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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 10 2005

Robert Furtney
(Property Identification Number
12-14-03-300-004)

)
)
)
) PCB 05- 152
) (Tax Certification) 150 JTT

STATE OF ILLINOIS
Pollution Control Board

NOTICE

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

Robert Furtney
2308 County Road 900E.
Champaign, Illinois 61822

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: February 8, 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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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Robert Furtney
(Property Identification Number
12-14-03-300-004

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)
)
) PCB 05-150 JR
) (Tax Certification)
)

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: February 8, 2005
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

FEB 10 2005

Robert Furtney)
(Property Identification Number) PCB 05-
12-14-03-300-004) (Tax Certification)
)

STATE OF ILLINOIS
Pollution Control Board

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 August 24, 2004, the Illinois EPA received a request from Robert Furtney (log number TC-28-04, 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 applicants' address is: Robert Furtney
2308 County Road 900E
Champaign, Illinois 61822
3. The proposed water pollution control facilities in this request are located at Section 3, T20N, R8E of the 3rd P.M. in Champaign County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (194 ft. x 50 ft. x 8 ft. deep), with the slotted concrete portion of the floor over the manure pits and four concrete pump out manure pits (each 5 ft. x 6 ft. x 9 ft. deep) located in each of two swine buildings.

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.

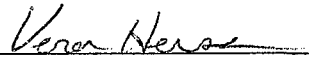
4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2004), defines “pollution control facilities” as:

“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
Assistant Counsel
Division of Legal Counsel

Dated: February 8, 2005

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

Watershed Unit Tax Certification Review Sheet

Project Name: Robert Furtney
Reviewer: Thaddeus Fought
Log No.: TC-28-04

Location: Champaign
Date: 1/20/05
Type: = Agcnem
 Livestock

Applicant: Robert Furtney
2308 County Rd. 900E.
Champaign, IL 61922

Contact: Robert Furtney
Phone: 217-351-4095

Facility: same as applicant

Property ID: 12-14-03-300-004

Legal Description: Section 3 T20N R8E of the 3rd PM

County: Champaign

Date Control Devices Installed: 12/03

Provided Fair Cash Value: \$220,000

Signature: signed by Robert Furtney

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:

one concrete manure pit (194 ft x 50 ft x 8 ft deep) with 4 concrete pumpouts (5 ft x 6 ft x 9 ft deep) in each of 2 buildings

Other: 2 pits (1 pit/building → 2 buildings)

1/13/05 - spoke with Robert Furtney - Robert said there are two pits (1 per building). the pits are concrete (194 x 50 x 8) and the pumpouts are concrete (5 x 6 x 9)

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
APPLICANT	Sec. A Company Name		
	Person Authorized to Receive Certification ROBERT E. FURTNEY		Person to Contact for Additional Details
	Street Address 2308 COUNTY RD. 900E		Street Address
	Municipality, State & Zip Code CHAMPAIGN IL 61822		Municipality, State & Zip Code
	Telephone Number 217-351-4095		Telephone Number
	Location of Facility Quarter Section 3 Township T20N Range R8E		Municipality Champaign Township Hensley
	Street Address 2308 Co. Rd. 900E		County Champaign Book Number
	Property Identification Number 12-14-03-300-004		Parcel Number
MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location Hog finishing Confinement facility		
	Water Pollution Control Construction Permit No. ILR 102506	Date Issued 9-30-96	
	NPDES PERMIT No. ILR 102506	Date Issued	Expiration Date
	Air Pollution Control Construction Permit No.	Date Issued	
	Air Pollution Control Operating Permit No.	Date Issued	
MANUFACTURING PROCESS	Sec. C Describe Unit Process		
	Materials Used in Process		
POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility Livestock waste mgmt. facility consisting of one manure pit with 4 manure pumpout boxes and the slotted portion of the flooring over the manure pit in each bldg. These facilities are used to collect and store waste prior to Cropland application.		

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AUG 24 2004

Watershed Management Section
 BUREAU OF WATER

Sec. E (1) Nature of Contaminants or Pollutants

Swine Manure

Contaminant or Pollutant	Material Retained, Captured or Recovered	
	DESCRIPTION	DISPOSAL OR USE
<i>non-released</i>		<i>custom applicator-injector</i>

(2) Point(s) of Waste Water Discharge *none*

(3) Are contaminants (or residues) collected by the control facility? Plans and Specifications Attached: Yes No
 Yes No

(4) Date installation completed *Dec 103* status of installation on date of application _____

5) a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$	<i>220,000</i>
b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$	<i>0</i>
c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$	<i>5,000</i>
d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$	<i>0</i>
e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	%	<i>50%</i>

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.

Robert S. Porto

Owner

Signature

Title

5-6-04

Sec. G INSTRUCTIONS FOR COMPILING AND FILING APPLICATION

General: Separate applications need to be submitted for each control facility claimed. Do not mix types (water and air). Where both air and water operations are related, file two applications. 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 McSwiggin Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control

AUG 24 2004

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

Robert Furtney.
2308 County Road 900E.
Champaign, Illinois 61822

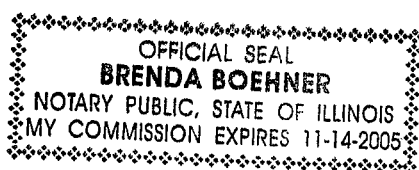
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

and mailing it from Springfield, Illinois, on February 7,, 2005, with sufficient postage affixed for first class mail.

Vera Newsa

SUBSCRIBED AND SWORN TO BEFORE ME
This 8th day of February, 2005

Brenda Boehner
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER