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JUL 22 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

DENNIS EUGENE BATTY- DAVIS JCT.

(Property Identification Number

11-13-400-002)

Petitioner,

ILLINOIS ENVIRONMENTAL

PROTECTION AGENCY

Respondent.

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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

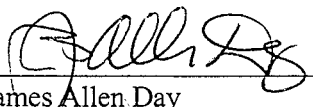
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 22 2004

DENNIS EUGENE BATTY- DAVIS JCT.

(Property Identification Number

11-13-400-002)

Petitioner,

ILLINOIS ENVIRONMENTAL

PROTECTION AGENCY

Respondent.

STATE OF ILLINOIS
Pollution Control Board

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05-10

) PCB 04-

) (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 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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **JUL 22 2004**

DENNIS EUGENE BATTY- DAVIS JCT.)

(Property Identification Number)

11-13-400-002)

Petitioner,)

) PCB 04-05-10

) (Tax Certification)

ILLINOIS ENVIRONMENTAL)

PROTECTION AGENCY)

Respondent.)

STATE OF ILLINOIS
Pollution Control Board

RECOMMENDATION

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.

- 1) 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
- 4) The water pollution control facilities in this request are located at Section 13, Township 42 North, Range 1 East of the 3rd Principal Meridian in Ogle County, Illinois and consist of the following:

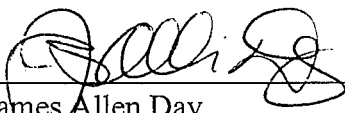
Livestock waste management facilities consisting of one concrete manure pit (40 ft. x 200 ft. x 8 ft. deep) with four concrete pump out pits (5 ft. x 6 ft. x 8 ft.) and the concrete slotted portion of the flooring over the manure pit in one swine building; one concrete manure pit (51 ft. x 193 ft. x 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 in one swine building; one concrete 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. x 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 portion 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

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

- 7) 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.
- 9) 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

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PROOF OF SERVICE

I, the undersigned, on oath state 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:

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

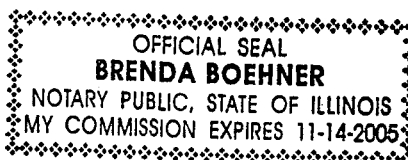
Bruce Batty
14928 E. Eddy Road
Davis Junction, Illinois 61020

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

Nancy J D Lamoport

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

Brenda Boehner
Notary Public



TC-29-02 DLT

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, 10-9, 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 FACILITY INFORMATION	Company Name		
	Person Authorized to Receive Certification <i>Dennis E. BATTY</i>		Person to Contact for Additional Details <i>BRUCE BATTY</i>
	Street Address <i>14758 E. EDDY RD.</i>		Street Address <i>14928 E. EDDY RD.</i>
	Municipality, State & Zip Code <i>DAVIS Jct. IL 61020</i>		Municipality, State & Zip Code <i>DAVIS Jct. IL 61020</i>
	Telephone Number <i>815-393-4858</i>		Telephone Number <i>815-393-4988</i>
	Location of Facility Quarter Section Township Range <i>pt. 1/4 Sec. 13, SCOTT TOWNSHIP 42N, RANGE 1 EAST OF THE 3rd P.M.</i>		Municipality Township <i>OGLE</i>
	Street Address <i>14928 E. EDDY RD.</i>		County Book Number <i>OGLE</i>
	Property Identification Number <i>11-13-400-002</i>		Parcel Number
	Sec. B Nature of Operations Conducted at the Above Location		
	MAJOR ACTIVITY OPERATIONS	Water Pollution Control Construction Permit No.	
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 MAJOR ACTIVITY PROCESS	Describe Unit Process		
	Materials Used in Process		
Sec. D FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility		
	<i>WASTE HANDLING Structure</i> <i>SLatted Floor over concrete Pit</i>		

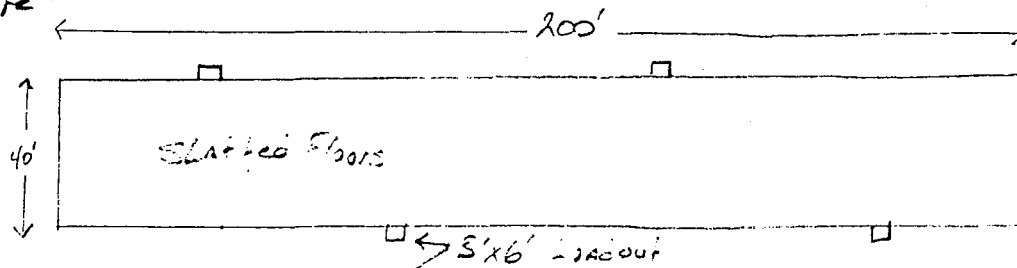
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ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY
 BOW/WPC/PERMIT SECTION

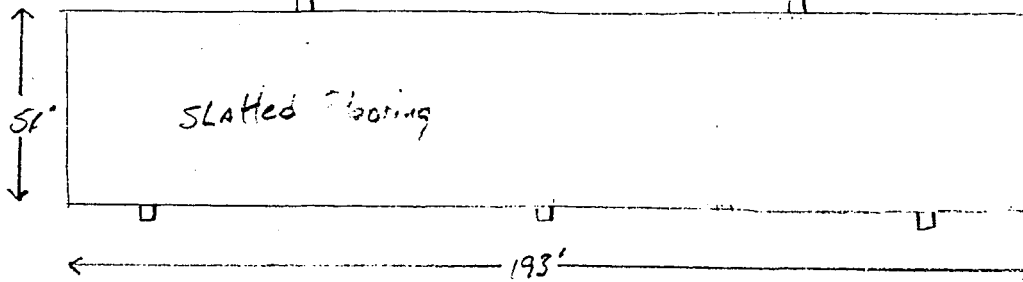
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ATTACHMENT A

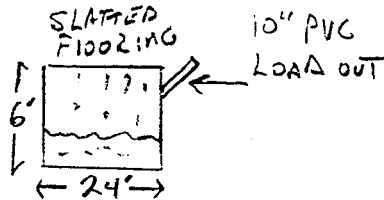
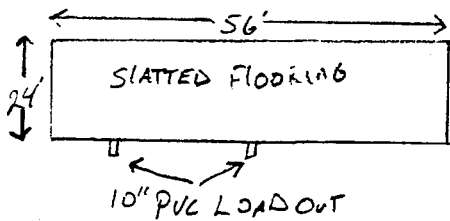
STRUCTURE A



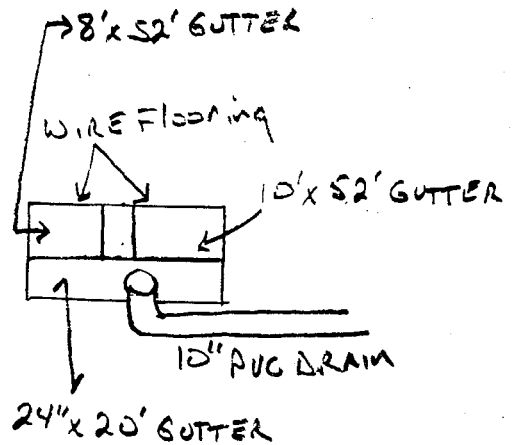
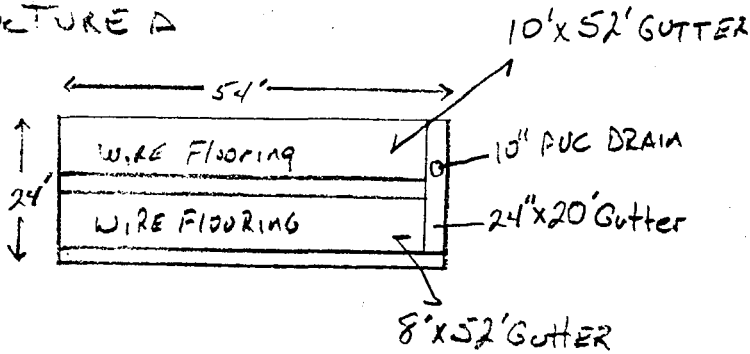
STRUCTURE B



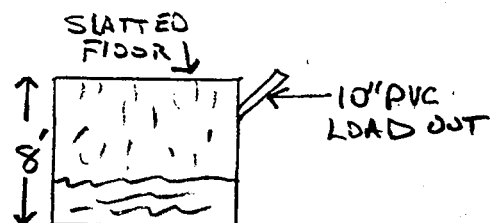
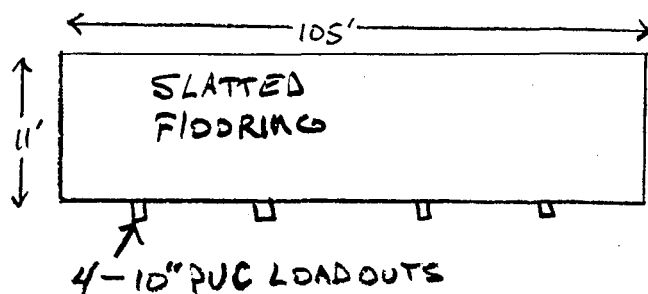
STRUCTURE C



STRUCTURE D



STRUCTURE E



ATTACHMENT B

These structures are swine manure handling structures. Structures A, B, C, & E are cement slotted floors over full pits 8' deep. The livestock work the manure through the cement slots into the pits. Manure is then pumped out of the pits through the head out by a vacuum 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" x 20' gutter) at the end of the building then drained via a 10" pvc drain to an adjacent structure (structure C).

Structures are built according to IL Deph. of AG. specifications

Watershed Unit Tax Certification Review Sheet

Project Name: Dennis F. Batty Location: Davis Jet,
 Reviewer: JRA Date: 16 June 04
 Log No: TC - 93-02 Type: Agchem
X Livestock
 Applicant: Dennis F. Batty Contact: Bruce Batty
14750 E. Eddy Rd. Phone: (915) 393-4988
Davis Jet, TX 79700
 Facility: 14928 E. Eddy Rd Property ID: 11-13-400-002
Davis Jet, TX 79700
 Legal Description: Sec 13 T40N R1E S4W County: OT-LE
 Date Control Devices Installed: 12-01 Provided Fair Cash Value: 198,000
 Signature: Dennis F. Batty Title: Owner

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:

Structure A - 40' x 300' x 2' conc. w/ conc slats w/ 4 - 5'x6' x 8' conc. pump out ports
 Structure B - 51' x 173' x 2' conc. w/ conc slats w/ 5 - 5'x6' x 8' conc pump out
 Structure C - 34' x 56' x 6' conc. w/ conc. slats w/ 2-10" PVC pump out port
 Structure D - 10' x 52' x 1' conc. gutter w/ wire flooring
8' x 52' x 1' conc. gutter w/ wire flooring
2' x 20' x 1' conc. gutter w/ 10" PVC drain 17'8" long.
 Structure E - 11' x 105' x 8' conc. w/ conc. slats w/ 4 - 10" PVC pump out ports.

Other: _____

Watershed Unit Tax Certification Review Sheet

Project Name: DENNIS E. BATTY Location: DAVIS JCT.
 Reviewer: MAT Date: 9-2-2003
 Log No.: TL-29-02 Type: ☐ Agchem ☒ Livestock

Applicant: DENNIS E. BATTY Contact: BRUCE BATTY
14758 E. BOOY RO. Phone: 815-393-4988
DAVIS JCT. IL 61020

Facility: SARA Property ID: 11-13-400-002

Legal Description: SEC 13 42N R1E OF 3RD PM County: OGLE

Date Control Devices installed: DECEMBER 2001 Provided Fair Cash Value: 198,000

Signature: DENNIS BATTY Title: OWNER

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:

1 CONCRETE PET 40' x 200' x 8' WITH 4 5'x6'x8' PUMP OUT POTS
1 CONCRETE PET 51' x 193' x 8' WITH 5 CONCRETE 5'x6'x8' PUMP OUT POTS
1 CONCRETE PET 24' x 56' x 6' WITH 2 10" DIA PVC PUMP OUT POTS
1 CONCRETE PET 10' x 52' x 8' , 1 CONCRETE PET 8' x 52' x 8' AND
1 2' x 20' x 8' GUTTER WITH 10" PVC PIPE WHICH TRANSPORTS MANURE TO
56' x 28' x 6' PET 3' LONG
1 CONCRETE PET 11' x 105' x 8' WITH 4 10" PVC PUMP OUT POTS.

Other: _____



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 03 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.

Very truly yours,

Matthew Talbert
Facility Evaluation Unit
Watershed Management Section
Bureau of Water

cc: Bruce Batty

✓ MAT:TC2902rl

Oct. 14, 2003

Matthew Talbert

Facility Evaluation Unit

Watershed Management Section

Bureau of Water

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OCT 16 2003

Watershed Management Section
BUREAU OF WATER

Re: Illinois Property Tax: Dennis E. BATTY - DAVIS Jct.
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 D are as follows:

The 10'x52' gutter is 12" Deep

The 8'x52' gutter is 12" Deep

The 2'x20' gutter is 12" Deep

Question 2: The length of the 10" PVC Drain
from Structure D to C is 17'8" long.

If you have any questions please feel free to contact me.

Thank-you

Eugene Batty

Eugene BATTY

14758 E. EDDY Rd.

DAVIS Jct. IL 61020

cc: BRUCE BATTY

14728 E. EDDY Rd.

DAVIS Jct. IL 61020