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JAN 14 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

INDEPENDENCE PORK, LLC
(Property Identification Number
17-11-400-002)

)
) PCB 04- 126
)
)

NOTICE

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

Dr. Steven Feuerbach
Independence Pork LCC
2400 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.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Lisa Moreno
Lisa Moreno
Assistant Counsel
Division of Legal Counsel

DATED: January 12, 2004

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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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

INDEPENDENCE PORK, LLC
(Property Identification Number
17-11-400-002)

)
) PCB 04- 126
)

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: _____


Lisa Moreno
Assistant Counsel
Division of Legal Counsel

DATED: January 12, 2004

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1021 North Grand Avenue East
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Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

INDEPENDENCE PORK, LLC
(Property Identification Number
17-11-400-002)

)
) PCB 04-126
)

RECOMMENDATION

The Illinois Environmental Protection Agency ("Illinois EPA") hereby files its Recommendation regarding the tax certification of water pollution control facilities pursuant to pursuant to Section 125.204 of the regulations of the Illinois Pollution Control Board, 35 Ill. Adm. Code 125.204.

1. On December 30, 2002 the Illinois EPA received a request from Independence Pork, LLC (log number TC 32-02, Exhibit A) for a recommendation regarding the tax certification of water pollution control facilities, pursuant to 35 Ill. Adm. Code 125.204.
2. The applicant's address is: Dr. Steven Feuerbach
Independence Pork LLC
2400 Bethany Road
Sycamore Illinois 60178
3. The proposed water pollution control facilities in this request are located in Section 11, T37N, Range 4E of the 3rd Principal Meridian, DeKalb County at 4091 Maplewood Road, Waterman Illinois 60556, and consist of the following livestock waste management facilities:

One concrete manure pit (71 ft. x 324 ft. x 2 ft. deep) with 1 manure drain pull plug and the slotted wire portion of the floor located over the manure pit in one swine confinement building (71 ft. x 344 ft.).

One concrete manure pit (76 ft. x 568 ft. x 8 ft. deep) with 12 manure pump-out boxes (each 5 ft. x 6 ft. x 8 ft. deep) and the slotted concrete portion of the floor located over the manure pit in one swine confinement building (76 ft. x 568 ft.).

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Approximately 50 feet of 8-inch diameter PVC manure transfer pipe.

These livestock waste management facilities, which are used to collect, transport and/or store livestock wastes prior to cropland application, are further described in Exhibit A.

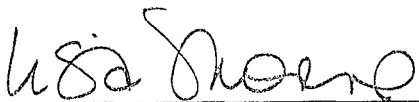
4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10, defines "pollution control facilities" as:

"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 grant the requested tax certification.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Lisa Moreno
Assistant Counsel
Division of Legal Counsel

DATED: January 12, 2004

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

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APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
 POLLUTION CONTROL FACILITY
 AIR ☐ WATER ☒
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 P. O. Box 19276, Springfield, IL 62794-9276

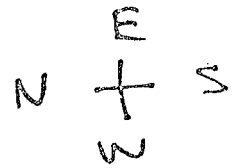
This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter, 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

FOR AGENCY USE

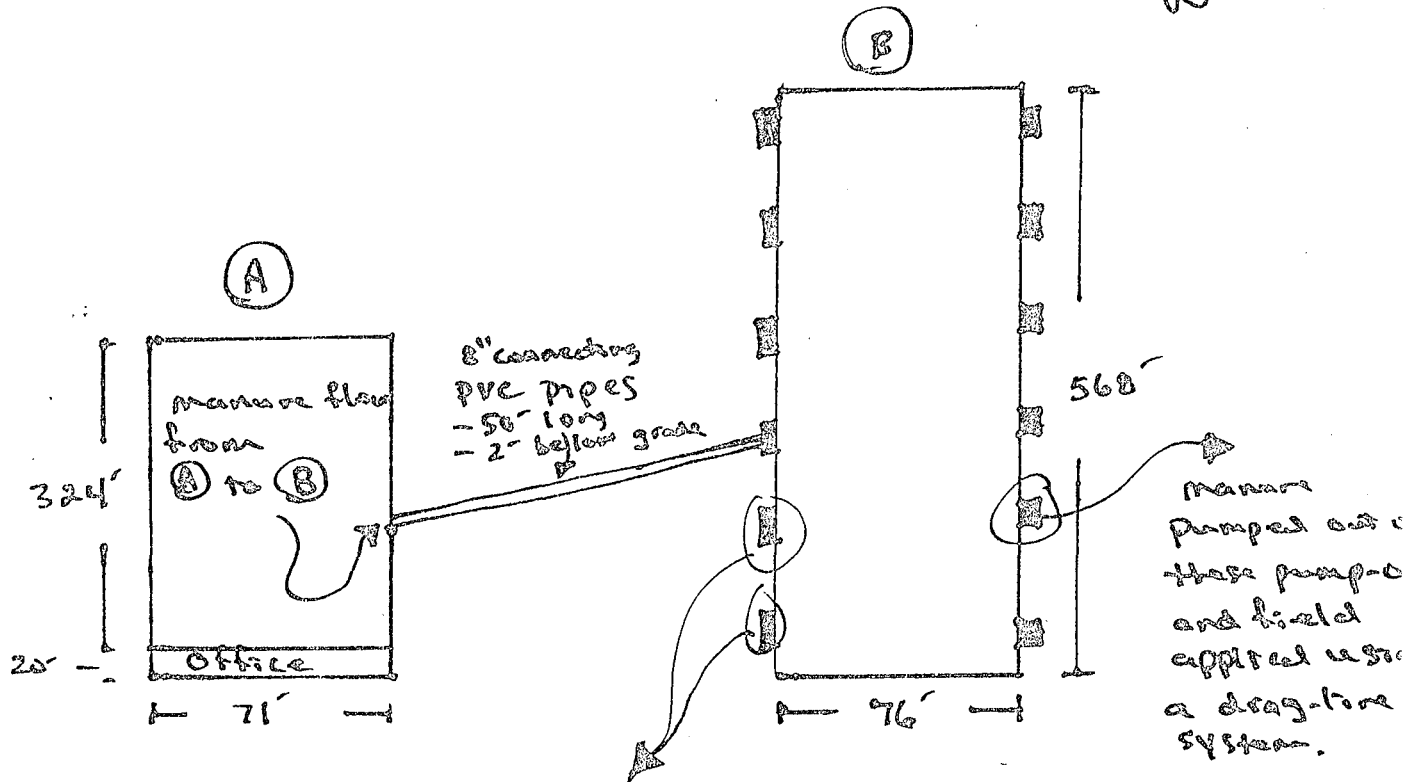
File No.	Date Received	Certification No.	Date
Sec. A	Company Name Independence Pork, LLC		
APPLICANT	Person Authorized to Receive Certification Dr. Steve Feuerbach		Person to Contact for Additional Details Dr. Steve Feuerbach
	Street Address 2400 Bethany Rd.		Street Address 2400 Bethany Rd.
	Municipality, State & Zip Code Sycamore, IL, 60178		Municipality, State & Zip Code Sycamore IL, 60178
	Telephone Number 1-815-756-3279		Telephone Number 1-815-756-3279
	Location of Facility Quarter Section SE	Township 37-North	Range 4-East
	Municipality Waterman, IL.		Township Victor
	Street Address 4091 Maplewood Rd.		County DeKalb
	Property Identification Number 17-11-400-002		Book Number —
Sec. B	Nature of Operations Conducted at the Above Location 2200 Sow Breeding to wean swine facility - The baby piglets leave this location at 21d. of age		
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 JAN 13 2000 Watershed Management Section BUREAU OF WATER		
Sec. D	Describe Pollution Abatement Control Facility Please consider this application for 745 manure structures (including pit, slatted floors, pumpouts, connecting PVC pipes between buildings etc...). *See attached sheets* → These manure handling structures are vital to reducing potential waste pollution contaminants into the local water sources.		

POLLUTION CONTROL FACILITY - CONTAMINANTS ACCOUNTING DATA	Sec. E	(1) Nature of Contaminants or Pollutants		
			Material Retained, Captured or Recovered	
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
		Swine Manure	From Sows + Baby pigs	Waste applied to adjacent fields
		(2) Point(s) of Waste Water Discharge		
		Waste removal will occur through the pumpout pits on building (B) only.		
		Plans and Specifications Attached		Yes ☒ No ☐
		(3)	Are contaminants (or residues) collected by the control facility?	
		Yes ☒ No ☐		
	(4)	Date installation completed <u>12/26/02</u> status of installation on date of application <u>Spring 2003</u>		
	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY: \$ <u>600,000</u>		
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY: \$ <u>0</u>		
		c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY: \$ <u>0</u>		
		d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY: \$ <u>0</u>		
		e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE: % <u>35</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 Feverbaum</u> Signature <u>CFO/Secretary of Independence Park, LLC</u> Title		
	Sec. G	INSTRUCTIONS FOR COMPILING AND FILING APPLICATION		
INSTRUCTIONS		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: Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276	Attention: Thomas McSwiggin Permit Section Division of Water Pollution Control	Attention: Donald E. Sutton Permit Section Division of Air Pollution Control

Independence Park, LLC



Overhead view:



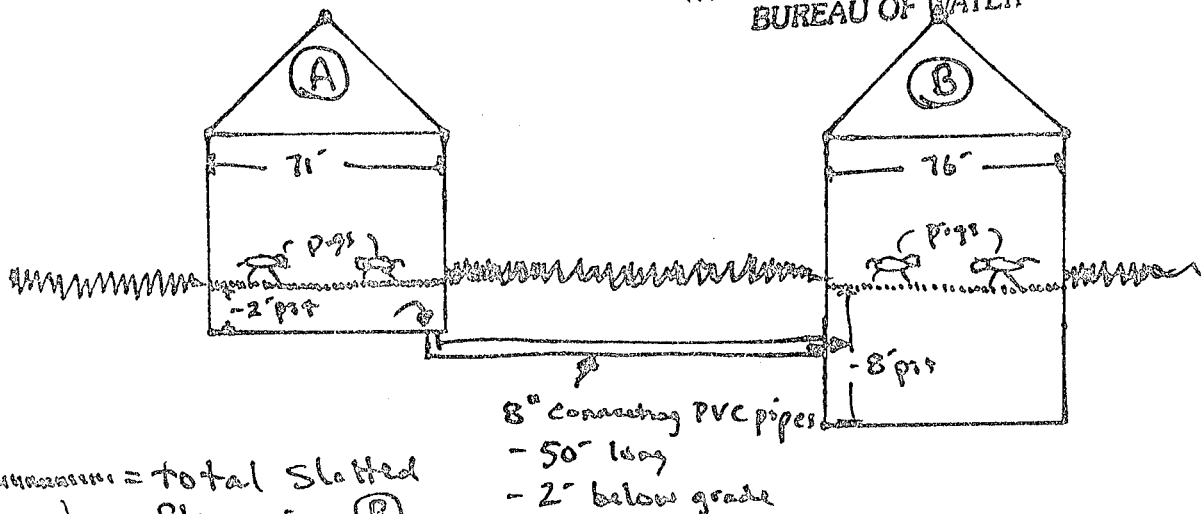
≡ represents "pump-out areas" (12) where manure is removed from the manure pit on building (B). Manure is then field applied by use of a "drag-line" / "soil-incorporation" waste application process.

Cross-sectional view:

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Watershed Management Section
BUREAU OF WATER



≡ = total slotted floors in (B)
= heavy gauge wire in (A)

Independence Park, LLC :

① Farrowing House:

The farrowing house waste falls through a large gauge wire ("00") 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 pit ② through an 8" connecting PVC pipe.

② Gestation Building:

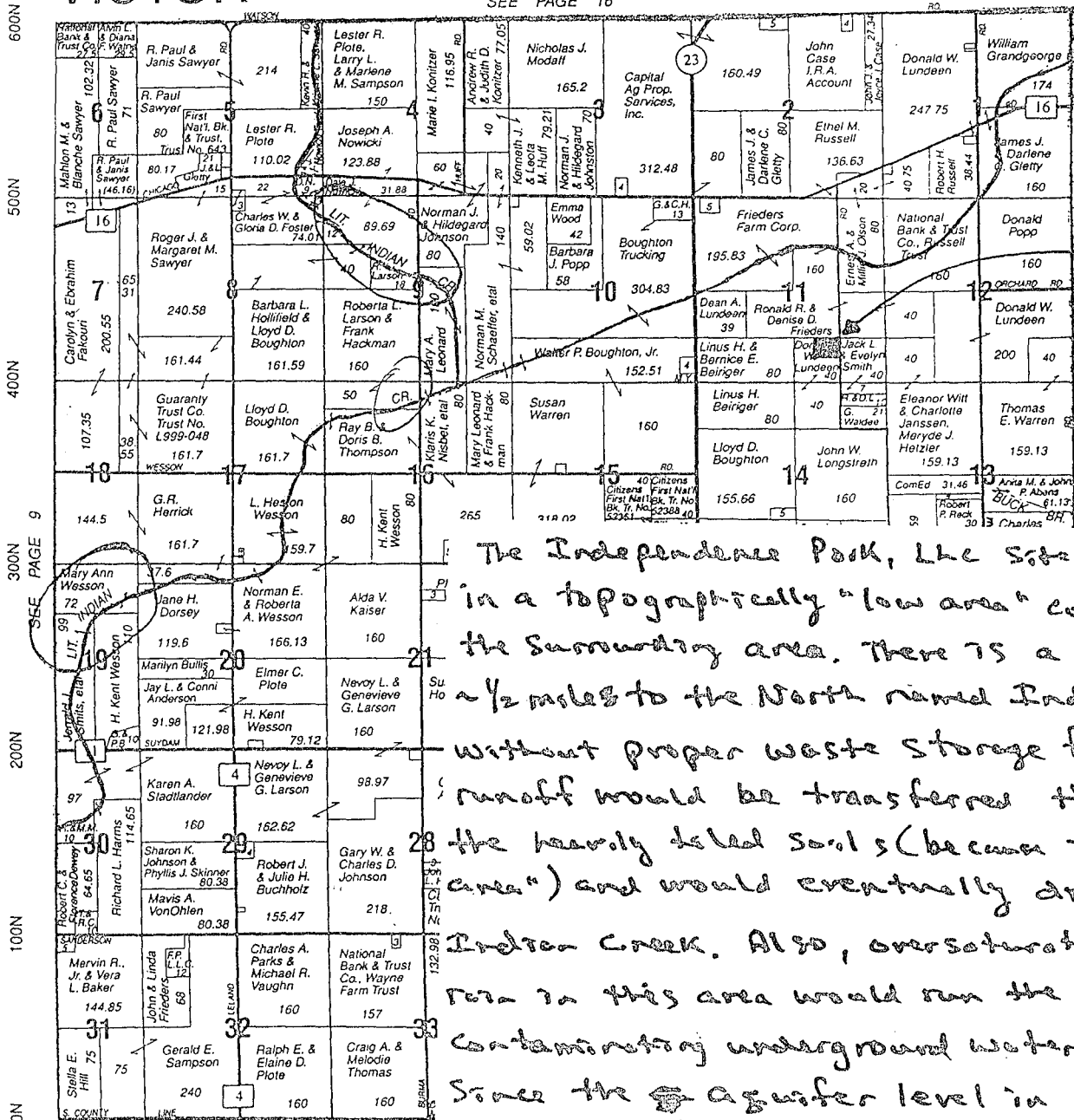
The Gestation building has an 8' deep cement storage pit with totally slotted concrete floors above it. Manure from the Gestation building animals falls through the slots and is contained in this pit. Also, waste from the farrowing building to the ~~East~~^{North} floor, to this building for storage through an 8" connecting PVC pipe.

* Please note that all pit walls and floors in both buildings ① + ② are 5" thick with 4000 p.s.i. concrete. The walls / floors are heavily reinforced with rebar. The construction of the pit floors + walls were overseen by a representative from the IL. dept. of Agriculture and meets all facets of the Department's "new" (2001) requirements for all waste storage structures.

VICTOR

SEE PAGE 16

T.37N.-R.4E.



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800E

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BANKER

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Broker/Auctioneer

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Brok

HOME: (815)

VERDELL HANSON, Broker

HOME: (815) 786-2744

BUSINESS: (815) 498-2373 FAX: (815)

E-MAIL: somonauk@cbprimus.com

605 EAST MARKET STREET — SOMONAUK, ILLINOIS

Each Office is Independently Owned & Operated.

The Independence Park, LLC Site is located in a topographically "low area" compared to the surrounding area. There is a creek $\frac{1}{2}$ miles to the North named Indian Creek without proper waste storage facilities, runoff would be transferred through the heavily tilled soils (because in a "low area") and would eventually drain into Indian Creek. Also, oversaturation of rain in this area would run the risk of contaminating underground water supplies. Since the $\frac{1}{2}$ 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. Rain-filled or silt-filled holes would potentially allow waste runoff to contaminate underground water sources if not for the pollution reducing structures at Independence Park, LLC.

BETHANY ANIMAL HOSPITAL

2400 Bethany Road Sycamore, IL 60178 815-756-8925

FAX TRANSMITTAL

DATE: 12/30/02

FAX # (815) 756-9575

FROM: Dr. Stern

TO: Dave Ginder

Feverbaum

COMPANY:

FAX NUMBER:

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TOTAL NUMBER OF PAGES INCLUDING THIS COVERED MANAGEMENT SECTION
BUREAU OF WATER

If you do not receive all pages, please call us. The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this information is strictly prohibited. If you have received this communication in error, please notify us immediately at (815) 756-8925. Thank you.

Dave -

Per our discussion earlier today.

I am faxing you my Application for

Certification (Property Tax Treatment) -

Pollution Control facilities form info.

If any questions, please call me (H. H. on form).

I will also send in the mail the

original copies. Thanks Again,

Sfor

TC-32-06

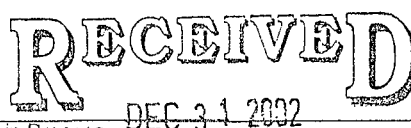
APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)

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	Independence Park, LLC		
APPLICANT	Person Authorized to Receive Certification	Dr. Steve Feuerbach		
	Person to Contact for Additional Details	Dr. Steve Feuerbach		
	Street Address	2400 Bethany Rd.		
	Street Address	2400 Bethany Rd.		
	Municipality, State & Zip Code	Sycamore, IL, 60178		
	Municipality, State & Zip Code	Sycamore, IL, 60178		
	Telephone Number	1-815-756-3279		
	Telephone Number	1-815-756-3279		
Location of Facility	Quarter Section	Township	Range	
MANUFACTURING OPERATIONS	SE	37-North	4-East	
	Street Address	County	Book Number	
	4091 Maplewood Rd.	DeKalb	—	
	Property Identification Number	Parcel Number		
	17-11-400-002			
	Sec. B	Nature of Operations Conducted at the Above Location		
	MANUFACTURING OPERATIONS	2200 Sow Breeding TO wean swine facility - the baby piglets leave this location at 21d. of age		
		Water Pollution Control Construction Permit No.	Date Issued	
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Sec. C	Describe Unit Process			
MANUFACTURING PROCESS	 			
	Materials Used in Process			
	ILLINOIS ENVIRONMENTAL PROTECTION AGENCY BOW/WPC/PERMIT SECTION Watershed Management Section BUREAU OF WATER			
Sec. D	Describe Pollution Abatement Control Facility			
POLLUTION CONTROL FACILITY DESCRIPTION	→ Please consider this application for its manure structures (including pit, slatted floors, pumpouts, conveying PVC pipes between buildings etc.). *See attached sheets* → These manure handling structures are vital to reducing potential waste pollution contaminants into the local water sources.			

Sec. E	(1) Nature of Contaminants or Pollutants		
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	Waste removal will occur through the pumpout pits on building (5) Only.		
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	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY: \$600,000	
ACCOUNTING DATA	b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY: \$0		
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SIGNATURE	Dr. Steve Feherbauer CFO/Secretary of Independence Park, LLC		
	Signature	Title	
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Submit to:		Attention:	Attention:
Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276		Thomas McSwiggin Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control

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Tax Certification for Pollution Control Facilities

Page 2 of 2

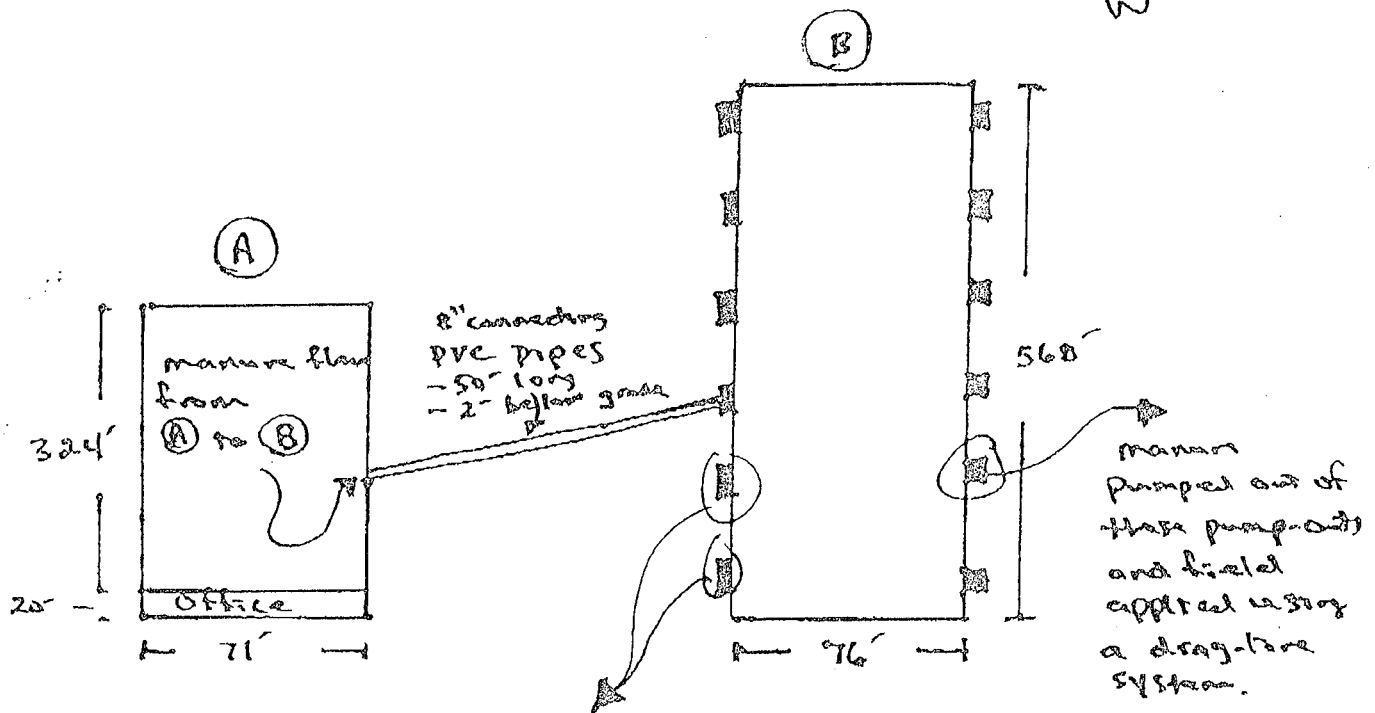
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Watershed Management Section
BUREAU OF WATER

Independence Park, LLC

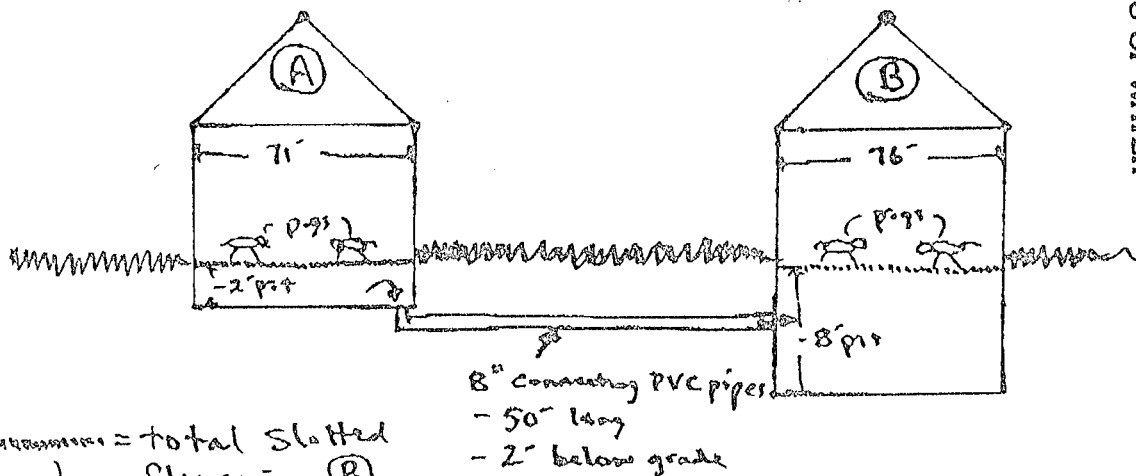
N E
+
S W

Overhead view:



≡ represents (12) "pump-out areas" where manure is removed from the manure pit on building (B). manure is then field applied by use of a "drag-line" / "soil-incorporation" waste application process.

Cross-sectional view:



(12) = total slotted floors in (B)
= Heavy gauge wire in (A)

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Watershed Management Section
BUREAU OF WATER

Independence Park, LLC :① Farrowing House:

The farrowing house waste falls through a large gauge wire ("00") 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 pit ② through an 8" ^{connecting} PVC pipe.

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② Gestation Building:

Watershed Management Section
BUREAU OF WATER

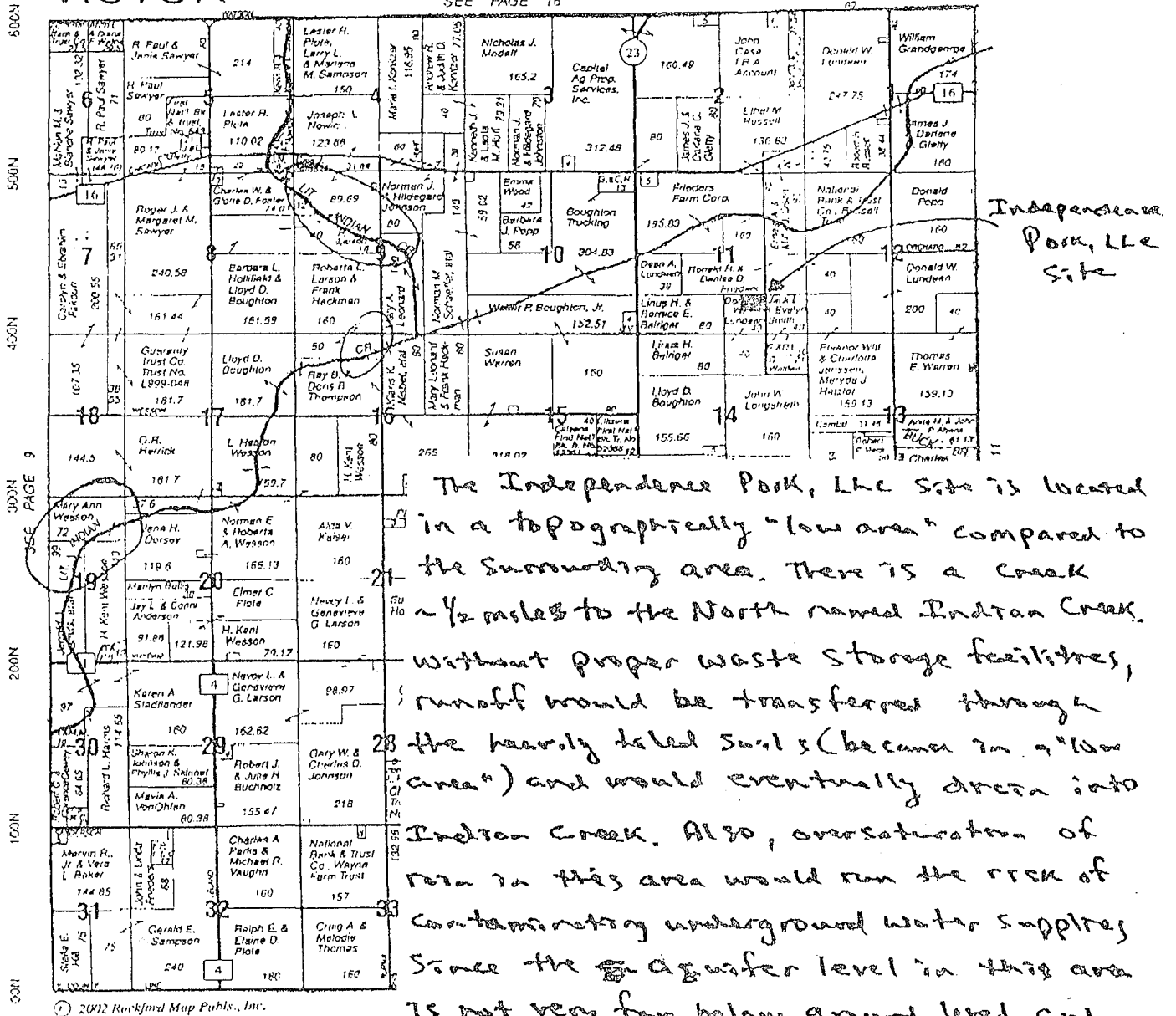
The Gestation building has an 8' deep cement storage pit with totally slotted concrete floors above it. Manure from the Gestation building animals falls through the slats and is contained in this pit. Also, waste from the farrowing building to the ^{North} ~~East~~ floor, to this building for storage through an 8" connecting PVC pipe.

* Please note that all pit walls and floors in both buildings ① + ② are 5" thick with 4000 p.s.i. concrete. The walls / floors are heavily reinforced with rebar. The construction of the pit floors + walls were overseen by a representative from the Ill. dept. of Agriculture and meets all facets of the Department's "new" (2001) requirements for all waste storage structures.

VICTOR

SEE PAGE 16

T.37N.-R.4E.



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700E 800E
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DEC 30 2002
Goldman
Watershed Management Section
BUREAU OF PRIMUS REALTY
JIM ELLIOTT
Broker/Auctioneer
HOME: (815) 495-2171
VERDELL HANSON, Broker
HOME: (815) 786-2744
BUSINESS: (815) 490-2373 FAX: (815)
C-MAIL: somonauk@cbprimus.com
605 EAST MARKET STREET - SOMONAUK, ILLINOIS
Each Office is Independently Owned & Operated.

STATE OF ILLINOIS

COUNTY OF SANGAMON

)
)
)
)
)

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:

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

Dr. Steven Feuerbach
Independence Pork LLC.
2400 Bethany Road
Sycamore Illinois 60115

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

and mailing it from Springfield, Illinois on January __, 2004 with sufficient postage affixed for first class mail.

SUBSCRIBED AND SWORN TO BEFORE ME

this __th day of January 2004.

Notary Public

THIS FILING IS SUBMITTED ON RECYCLED PAPER