afton Township)
(Property Identification Number) PCB 013-
11-26-300-013) (Tax Certification
) **Water)**

NOTICE

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

Rob Johnson
15072 Crego Road
DeKalb, Illinois 60115

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.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

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

DATED: September 4, 2013

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

Johnson-Pate Pork, Inc.-Afton Township)
(Property Identification Number) PCB 013-
11-26-300-013) (Tax Certification
) Water)

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
Assistant Counsel
Division of Legal Counsel

DATED: September 4, 2013
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Johnson-Pate Pork, Inc.-Afton Township)
(Property Identification Number) **PCB 013-**
11-26-300-013)) **(Tax Certification**
) **Water)**

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 3, 2012, the Illinois EPA received a request from Johnson-Pate Pork, Inc. (log number TC-23-12, 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: Johnson-Pate Port, Inc.
10483 McGirr Road
Watertown, Illinois 61244

3. The proposed water pollution control facilities in this request are located at Section 26, T39N, R4E of the 3rd PM in DeKalb County, at the above street address and consist of the following:

- Three 1' x 250' x 8' deep concrete manure pits and slotted floor over the pits in Building #31
- Twenty-four 4' x 66' x 7' deep concrete manure pits and slotted floor over the pits in Building #33
- Three 4' x 200 x 8' deep concrete manure pits and slotted floor over the pits in Building #34
- One 10' x 60' x 8' deep concrete manure pit and slotted floor over the pit in Building #34
- Nine 40' x 20' x 8' deep concrete manure pits and slotted floor over the pits in Building #35
- One 6' x 6' x 8' deep concrete manure pit and slotted floor over the pit in Building #35
- Two 16' x 84' x 4' deep concrete manure pits and slotted floor over the pits in Building #36

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These pollution control facilities have the primary purpose of collecting, transporting, and/or storing 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 (2012), 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

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requested tax certification.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Vera Herst
Assistant Counsel
Division of Legal Counsel

Dated: September 4, 2013
Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

Memorandum

To: Connie Tonsor, Division of Legal Counsel

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

Date: August 8, 2013

Re: Johnson-Pate Pork, Inc. - Afton Township
Recommendation of Tax Certification
Log #TC-23-12
Property Identification # 11-26-300-013

The Bureau of Water received a request on December 3, 2012 from Johnson-Pate Pork, Inc. 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:

Robert Johnson
Johnson-Pate Pork, Inc.
10483 McGirt Road
Waterman, Illinois 60445

Section 26, Township 39N, Range 4 East of the 3rd P.M in DeKalb County

Livestock waste management facilities consisting of:

- Three 1' x 250' x 8' deep concrete manure pits and concrete slotted floor over the pits in Building #31
- Twenty-Four 4' x 66' x 7' deep concrete manure pits and concrete slotted floor over the pits in Building #33
- Three 4' x 200' x 8' 8' deep concrete manure pits and concrete slotted floor over the pit in Building #34
- One 10' x 60' x 8' 8' deep concrete manure pits and concrete slotted floor over the pit in Building #34
- Nine 40' x 20' x 2' 8' deep concrete manure pits and slotted floor over the pits in Building #35
- One 6' x 6' x 8' 8' deep concrete manure pits and concrete slotted floor over the pit in Building #35
- Two 16' x 84' x 4' 8' deep concrete manure pits and concrete slotted floor over the pits in Building #36

These livestock waste management facilities are used to collect, transport and/or store livestock wastes prior to cropland application.

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 Jamie Cowles at 217/782-0610.

SAK:JMC:TC-23-12

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Johnson-Pate Pork, Inc

Location: Dekalb -Waterman

Reviewer: JMC

Date: March 25, 2013

Log number: TC-23-12

Type: Agchem
 Livestock

Applicant:

Robert Johnson
15072 Crego Road
DeKalb, Illinois 60115

Contact: Rob Johnson

Phone: 815-756-7042

Facility:

10483 McGirr Road, Watertown

Property ID: 11-26-300-0113

County: Dekalb

Legal Description:

S:26 Twp: 39N R: 4E 3rd PM:

Signature: Rob Johnson

Date Control Devices installed: Multiple -See
File

Title: Owner

Provided Fair cash Value: \$392,609

- 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 :
Manure pits, flush gutters, collection pits, transfer pumps, underground piping used to transfer manure, and concrete slats over pits and gutters.

- Three 1' x 250' x 8' Deep Concrete Manure Pits with Concrete Slats in Building #31
- Twenty-Four 4' x 66' x 7' Deep Concrete Manure Pits with Concrete Slats in Building #33
- Three 4' x 200' x 8' Deep Concrete Manure Pits with Concrete Slats in Building #34
- One 8' x 220' x 10' Deep Concrete Manure Pit with Concrete Slats in Building #34
- Nine 40' x 20' x 2' Deep Concrete Manure Pits with Tri-Bar Slats in Building #35
- Nine 6' x 6' x 8" Deep Concrete Manure Pits with Concrete Slats in Building #35
- Two 16' x 84' x 4' Deep Concrete Manure Pits with Concrete Slats in Building #36

These livestock waste management facilities are used to collect, transport and/or store livestock wastes prior to cropland application

[12/03/2012: Received]-[12/03/12 Logged in]

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

Company Name

Johnson-Pate Pork, Inc

Person Authorized to Receive Certification

Robert Johnson

Person to Contact for Additional Details

Robert Johnson

Street Address

15072 Crego Rd

Street Address

same

Municipality, State & Zip Code

Dekalb, IL 60115

Municipality, State & Zip Code

same

Telephone Number

815-756-7042

Telephone Number

same

Location of Facility

Quarter Section

Township

Range

Municipality

Township

5W 26

39N

4E

Waterman

Afton

Street Address

10483 McGirr Rd, Waterman, IL

County

Book Number

Dekalb Co.

Property Identification Number

Parcel Number

11-26-300-013

Sec. B

Nature of Operations Conducted at the Above Location

Swine Production

MANUFACTURING OPERATIONS

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

Describe Unit Process

MANUFACTURING PROCESS

Materials Used in Process

RECEIVED
 DEC - 3 2012

ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY
 BOW/WPC/PERMIT SECTION

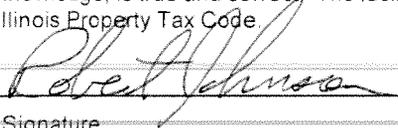
Sec. D

Describe Pollution Abatement Control Facility

POLLUTION CONTROL FACILITY DESCRIPTION

Manure pits, flush gutters, collection pits, (4) - 7 1/2 hp transfer pumps and underground piping to transfer manure to 1st stage of lagoon, concrete slots over pits and gutters

Sec. E	(1) Nature of Contaminants or Pollutants			
	CONTAMINANTS	Material Retained, Captured or Recovered		
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
		Swine manure		crop fertilizer
		(2) Point(s) of Waste Water Discharge		
		none		
		Plans and Specifications Attached	Yes <input 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 2010 status of installation on date of application complete			
ACCOUNTING DATA	(5) a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ see attached	
	b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ see attached	
	c.	PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY: effluents	\$ 2500	
	d.	PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY: fertilizer value	\$ 2500	
	e.	PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	%	

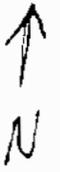
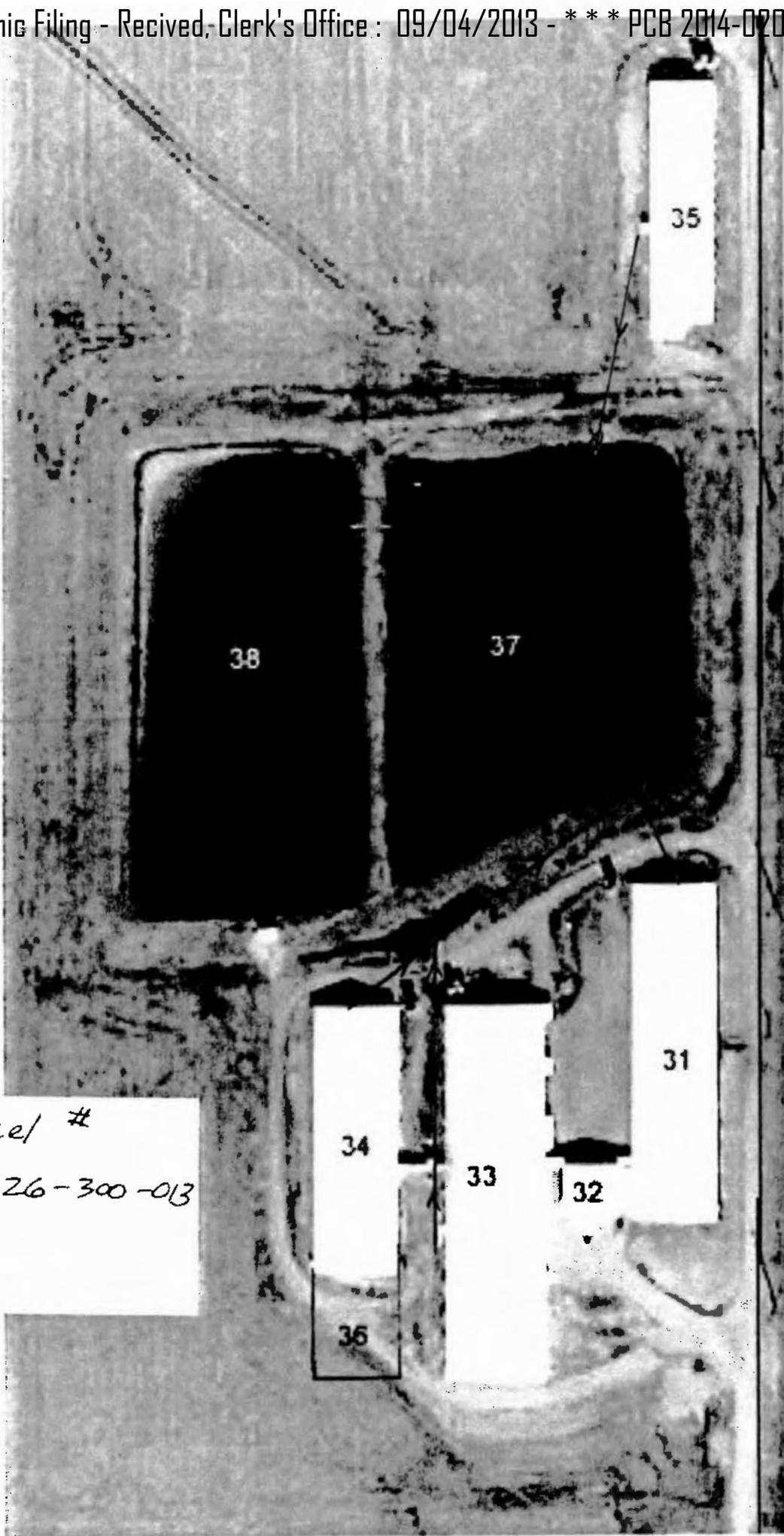
Sec. F	The following information is submitted in accordance with the Illinois Property Tax Code, as amended, and to the best of my knowledge, is true and correct. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.		
SIGNATURE			President
	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 pollution control facility. Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an average 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	At Keller Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control

Johnson-Pate Pork Building description summary

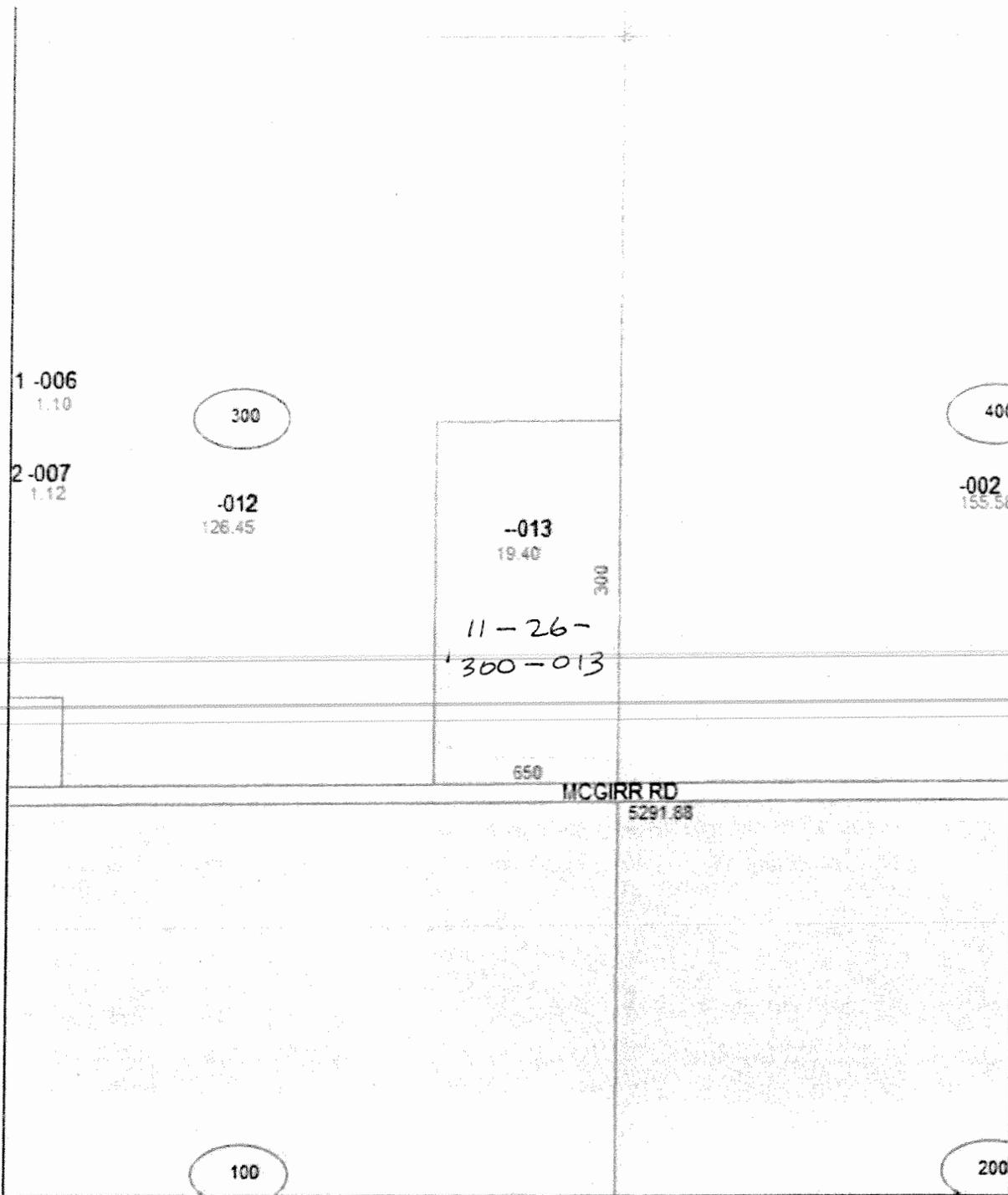
Parcel: 11-26-300-013

Number	Description	Built	Dimensions	Manure pit	Slats	Original building cost	Concrete pit & slat cost	% of total cost
31	Gestation building	1993	60' x 250'	3 x 8' x 1' x 250'	concrete	\$159,544	\$70,412	44.1%
33	Farrowing building	1993	71' x 110'	10 x 7' x 4' x 66'	concrete	\$145,662	\$30,560	21.0%
	Farrowing building	1998	71' x 110'	10 x 7' x 4' x 66'	concrete	\$134,481	\$64,282	47.8%
	Farrowing building	2004	71' x 40'	4 x 7' x 4' x 66'	concrete	\$87,901	\$25,000	28.4%
34	Gestation building	1998	60' x 200'	3 x 8' x 4' x 200'	concrete	\$169,721	\$84,236	49.6%
				10' x 60' x 8'	concrete			
35	Nursery	1993/1995	44' x 180'	9 x 40' x 20' x 2'	Tri-bar	\$130,971	\$42,444	32.4%
				8' x 6' x 6'	concrete			
36	Breeding addition	2010	60' x 84'	2 x 16' x 84' x 4'	concrete	\$177,075	\$75,675	42.7%
Totals:						\$1,005,355	\$392,609	39.1%



parcel #
11-26-300-013

McGinn Rd



300 m  1 : 6776.63120633487

Notice: Property tax data is current through Document 2012007653 recorded in June of 2012. Annexations, Building Footprints, Roads, Rural Addresses, and Safe Zone data are maintained by IMO and are current through June 2012. Precincts and Board Districts are current through the 2000 census except where noted. This site and the information contained therein does not represent a survey product and should be used for informational purposes only. Information regarding zoning is proposed only, and should not be regarded as official zoning designation for properties. To confirm official zoning of any property in unincorporated DeKalb County, please contact the DeKalb County Planning, Zoning and Building Department (815-895-7188).

Produced by
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15:35
7/20/2012
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DeKalb
County

Johnson-Pate Pork, Inc.
15072 Crego Rd.
DeKalb, IL 60115
815-756-7042
815-756-7272 fax

November 28, 2012

RECEIVED
DEC - 3 2012

Watershed Management Section
BUREAU OF WATER

Illinois EPA
Bureau of Water/Watershed Management Section
Facility Evaluation Unit
P O Box 19276
Springfield, IL 62794-9276

Enclosed are applications for our two swine production facilities to certify the manure storage pits as pollution control facilities.

Both sites are identified on the included Afton Township map and are both located in the watershed of the Little Rock Creek, which passes through the Afton Forest Preserve, located ½ mile from our McGirr Road facility and one mile from our Crego Road facility. Our manure storage facilities are utilized to store manure until it can be applied to crop land and prevent any discharge that might end up in the Little Rock Creek.

McGirr Road facility (11-26-300-013)

All buildings utilize pull-plug pits or flush gutters. All manure is pumped into the first stage (#37 on the included aerial photo) of our lagoon through underground PVC piping. The underground piping is depicted on the aerial photo. The first stage bacteria digest most of the manure before it flows into the second stage (#38). Another pump then returns effluent from the second stage back to buildings 31, 33, 34, and 36 where it is used to fill flush tanks or to recharge pull-plug pits. The nursery (#35) has pull-plug pits; the manure is pumped to the lagoon first stage. In the spring and/or fall of each year, the lagoon effluent is pumped via a dragline system and injected into nearby fields.

Crego Road facility (11-13-300-011):

All buildings utilize poured concrete pits under each building. Manure is stored until application each fall after harvest and/or each spring prior to planting. Johnson Farms, owned by the same owners of Johnson-Pate-Pork, operate 2077 acres of crop land. Manure is hauled to the appropriate fields each year as documented in our annually updated manure management plan. We utilize a PTO powered transfer pump, two semi tankers and an applicator

tank wagon equipped with GPS and a manure flowmeter to accurately apply the appropriate agronomic rate of manure per acre. Manure is applied to each field about every four years.

Sincerely,

A handwritten signature in cursive script that reads "Bob Johnson". The signature is written in black ink and is positioned above the typed name.

Bob Johnson,
President, Johnson-Pate Pork, Inc.

STATE OF ILLINOIS)
)
)
COUNTY OF SANGAMON)
)

PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on September 4, 2013, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

[1st Class U.S. Mail]

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

[1st Class U.S. Mail]

Rob Johnson
15072 Crego Road
DeKalb, Illinois 60115

[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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