RECEIVED CLERK'S OFFICE

JUL 22 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**Pollution Control Board** 

**DENNIS EUGENE BATTY- DAVIS JCT.** (Property Identification Number 11-13-400-002) Petitioner,

## **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Respondent.**

) -,10 ) ) PCB 04 (Tax Certification) )

NOTICE

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

Dennis Eugene Batty 14758 E. Eddy Road Davis Junction, Illinois 61020

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

Bruce Batty 14928 E. Eddy Road Davis Junction, Illinois 61020

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:

James Allen Day Assistant Counsel Division of Legal Counsel

DATED: July 20, 2004

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

# BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 2 2 2004

DENNIS EUGENE BATTY- DAVIS JCT. (Property Identification Number 11-13-400-002) Petitioner,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Respondent.

7-10 ) PCB 04-) (Tax Certification)

STATE OF ILLINOIS Pollution Control Board

## APPEARANCE

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The undersigned, as one of its attorneys, hereby enters an <u>APPEARANCE</u> on behalf of the Respondent, Illinois Environmental Protection Agency.

## ENVIRONMENTAL PROTECTION AGENCY OF THE STATE OF ILLINOIS

By:

James Allen Day Assistant Counsel Division of Legal Counsel

DATED: July 20, 2004

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 BOARDJUL 2 2 2004

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DENNIS EUGENE BATTY- DAVIS JCT. (Property Identification Number 11-13-400-002) Petitioner,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Respondent.

05-10

) (Tax Certification)

STATE OF ILLINOIS Pollution Control Board

### **RECOMMENDATION**

J

Now Comes the Illinois Environmental Protection Agency ("Illinois EPA") by James Allen Day, one of its attorneys, and pursuant to Section 125.204 of the Illinois Pollution Control Board's (Board) regulations files the following Recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204.

- On December 27, 2002, the Illinois EPA received a request from Dennis Eugene Batty for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204, and noted the request as log number TC-29-02. (Exhibit A)
- 2) The applicant's address is: Dennis Eugene Batty 14758 E. Eddy Road Davis Junction, Illinois 61020
- 3) The facilities' location is: 14928 E. Eddy Road Davis Junction, Illinois 61020
- The water pollution control facilities in this request are located at Section 13, Township
   42 North, Range 1 East of the 3<sup>rd</sup> Principal Meridian in Ogle County, Illinois and consist
   of the following:

Livestock waste management facilities consisting of one concrete manure pit (40 ft. x 200 ft. x 8 ft. deep) with four concrete pump out pits (5 ft. x 6 ft. x 8 ft.) and the concrete slotted portion of the flooring over the manure pit in one swine building; one concrete manure pit (51 ft. x 193 ft. x 8 ft. deep) with five concrete pump out pits (5 ft. x 6 ft. x 8 ft.) and the concrete slotted portion of the flooring over the manure pit (24 ft. x 56 ft. x 6 ft. deep) with two 10 inch PVC pump out ports and the concrete slotted portion of the flooring over the manure pit in one swine building; two concrete gutters (one 10 ft. x 52 ft. x 1 ft. deep and one 8 ft. x 52 ft. x 1 ft deep) and the wire portion of the flooring over the manure gutters, one concrete gutter (2 ft. x 20 ft. 1 ft. deep) with approximately 17.67 feet of 10 inch PVC manure transfer pipe; one concrete manure pit (11 ft. x 105 ft. x 8 ft. deep) with four 10 inch PVC pump out ports and the concrete slotted ports and the concrete slotted ports of the flooring over the manure pit in one stransfer pipe; one concrete manure pit (11 ft. x 105 ft. x 8 ft. deep) with four 10 inch PVC pump out ports and the concrete slotted ports of the flooring over the manure pit in one swine building.

- 5) These livestock waste management facilities are used to collect, transport, and/or store livestock wastes prior to cropland application.
- 6) Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2000), 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

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human, plant or animal life, or to property."

- Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5 (2000).
- 8) Based on the information in the application and the purpose of the facilities (collecting, transporting and/or storing livestock wastes prior to cropland application), 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. Therefore, the facilities are eligible for tax certification from the Board.
- Therefore, the Illinois EPA recommends that the Board issue the requested tax certification.

Illinois Environmental Protection Agency,

By:

James Allen Day

Assistant Counsel Division of Legal Counsel

July 20, 2004

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

## STATE OF ILLINOIS

### **COUNTY OF SANGAMON**

## **PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached <u>APPEARANCE AND</u> <u>RECOMMENDATION</u>, 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 Dennis Eugene Batty 14758 E. Eddy Road Davis Junction, Illinois 61020

Steve Santarelli Illinois Department of Revenue 101 West Jefferson Post Office Box 19033 Springfield, Illinois 62794 Bruce Batty 14928 E. Eddy Road Davis Junction, Illinois 61020

and mailing it from Springfield, Illinois on July 20, 2004 with sufficient postage affixed for first class mail.

Maney & L'amport

SUBSCRIBED AND SWORN TO BEFORE ME this twentieth day of July, 2004

her

OFFICIAL SEAL BRENDA BOEHNER NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 11-14-2005

# TC-29-02 DL+

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

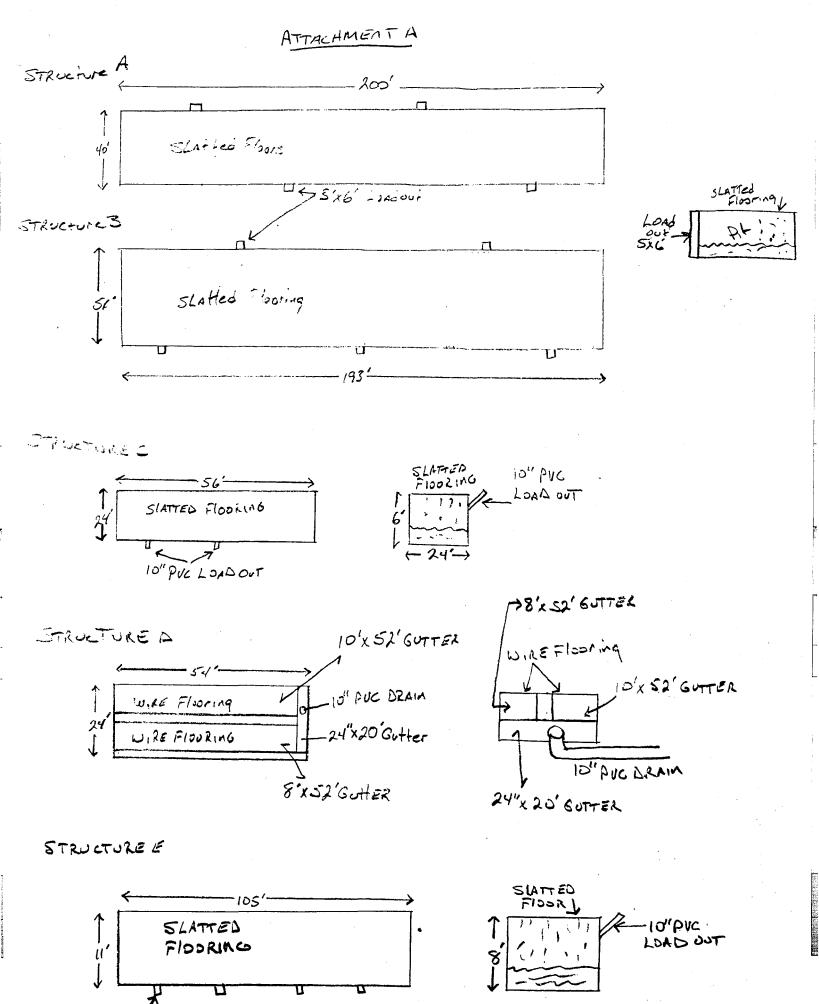
#### ILLINOIS ENVIRONMENTAL PROTECTION AGENCY P. O. Box 19276, Springfield, IL 62794-9276

This Agency is authorized to request this information under (llinois Revised Statues, 1079). 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.		0 15 × 1		
	Date Received	Certification No.		ate
Sec. A	Company Name			
	Person Authorized to Receive Certification		Person to Contact for Addit	ional Details
	Dennis E BATTY		BRUCE BATT	- <i>Y</i>
	Dennis E. BATTY Street Address		BRUCE BATT Street Address	
	14758 E. EDDY Rd.		14928 E EDAY	Rel
_	14758 E. ZDD7 Rd. Municipality, State & Zip Code	·····	14928 E.E.D.D.Y Municipality. State & Zip Co	ode
HV HV			DAUIS Jet. TI. Telephone Number	61020
HIM AT LE	Davis Jel. II. 61020		Telephone Number	
1.14	815-393-4228 4858		815-393-4988 Municipality	
	Location of Facility		Municipality T	ownship
	Quarter Section Township	Range		
	131, 1/4 Sec. 13, Scott Townsh	12 42A, RA	ANGE / EAST OF T County E	HES MM.
	Street Address		County	BOOK NUMBER
	14928 E. EDDY 22. Property Identification Number		DGLE Parcel Number	
	11-13-400-002		Parcel Number	
Sec B	Nature of Operations Conducted at the Above	e Location		
÷.				
	Water Pollution Control Construction Permit	No.	Date issued	
는 다 다 문 문 문				
	NPDES PERMIT No.		Date Issued	Expiration Date
MARTERA THERE. OPERATIONS				
-	Air Pollution Control Construction Permit No.		Date Issued	· · · · · · · · · · · · · · · · · · ·
	Air Pollution Controi Operating Permit No.		Date Issued	
			· · · · · · · · · · · · · · · · · · ·	
Sec. C	Describe Unit Process			
				•
콜				
ACTHRING ACE:S			-	
	Materials Used in Process		D R C	MARTINA
- HINVM				
N N				
			DEC	3 0 2002
Sec. D	Describe Pollution Abatement Control Facility	/		IVIRONMENTAL ION AGENCY
~	WASTE HANDLing Structure		BOW/WPC/PE	ERMIT SECTION
PATULY DESCRIPTION	,	_		
	SLAtted Floor over conc	rete Pit		
다. 같았			DRAI	ALLERAN
			) Sigci	NTA TRIUP
			وتنهر وتعصب	
55			DEC 2	7 2002
L				·

IL 532-0222 APC 151 (Rev. 8/00) Tax Certification for Pollution Control Fact Watershed Management Section Page 1 of 2 8'00 BUREAU OF WATER

Sec. E	(1) Nati	ure of Contaminants or Pollutants	3						
,				ained, Captured or Recovered					
=	Contarr	ninant or Pollutant	DESCRIPTION	DISPOSAL OR USE					
-THPix	56	NE MANURE	MANURE PIT	APPlied to CROPLAND					
स स् इ.च्.स. इ.च्.स. ह्या इ.									
- 	(2) Poir	t(s) of Waste Water Discharge							
			Plans and Specification						
÷		re contaminants (or residues) co		Yes X No					
÷.	(4) 🛛	ate installation completed <u>i2-c</u>		on date of application In USE					
1997) 1987) 1997)	(5) a			\$ 198020					
	b	. NET SALVAGE VALUE IF CONS	BIDERED REAL PROPERTY:	S					
Ē	c	PRODUCTIVE GROSS ANNUAL	INCOME OF CONTROL FACILITY:	° O					
-	d	PRODUCTIVE NET ANNUAL IN	COME OF CONTROL FACILITY:	s Ø					
ē	е	PERCENTAGE CONTROL FAC	LITY BEARS TO WHOLE FACILITY	VALUE: % <b>3</b> 9					
Sec. F	knowled	wing information is submitted in acc ge, is true and correct. The facilities roperty Tax Code.	ordance with the Illinois Property Tax s claimed herein are "pollution control	Code, as amenaed, and to the best of my I facilities" as defined in Section 11-10 of the					
-	Signatu		Title						
Sec. G	orginate		IONS FOR COMPILING AND FILING AP	PLICATION					
		erations are related, file two applications. Information refers to applicant as lister facilities. Define facility location by str	If attachments are needed, record them d in the tax records and the person to be d eet address or legal description. A plat m	contacted for further details or for inspection of ap location is required for facilities located					
	Sec. B		property identification number is required permits issued by local pollution control a	gencies. (e.g. MSD Construction Permit)					
	Sec. C	Refers to manufacturing processes or	materials on which pollution control facilit	y is used.					
	Sec. D	State the type of control facility State flow diagram describing the <u>pollution</u> of	permit number, date, and agency issuing	urpose is to eliminate, prevent or reduce pollution, permit. A narrative description and a process ajor piece of equipment included in the claimed d effluent of the control facility stating the					
ste di la Primi	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	a corporate authorized signature.						
		Submit to:	Attention:	Attention					
		Illincis 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					

Tax Certification for Pollution Control Facilities Page 2 of 2 8'00 

4-10" PUC LOADOUTS

# ATTACHMENT B

These Structures are Swine manure handling Structures. Structures A, B, C, & E are cement Slatted Floors over Full pits 8' deep. The hiurstock work the manure through the cement Slots into the pits. Manure is then pumped out of the pits through the hand asts by a Vacum manure tanks and distributed on the cropland of the Farm.

Structure D has wire flooring over cement gutters that are mechanically scraped to the collection gutter (24"x20'gutter) at the end of the building then drained up a 10" puc drain to an adjacent structure (structure c). Structures are built according to II. Dept. of AG. Specifications

roject Name:	Dennis F. Batty	Location:	Davis Jet.
eviewer:	-> R/1		16 june Ø4
<u>ुव २०</u>	$\frac{TC}{TC} = \frac{37-C2}{C}$	;e:	⊐ Agenem ≯ Livestock
epiicant:	Demonst E Borny 14750 E. Eddy Rd. Dours Tet The 1000	Phone:	Bruce Batty (215) 393-4988
actiity:	14908 E. Eddy Rd Now & Jet. JL 61020	Property (D: 	11-13-400-002
gai Description:	· Soc 13 THOM BIE 2 34M	County:	O(-LE
nte Control evices installed:	12-01	Provided Fair Cash Malue:	98,000
gnature:	Dennis E. Batty	Title:	Juner
astes:	XLivestock waste is applied to creptand. Agrichemical rinsate and spillage is recycled through th Other:	e facility and/or is	ma appliea.

## Vatersnea Unit Fait Certification Review Scient

# Physical Description of Pollution Control Devices:

						•			
- Lencine	A	 - 40' X	900' x ?'	Conci	w/ conc	clate v	1 4-	5×6 ×8' 2	nc. und out bits
Chevrolin	B	 51 <sup>°</sup> ×	173' x x'	conc. N	N/ cone s	late v	1 5-	5' × 6' × 8' (or	e pump but
<u>Structure</u>	C	 34' X	56' Y 6'	conc. w	/ conc. sla	ام . س	/2-10" PV	ic pund out	Per +
<u>Atructure</u>	D	 8' x 52'	X 1' conc. Y 1' conc. X 1' conc.	quiller	w/wie w/wie w/	LICOXING	drain	17's" long.	
<u>Structure</u>	E	<u>i1' ×105</u>	/ x 8' (cr(	· · · · · · /	cene class	/	4 - 10"	AVC Jump out	serts.
Other:		 	· · · · · · · · · · · · · · · · · · ·	·	<u> </u>	·			

# Watershed Unit Tax Certification Review Sheet

roject Name:	DENNES E.	BATTY	Location:	DAVES JET.
eviewer:	MAT TG-29-02	· · · · · · · · · · · · · · · · · · ·	Date:	9-2-2003
og No.:	16-27-2		Type:	□ Agchem ⊅DLivestock
applicant:	DERNES E.	BATTY	Contact:	BRULE BAFFY 815-393-4988
t t	14758 E.	EDDY RO.	Phone:	815-393-4988
•	OAVES JET.	IL 61020	· · · · · · · · · · · · · · · · · · ·	
aciiity:	SAMA		Property ID	11-13-400-002
egal Description:	SEC 13 42	2N RIE OF	3RD P.My County:	OGLE
-9			Provided	
Date Control	_		Fair Cash	
Devices installed:	OECEMBER	2 2001	Value:	198,000
Signature:	PENNES 13	3 ATTY	Title:	OUNER
Vastes:	<ul> <li>Livestock waste is ap</li> <li>Agrichemical rinsate</li> <li>Other:</li> </ul>	and spillage is recycled th	rough the facility and/or	land applied.
	Agrichemical rinsate	and spillage is recycled th	rough the facility and/or	land applied.
	□ Agrichemical rinsate □ Other:	and spillage is recycled th	rough the facility and/or	Con an I TR
	□ Agrichemical rinsate □ Other: on of Pollution Controi E	and spillage is recycled th		Lon an I TR
Physical Description	□ Agrichemical rinsate □ Other: on of Pollution Control E 	and spillage is recycled th	× g with	Lon an I TR
Physical Description <b>Ba</b> I Conc 1 Conce	□ Agrichemical rinsate □ Other:	e and spillage is recycled th Devices: Act+ 40 × 200	× 8' mITH ( CONCRETE 5'× 4	UNCAETA 4 5'×6'×8' PUMPOUT 10
Physical Description <b>B</b> 1 Conc 1 Conc 1 Conc <b>Conc</b> <b>Conc</b>	□ Agrichemical rinsate □ Other: on of Pollution Control E rrr rrr $rrr$ $rr$ $rrr$ $rr$ $rrr$ $rr$ $rr$ $rr$ $rr$ $rr$ $rrr$ $rr$ $r$	e and spillage is recycled th Devices: 193 × 8' mITH 5 × 56 × 6' ~ ITH 52' × 1, 7 6	× 8 wITH CONCRETE 5'× 4 2 10 ° OSA P NUMBER PET 8	Unener 4 5'×6'×8' PUMPOUT PORTS '× 8' DUMPOUT PORTS VC PUMPOUT PORTS '× 52' × ?? Amo
2 CONCA 2 CONCA 2 CONCA 2 CONCA 2 CONCA 2 CONCA 2 CONCA 2 2 × 20	□ Agrichemical rinsate □ Other: on of Pollution Control I rrrr rrrr rrrr rrrr rrrr rrrr rrrr rrrr rrrrr rrrrr rrrrr rrrrr rrrrr rrrrrr rrrrrrrrr rrrrrrrrrr	e and spillage is recycled th Devices: 193 × 8' mITH 5 × 56 × 6' ~ ITH 52' × 1, 7 6	× 8 wITH CONCRETE 5'× 4 2 10 ° OSA P NUMBER PET 8	CONCRETA 4 5'X6'X8' PUMPOUT PORTS 'Y 8' DUMP OUT PORTS VC PUMP OUT PORTS
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## 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

RENEE CIPRIANO, DIRECTOR

217/782-3362

SEP 0 3 2003

Dennis E. Batty 14758 E. Eddy Rd. Davis Jct. IL 61020

Re: Illinois Property Tax: Dennis E. Batty – Davis Jct. Livestock Waste Containment Facilities Log No. TC-29-02

Dear Mr. Batty:

The application for Illinois Property Tax Certification received December 30, 2002 for the above listed facilities has been reviewed and the following is offered for your consideration and appropriate action.

- 1. Please provide the depth of the 10' x 52' gutter, the depth of the 8' x 52' gutter, and the depth of the 2' x 20' gutter all located in Structure D.
- 2. Please provide the length of 10" PVC Drain from Structure D to Structure C.

Please review the subject applications accordingly for the items specified above and submit to the Illinois Environmental Protection Agency so that we may complete the review of the subject application. Please include the above log number on all correspondence.

If you have any questions or comments concerning the above items, please contact me at the above address and telephone number.

Verv truly yours.

atthen Tallet

Matthew Talbert Facility Evaluation Unit Watershed Management Section Bureau of Water

cc: Bruce Batty

MAT:TC2902rl

Jct. 14, 2003

RECONT Matthew Talbert 207 1 6 2003 Facility Evaluation Unit Watershed Management Section Watershed Management Section BUREAU OF WATER BUREAN of Water Ze: Illinois Property TAX: Dennis & BATTY - DAVIS Jet. Livestock Waste Containment Facilities Log No. TC-29-02 Dear Mr. Talbert, Regarding your letter on Sept. 3:03 the dimensions of the gutters in Structure Dare as follows: The 10'x52 gutter is 12" Deep The 8'x 52' gutter is 12" Deep The 2'x20' getter is 12" Deep Question 2: The length of the 10" PUC DIAin From Structure Dto C is 17'8" long. IF you have my guestions please feel free to contract me. Thank-you Eugene Bolly Eugene BATTY 14258 E. EDDY Re. DAVIS Jet. 71. 61020 CC: BRUCE BATTY 14928 E. EDDY Rd. DAVIS Jut. Il. 61020