

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY - 5 2006

STATE OF ILLINOIS
Pollution Control Board

PATRICK J. HARMS HOG PRODUCTION)
(Pleasant Ridge Facility))
(Property Identification Number)
23-23-17-300-009))
Petitioner,) PCB 06- 176
) (Tax Certification)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Respondent.)

NOTICE


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

Patrick Harms
26596 E. 1000 North Rd.
Forrest, IL 61741

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: 
James Allen Day
Assistant Counsel
Division of Legal Counsel

DATED: May 3, 2006

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

RECEIVED
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MAY - 5 2006

STATE OF ILLINOIS
Pollution Control Board


BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PATRICK J. HARMS HOG PRODUCTION)
(Pleasant Ridge Facility))
(Property Identification Number)
23-23-17-300-009))
Petitioner,) PCB 06- 170
) (Tax Certification)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Respondent.)

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: May 3, 2006

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **MAY - 5 2006**

PATRICK J. HARMS HOG PRODUCTION)
(Pleasant Ridge Facility))
(Property Identification Number)
23-23-17-300-009))
 Petitioner,) **PCB 06- 170**
) **(Tax Certification)**
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
 Respondent.)

STATE OF ILLINOIS
Pollution Control Board

RECOMMENDATION

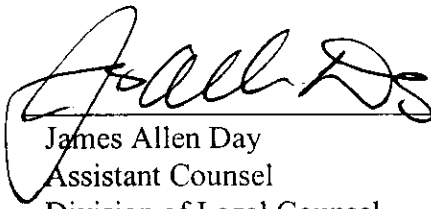
Now Comes the Illinois Environmental Protection Agency ("Illinois EPA") by James Allen Day, one of its attorneys, and pursuant to Section 125.204 of the Illinois Pollution Control Board's (Board) regulations files the following Recommendation regarding the tax certification of water pollution control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

- 1) On December 29, 2005, the Illinois EPA received a request from Patrick J. Harms Hog Production 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-21-05. (Exhibit A)
- 2) The applicant's mailing address is: Patrick Harms
26596 E. 1000 North Rd.
Forrest, IL 61741
- 3) The facility address is: 12330 N. 2500 E. Rd.
Forrest, IL 61741
- 4) The water pollution control facilities in this request are located at Section 17, T27N, R7E of the 3rd P.M. in Livingston County, Illinois at the above facility address and consist of the following:

Livestock waste management facilities consisting of two concrete manure pits (each 185 ft. x 40 ft. x 8 ft. deep) with 8 concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep with wood and aluminum covers) and the slotted concrete portion of the floor over the manure pits; one concrete manure pit (185 ft. x 48 ft. x 8 ft. deep) with 4 concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep with wood and aluminum covers) and the slotted concrete portion of the floor over the manure pit.

- 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, 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.
- 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

May 3, 2006

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

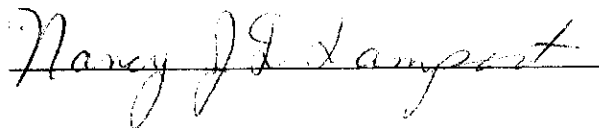
I, the undersigned, on oath state that I have served the attached **APPEARANCE AND RECOMMENDATION**, upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

Patrick Harms
26596 E. 1000 North Rd.
Forrest, IL 61741

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

and mailing it from Springfield, Illinois on **May 3, 2006** with sufficient postage affixed for first class mail.



SUBSCRIBED AND SWORN TO BEFORE ME
this third day of May, 2006

Notary Public

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

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

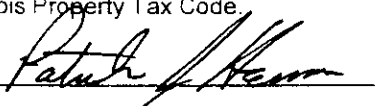

TC-21-05

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 Patrick J. Harms Hog Production [6.09 ac]
	Person Authorized to Receive Certification Patrick Harms
	Person to Contact for Additional Details Patrick Harms
	Street Address 26596 E 1000 North Road
	Municipality, State & Zip Code Forrest, IL 61741
	Telephone Number (815)867-7567
	Location of Facility Quarter Section Township Range SW 1/4 Sec 17 27N 7E
	Street Address 12330 N 2500 E Road
	Property Identification Number 23-23-17-300-009
	Municipality Township Livingston Pleasant Ridge
MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location Pork production / raising hogs in confinement. The livestock waste controlled is hog waste.
	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
MANUFACTURING PROCESS	Sec. C Describe Unit Process N/A.
	Materials Used in Process N/A.
POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility 1- Flow diagram. See attached exhibit showing flow of waste from animals to disposal on cropland. 2- Description. See attached exhibit for description of major pollution control components at this facility. 3- Local Streams. See attached exhibit for waters protected and explanation how the facility keeps waste from same.

RECEIVED
 WATER POLLUTION CONTROL DIVISION
 BUREAU OF WATER

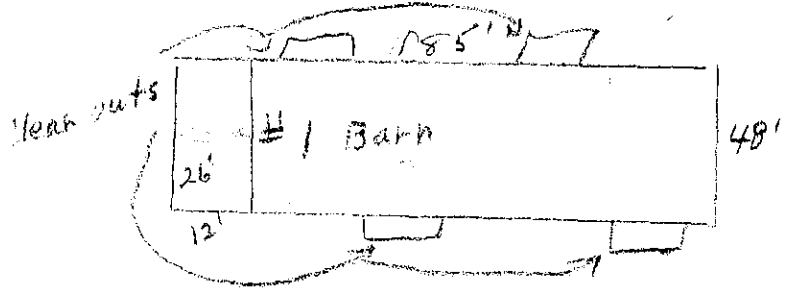
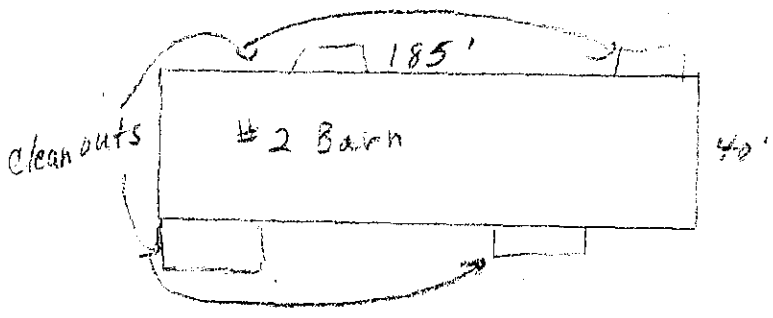
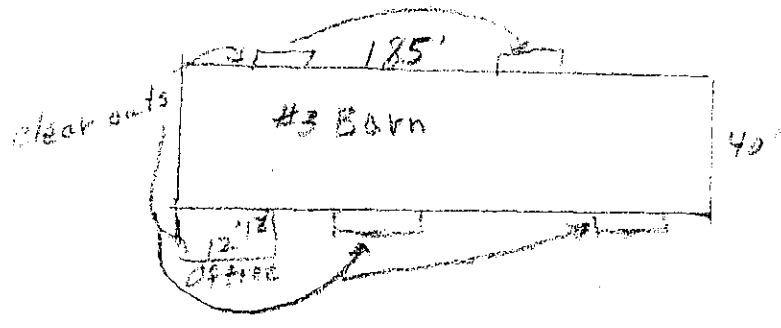
Sec. F	(1) Nature of Contaminants or Pollutants			
			Material Retained, Captured or Recovered	
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE	
	swine manure / waste			
	(2) Point(s) of Waste Water Discharge N/A			
			Plans and Specifications Attached	
			Yes	
			No	
	(3)	Are contaminants (or residues) collected by the control facility?	Yes	No X
	(4)	Date installation completed _____ status of installation on date of application	completed, operating	
ACCOUNTING DATA	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 30,000.00	
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 10,000.00	
		c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 120,000.00	
		d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 10,000.00	
		e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 75%	

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.		
	Signature		 12.28.05
	Signature	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 <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:	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

Sec 17 - T 27 N R 7 E
Pleasant Ridge

Id # 911
12330 N Rd 2500 E Rd



Section D (Exhibit D-1, 2, 3)

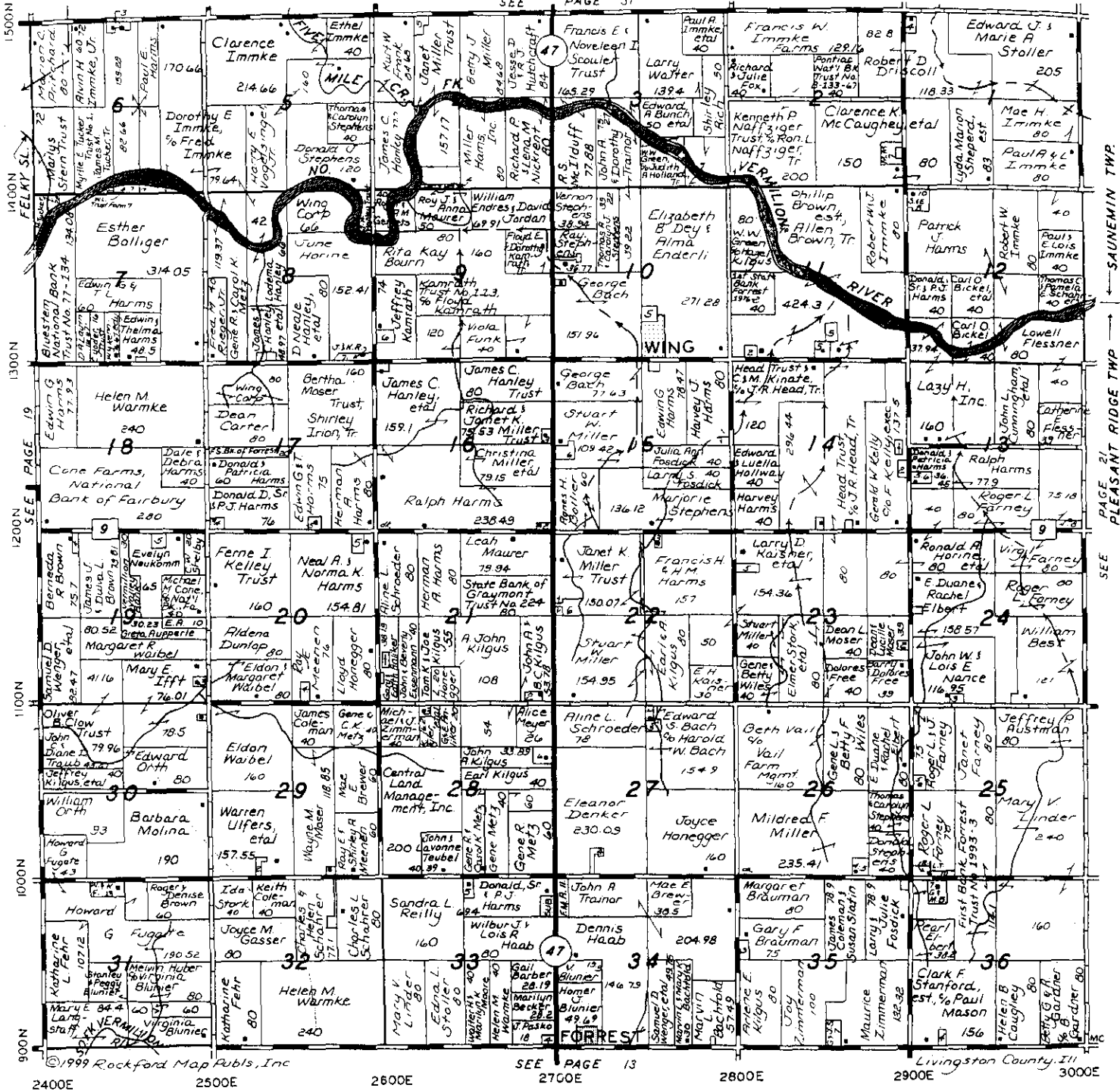
Buildings and their dimensions are shown on drawing (to the left).

Flow diagram - each building has an 8-foot deep concrete waste holding pit beneath hog area, floor of hog area being concrete slat. Waste enters pit via gravity.

As needed, a 100 horse power Houle 8-inch agitation pump is placed into pit to move pit material to spreader. The spreader is a 6,300 gallon houle fully enclosed, five injection knife spreader / injector. Waste is then held to fields for injection into soil as fertilizer. List of field locations is available if desired. Grassy vegetative filters separate fields from any drainage structures.

Nature of pollution control components at facility. Construction is reinforced concrete pit in foundation, concrete slatted floors, steel enclosed walls and roof structures. Pump and spreader are as indicated above.

Local streams. Local streams, etc., are shown on the attached exhibit. The facility is constructed of such materials and design factors as to insure no leakage. Pump and spreader are enclosed systems, so that leakage or spillage does not occur. Spreader injector system insures that material enters and remains in the soil. Fields in which injection is done are sufficiently far from any drainage structures so as to insure that material does not cause any pollution.



©1999 Rockford Map Pubs, Inc SEE PAGE 13 Livingston County, Ill

TRAINOR GRAIN & SUPPLY CO.

R.R. #2, BOX 44 - FORREST, ILLINOIS (WING)

PHONE: (815) 832-5512

PURINA FEEDS

GRINDING & MIXING - DRYING & STORAGE - FERTILIZER & CHEMICALS

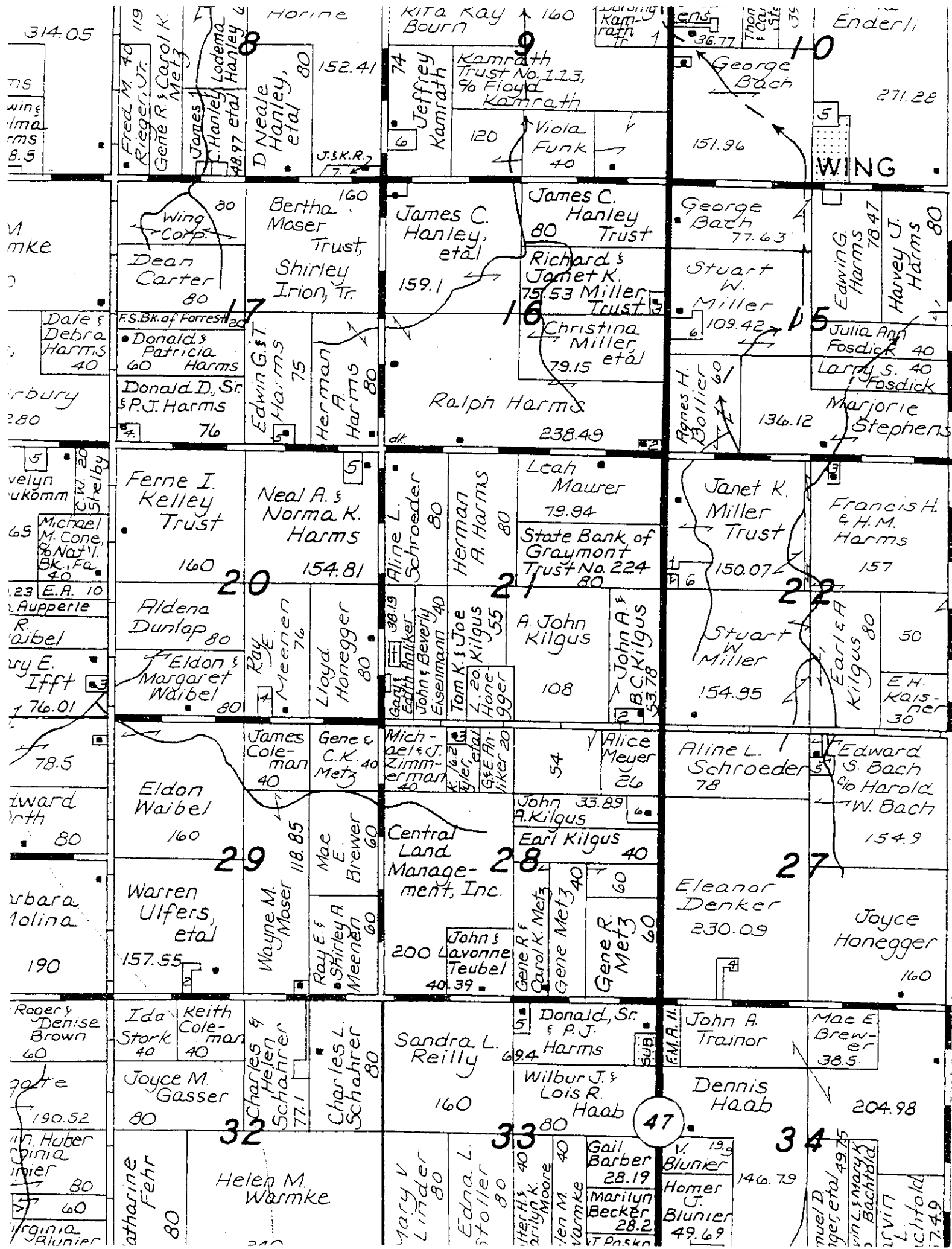
GRAIN MARKETING SERVICES - CUSTOM APPLICATION

FORREST: 657-8520

SAUNEMIN: 832-4311

SWYGERT: 842-6539





314.05

7NS
win
lma
rms
8.5

Fred M. 70
Rieger, Jr.
Gene R. & Carol K.
Metz
James
Lodema
Hanley
Hanley
48.97 etal

Horine
D. Neale
Hanley,
etal
80
152.41

Kita Kay
Bourn
160
Jeffrey
Kamrath
74
Kamrath
Trust No. 123,
9% Floyd
Kamrath
120
Viola
Funk
40

George
Bach
77.63
151.96
WING
271.28
Enderli
36.77
Thon
& Carl
Wise
35

Dale &
Debra
Harms
40
280

Dean
Carter
80
F.S. Bk. of Forest
Donald &
Patricia
60 Harms
Donald D. Sr.
& P.J. Harms
76
Edwin G. & T.
Harms
75
Herman
A. Harms
80

Bertha
Moser
Trust,
Shirley
Irion, Tr.
160
159.1

James C.
Hanley,
etal
80
159.1
Ralph Harms
238.49

James C.
Hanley
Trust
80
Richard &
Janet K.
75.53 Miller
Trust
Christina
Miller,
79.15 etal

George
Bach
77.63
Stuart
W.
Miller
109.42
136.12
Agnes H.
Bollier
60

Edwing.
Harms
78.47
Harvey J.
Harms
80
Julia Ann
Fosdick
40
Larry S.
Fosdick
40
Marjorie
Stephens

Michael
M. Cone,
8 Nat'l.
Bk., Fa.
40
E.A. 10
Rupperle
R. Waibel
Mary E.
Ifft
76.01

Ferne I.
Kelley
Trust
160
Aldena
Dunlap
80
Eldon &
Margaret
Waibel
80

Neal A. &
Norma K.
Harms
154.81
Ray E.
Meenen
76
Lloyd
Honegger
80

Aline L.
Schroeder
80
Herman
A. Harms
80
Leah
Maurer
79.94
State Bank of
Graymont
Trust No. 224
80
A. John
Kilgus
108
John A. &
B.C. Kilgus
53.78

Janet K.
Miller
Trust
150.07
Stuart
W.
Miller
154.95

Francis H.
& H.M.
Harms
157
Earl & A.
Kilgus
80
E.H.
Kais-
ner
30

Edward
S. Bach
9% Harold
W. Bach
154.9
Eleanor
Denker
230.09
Joyce
Honegger
160

Eldon
Waibel
160
Warren
Uifers,
etal
157.55

James
Cole-
man
40
Gene &
C.K. Metz
40
Wayne M.
Moser
118.85
Ray E. &
Shirley A.
Meenen
60

Mich-
ael & J.
Zimm-
erman
40
Central
Land
Manage-
ment, Inc.
200
John &
Lorraine
Teubel
40.39
Gene R. &
Carol K. Metz
40
Gene Metz
40
Gene R.
Metz
60

Alice
Meyer
26
John
A. Kilgus
33.89
Earl Kilgus
40
Eleanor
Denker
230.09

Aline L.
Schroeder
78
Edward
S. Bach
9% Harold
W. Bach
154.9

John A.
Trainor
38.5
Dennis
Haab
204.98

John A.
Trainor
38.5
Dennis
Haab
204.98

Joyce M.
Gasser
80
Helen M.
Warmke
80
Mary V.
Linder
80
Edna L.
Stoller
80

Ida
Stork
40
Keith
Cole-
man
40
Charles &
Helen
Schahrer
77.1
Charles L.
Schahrer
80

Sandra L.
Reilly
160
Wilbur J. &
Lois R.
Haab
80
Gail
Barber
28.19
Marilyn
Becker
28.2
Homer
J.
Blunier
49.69

Donald, Sr.
& P.J.
Harms
69.4
Wilbur J. &
Lois R.
Haab
80
Gail
Barber
28.19
Marilyn
Becker
28.2
Homer
J.
Blunier
49.69

John A.
Trainor
38.5
Dennis
Haab
204.98

John A.
Trainor
38.5
Dennis
Haab
204.98

John A.
Trainor
38.5
Dennis
Haab
204.98



Bureau of Environmental Programs

State Fairgrounds • P.O. Box 19281 • Springfield, IL 62794-9281 • 217/785-2427 (voice/TDD) • Fax 217/524-4882
Pesticide Misuse Hotline 1-800-641-3934 (voice/TDD)

LIVESTOCK WASTE PROGRAM
FINAL NOTICE OF CONSTRUCTION PLAN COMPLETION
Non-Lagoon Livestock Waste Handling Facility

Registrant:

Mr. Patrick Harms
Lazy H, Inc.
708 N. 4th St.
Fairbury, IL 61739

Facility Location:

Wing, IL
Facility ID#:
LF1050190001

Date Issued: December 14, 2004

The Department has received a certification notice from the owner or operator relative to the completion of construction of a non-lagoon livestock waste handling structure at the aforementioned facility. The certification indicates that the waste handling structure has been constructed or modified in accordance with the requirements of the Livestock Management Facilities Act (Act) (510 ILCS 77/1 et seq.) and rules and that the information provided during the registration process is correct.

On December 9, 2004, Department representatives conducted a final inspection at the facility pursuant to the Livestock Management Facilities Act (510 ILCS 77/13 (g)). No deviations from the construction plan were noted during the inspection. Inspections of the facility were also conducted prior to and during the construction phase of the project.

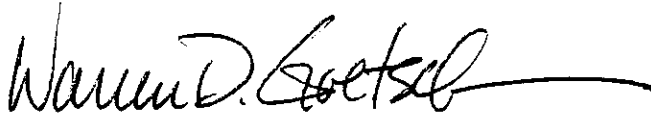
Pursuant to the Section 13 of the Livestock Management Facilities Act, the construction plan and certification requirements of the Act have been met. The owner or operator of the livestock waste handling facility may proceed to place the structure into service.

Pursuant to 35 Illinois Administrative Code 506.304 (c), this structure was required to install a perimeter foundation drain that included a sampling port to allow for quarterly sampling pursuant to 8 Illinois Administrative Code 900.511. The samples must be analyzed for the following items: nitrate-nitrogen, phosphate-phosphorus, chloride, sulfate and ammonia-nitrogen. **The quarterly sampling period assigned to your facility is as follows: January, April, July and October.** Please be advised that sample results must be submitted to the Department within 30 days after sample collection and must contain a discussion relative to the significance of the results.

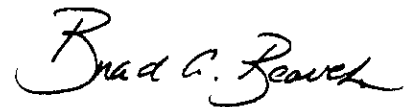
If you have any questions or if the Department may be of service to you, please feel free to contact us at 217/785-2427.

Sincerely,

ILLINOIS DEPARTMENT OF AGRICULTURE



Warren D. Goetsch, P.E.
Bureau Chief, Environmental Programs



Brad A. Beaver
Manager, Livestock Waste Program

cc: file
Tim Kluge, IEPA

LF1050190001cpfinal