

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

JAN 20 2005

STATE OF ILLINOIS
Pollution Control Board

Ken Maschoff-Bath
(Property Identification Number
22-16-200-001)

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)
)
) PCB 05- 129
) (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

Ken Maschoff
6518 CR 300 N.
Bath, Illinois 62617

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: January 19, 2005

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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Ken Maschoff-Bath
(Property Identification Number
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STATE OF ILLINOIS
Pollution Control Board

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: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: January 19, 2005

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

STATE OF ILLINOIS
Pollution Control Board

Ken Maschoff-Bath)
(Property Identification Number) PCB 05-129
22-16-200-001) Tax Certification

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 April 2, 2004, the Illinois EPA received a request from Ken Maschoff (log number TC-04-04, 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: Ken Maschoff
6518 CR 300 N
Bath, Illinois 62617
3. The proposed water pollution control facilities in this request are located at Section 16, T19N, R10W of the 3rd P.M. in Mason County, at the above street address and consist of the following:

Livestock waste management facilities consisting of twenty-eight concrete pits(8 ft. x 55 ft. x 22 inches deep) each with one pull plug and the slotted concrete portion of the floor over the manure pits located in one swine nursery building; one synthetic lined lagoon (141.24 ft. x 380.82 ft. x 12 ft. deep; and approximately 140 ft. of 10-inch diameter PVC manure transfer pipe.

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 (2004), 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
Vera Herst
Assistant Counsel
Division of Legal Counsel

Dated: January 19, 2005

Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. 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 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

Ken Maschoff
6518 CR 300 N.
Bath, Illinois 62617

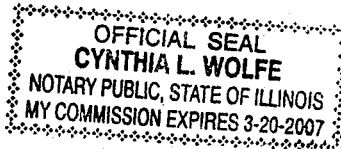
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

and mailing it from Springfield, Illinois, on January 19, 2005, with sufficient postage affixed for first class mail.

Nancy J. D. Lampert

SUBSCRIBED AND SWORN TO BEFORE ME
this 19th day of January, 2005

Cynthia L. Wolfe
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

Watershed Unit Tax Certification Review Sheet

Project Name: Ken Maschhoff
Reviewer: Thad Faught
Log No.: TC-04-04

Location: Bath
Date: 10/13/04
Type: Agchem
 Livestock

Applicant: Ken Maschhoff
7475 State Rt. 127
Carlyle, IL 62231

Contact: Jason Loasdon
Phone: 618-594-2125

Facility: 6518 CR 300 N.
Bath, IL 62617

Property ID: 22-16-200-001

Legal Description: Section 16, T19N, R10W of 3rd PM

County: Mason

Date Control Devices Installed: 1993

Provided Fair Cash Value: \$160,000

Signature: signed by Ken Maschhoff

Title: MANAGER

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:

20 concrete manure pits (each 8 ft x 55 ft x 22 inches deep) w/ concrete slatted floors
1 pull plug per pit
140 ft 10" diameter PVC pipe
one 5-gallon liquid manure (140.24 gal 380.33 ft³ = 2 ft deep)

Other: 12/17/04 - spoke w/ Jason Loasdon - Jason said that the pits are 8 ft x 55 ft like
the diagram shows, NOT 8 ft x 264 ft in the narrative
Jason said there is 1 pull plug per pit

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

TG-04-04

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.	Data Received	Certification No.	Date
APPLICANT	Sec. A Company Name		
	Person Authorized to Receive Certification Ken Maschhoff		Person to Contact for Additional Details Jason Logsdon
	Street Address 7475 State Route 127		Street Address SAME
	Municipality, State & Zip Code Carlyle, IL 62231		Municipality, State & Zip Code SAME
	Telephone Number 618-594-2125		Telephone Number SAME
	Location of Facility Quarter Section Township Range 16 19N 10W		Municipality Township Mason Bath
	Street Address 6518 CR 300N Bath, IL 62617		County Book Number Mason
	Property Identification Number 22-16-200-001		Parcel Number 007-214-000
	MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location	
This is a 4,000 head nursery site. There are 7 rooms of approx. 575 Hd. Per Room.			
Water Pollution Control Construction Permit No. N/A		Date Issued N/A	
NPDES PERMIT No. N/A		Date Issued N/A	Expiration Date
Air Pollution Control Construction Permit No. N/A		Date Issued N/A	
MANUFACTURING PROCESS	Sec. C Describe Unit Process		
	N/A		
MANUFACTURING PROCESS	Materials Used in Process		
	N/A		
POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility		
	See attached documents.		

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APR 02 2004

ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY
 BOW/WPC/PERMIT SECTION

Sec. E (1) Nature of Contaminants or Pollutants
Swine Manure

Contaminant or Pollutant	Material Retained, Captured or Recovered	
	DESCRIPTION	DISPOSAL OR USE
<u>Swine Manure</u>	<u>Application to Cropland</u>	<u>We pump the manure from the lagoons through 6" Aluminum Lagoon Pipe to a traveling gun irrigator onto the fields at rates in accordance with the Manure Management Plan.</u>
(2) Point(s) of Waste Water Discharge <u>NONE</u>		

Plans and Specifications Attached		Yes	No <input checked="" type="checkbox"/>
(3)	Are contaminants (or residues) collected by the control facility?	Yes <input checked="" type="checkbox"/>	No
(4)	Date installation completed <u>1993</u> status of installation on date of application <u>Complete</u>		
(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$	<u>160,000</u>
	b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$	<u>5,000</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>48%</u>

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.

Tom M. Swiggan Signature
Mgr. 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.

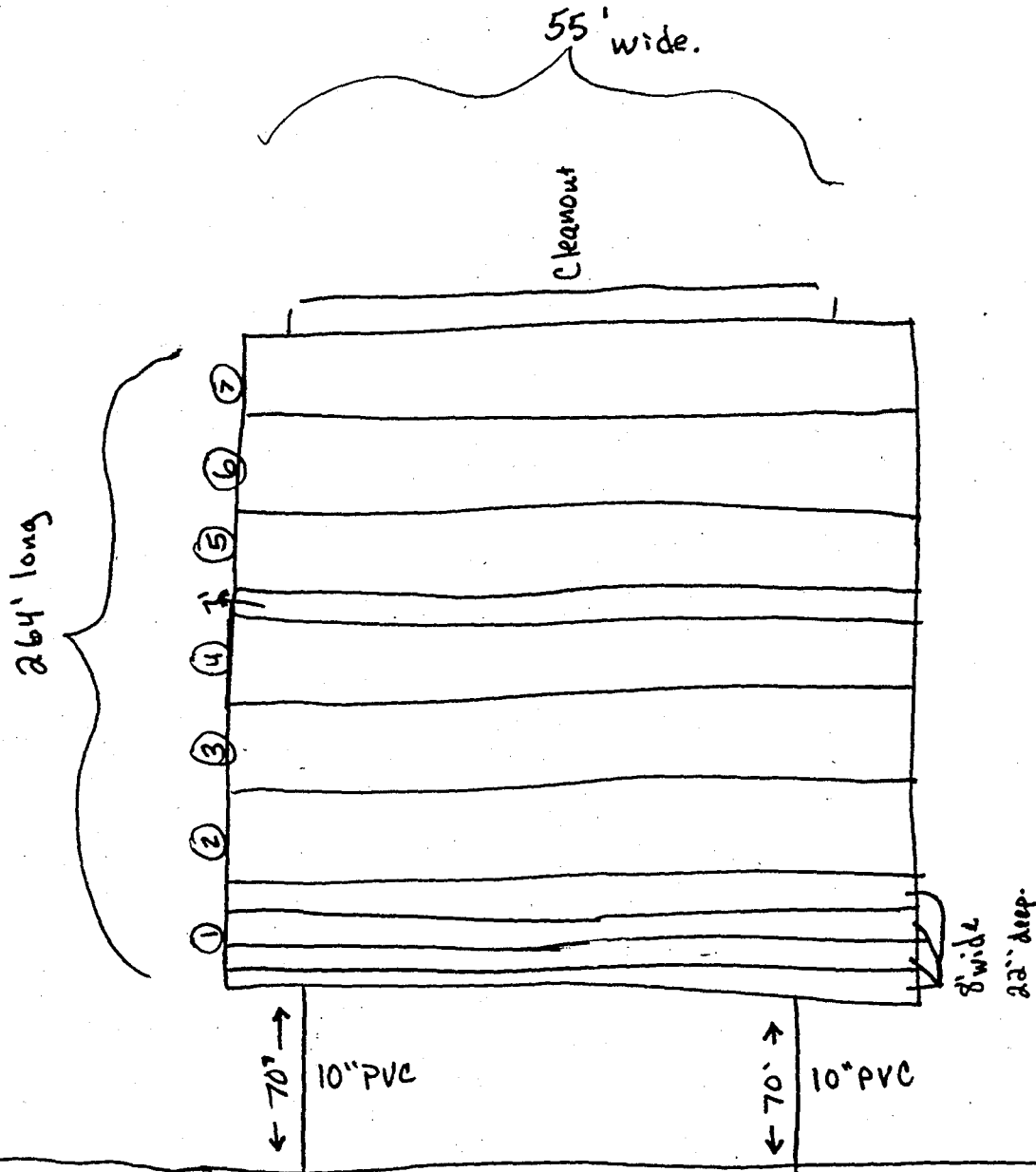
Sec. D Narrative description of the pollution control facility, indicating that its primary purpose is to eliminate, prevent or reduce pollution. State the type of control facility. State permit number, date, and agency issuing permit. A narrative description and a process flow diagram describing the 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.

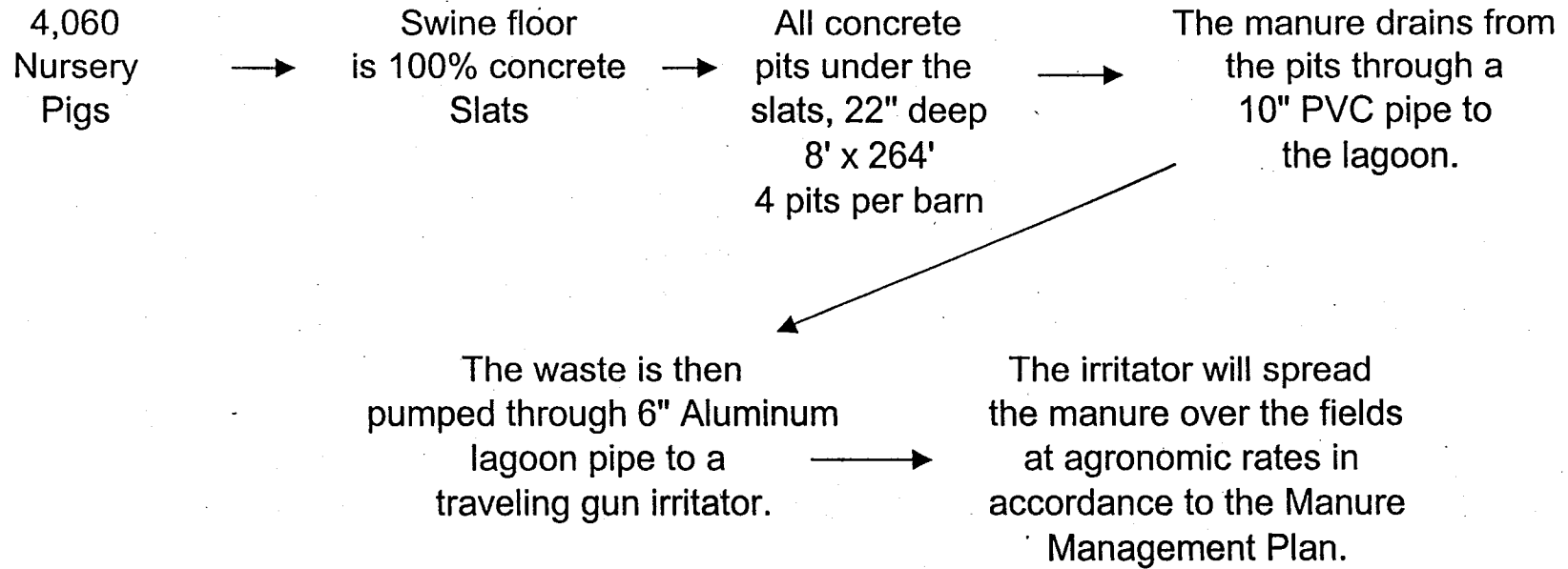
Submit to:	Attention:	Attention:
Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276	Thomas McSwiggan Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control

Each room holds 580 Head of nursery pigs. The building is 55' x 264'. There are 4 pits to each room and they measure 8' wide, 264' long and 22" deep. The pits are pull plug pits. They drain into 10" PVC pipe which drains into the lagoon. The flooring is 100% total slats. There are 7 Rooms in this building.



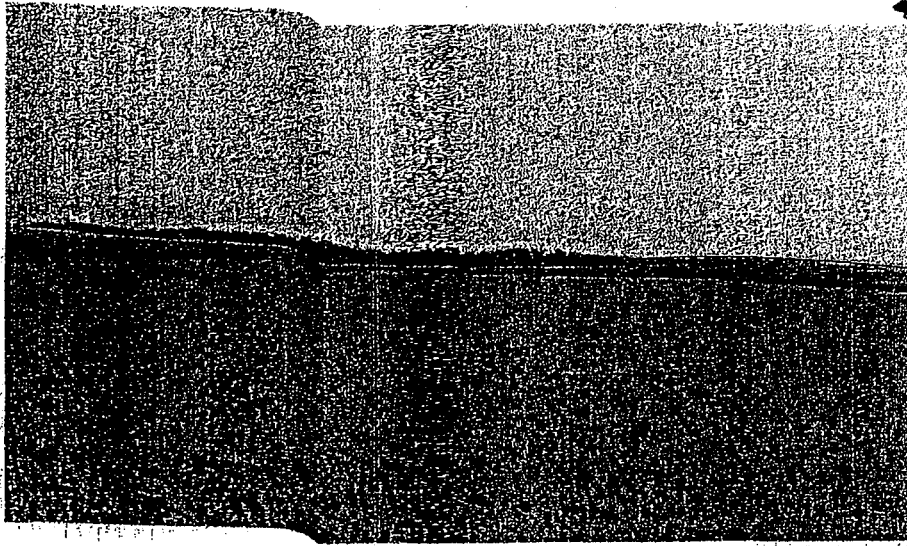
141.24' x 380.82' x 12' deep.
Synthetic Lined.

Flow Diagram of Waste Handling



Caryll Lien

**Triple Edge Pork
Base 5
Located 7 miles Northwest of Chandlerville, IL**



MAC 5

Property Description

62.9 total tillable acres: 54 acres tillable, 8.9 acres in CRP; balance of acreage used by building, lagoon, and in timber

- soil types: Sparta loamy sand, 1 to 7% slopes; Bloomfield sand, 1 to 7% slopes; Plainfield sand, 1 to 7% slopes
- acreage base: wheat: 36.3, sorghum: 3.5
- yield base: wheat: 39, sorghum: 72

Livestock Facilities

Off-Site Nursery Unit

- age: built in 1993 (9 years old)
- improvements: none
- capacity of unit: 4,000 nursery pigs
- feed storage & delivery systems: auger system with 32 tons of bulk bin storage
- type of ventilation: forced air
- type of construction: 2-foot pits with pull-plug
- waste management: 1 - lagoon (6-8 month storage capacity); no manure easements; verbal land application agreements w/Jim Sarff and David Sandidge
- access: blacktop township road

Legal Descriptions

S-16 T-19 R-10, Lynchburg Township
80 acres: W 1/2 NE 1/4 (80 acres assessed farm land)

"The foregoing information about the property is not warranted or guaranteed. A prospective buyer should verify the information for himself or herself. This fact sheet is not part of the purchase agreement unless otherwise specifically agreed to by both the sellers and buyers."