

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUL 05 2007

STATE OF ILLINOIS
Pollution Control Board

Independence Pork, LLC-Victor
(Property Identification Number
17-11-400-002)

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)
)
) PCB 08- 01
) (Tax Certification)

NOTICE

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

Dr. Steve Feuerbach
2435 Bethany Road
Sycamore, Illinois 60178

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: July 2, 2008

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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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: July 2, 2007

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

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17-11-400-002

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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 December 28, 2006, the Illinois EPA received a request from Independence Pork LLC (log number TC-30-06, 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: Independence Pork, LLC
2435 Bethany Road
Sycamore, Illinois 60178

3. The proposed water pollution control facilities in this request are located at SE¼ of Section 11, T37N, R4E of the 3rd P.M. in DeKalb County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (165 ft. x 71 ft. x 2 ft. deep) with the slotted wire portion of the floor over the manure pit, and approximately 50 ft. of 8-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: July 2, 2007

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:

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

Dr. Steve Feuerbach
2435 Bethany Road
Sycamore, Illinois 60178

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

and mailing it from Springfield, Illinois, on July 2, 2007, with sufficient postage affixed for first class mail.

Ashley H. Stritzel

SUBSCRIBED AND SWORN TO BEFORE ME

This 2nd day of July, 2007

Brenda Boehner

Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER




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 DOUGLAS P. SCOTT, DIRECTOR

Memorandum

To: Connie Tonsor, Division of Legal Counsel
 From: Bruce J. Yurdin,  Manager, Watershed Management Section
 Date: **MAY 23 2007**
 Re: Independence Pork, LLC – Victor
 Recommendation of Tax Certification
 Log # TC-30-06
 Property Identification # 17-11-400-002

The Bureau of Water received a request on December 28, 2006 from Independence Pork, LLC for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Il. Adm. Code 125.204. We offer the following recommendation.

The water pollution control facilities in this request include the following:

Steve Feuerbach (Independence Pork, LLC)
 2435 Bethany Road
 Sycamore, IL 60178

SE ¼ of Section 11, T37N, R4E of the 3rd P.M. in DeKalb County

Livestock waste management facilities consisting of one concrete manure pit (165 ft. x 71 ft. x 2 ft. deep) with the slotted wire portion of the floor over the manure pit and approximately 50 ft. of 8-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.

These facilities are further described in the enclosed applications and supporting documents.

Based on the information included in this submittal, it is our engineering judgment that the above proposed facilities may be considered "Pollution Control Facilities" under 35 IAC 125.200(a), with the primary purpose of eliminating, preventing, or reducing water pollution, or as otherwise provided in this section, and therefore eligible for tax certification from the Illinois Pollution Control Board. The Bureau of Water therefore recommends that the Board issue the requested tax certification for these facilities.

If you have any questions regarding the above, please contact Thaddeus Faught at 217/782-3362.

BJY:TJF:TC-30-06.doc

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Independence Park
Reviewer: Theodore Fuchs
Log No.: TC-20-06, 10-20-06

Location: Victor
Date: 11/1/06
Type: Agchem
 Livestock

Applicant: Dr. Steve Feuerbach
2475 Battery Road
Spokane WA 99017A

Contact: Dr. Steve Feuerbach
Phone: 509-326-7878

Facility: Independence Park LLC
4091 Maplewood Rd.
Victor, IL

Property ID: 17-11-400-022

Legal Description: Section 11, T37N, R4E of N. 3" PM

County: DeKalb

Date Control Devices Installed: 11/1/2006

Provided Fair Cash Value: \$120,000

Signature: signed by Steve Feuerbach

Title: EFO / secretary

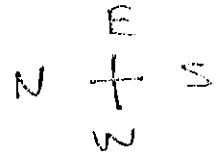
Wastes: Livestock waste is applied to cropland.
 Agrichemical rinsate and spillage is recycled through the facility and/or land applied.
 Other: _____

Physical Description of Pollution Control Devices:

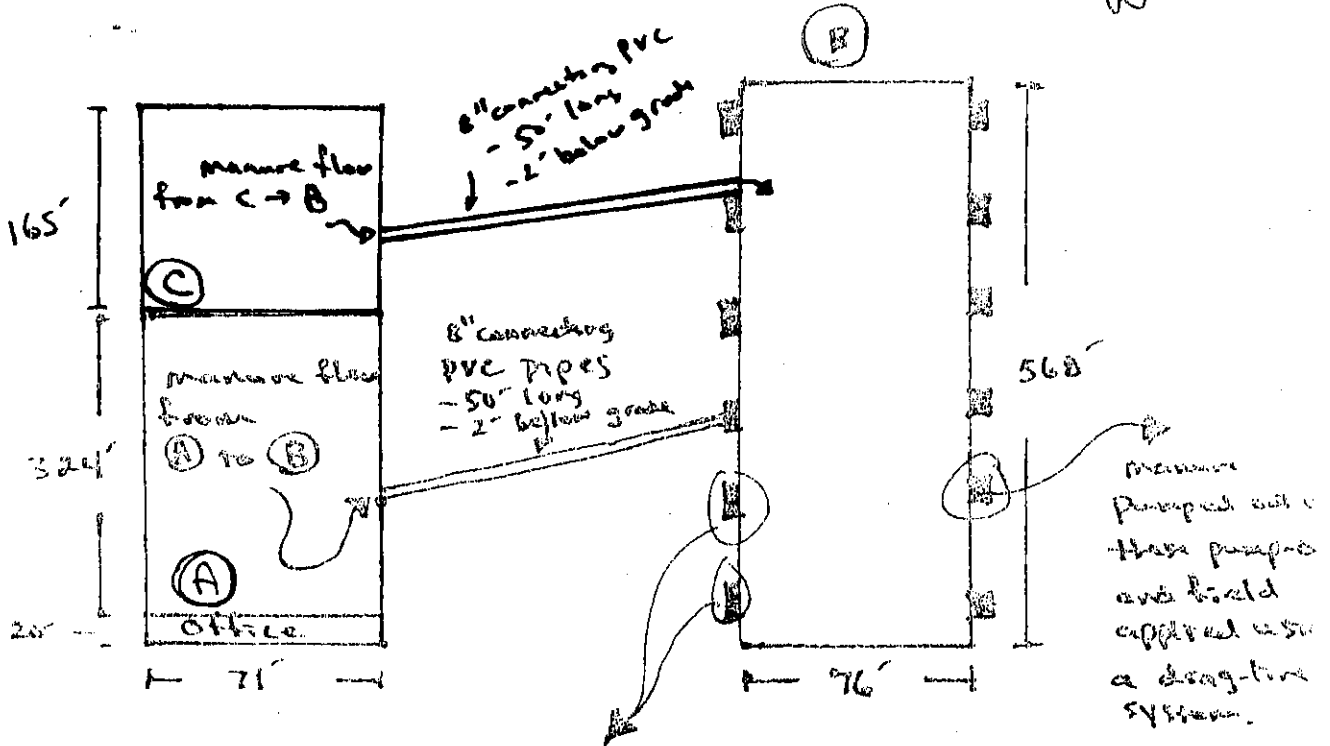
one concrete manure pit (145 ft x 7 ft x 2 ft deep) with water pipes
approximately 50 feet of 8" diameter PVC manure transfer pipe

Other: expansion of manure pit follows
TC-20-06 is the date of the expansion

Independence Park, LLC

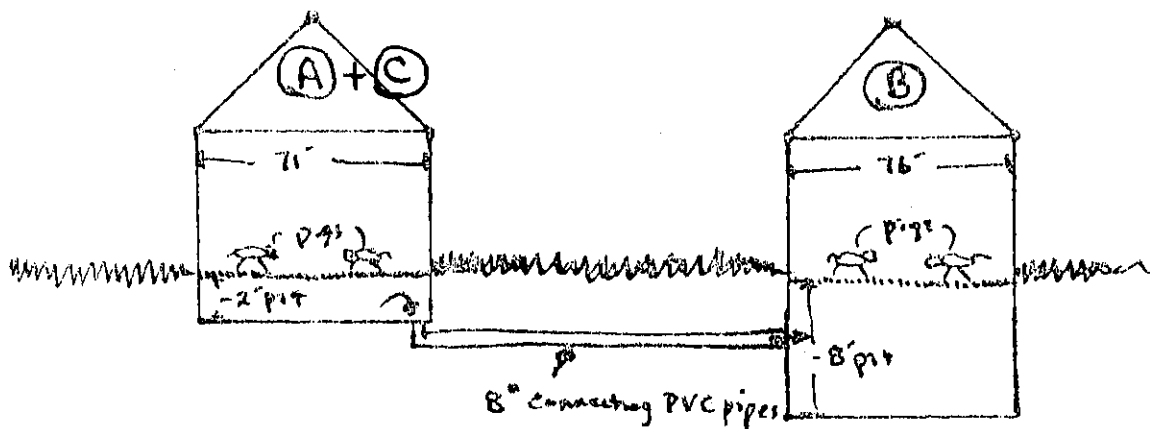


Overhead view:



⊞ represents "pump-out ⁽¹²⁾arbs" where manure is removed from the manure pit on building (B). Manure is then field applied by use of a "drag-line" / "soil-incorporation" waste application process.

Cross-sectional view:



||||| = total slotted floors in (B)
 ↳ = Heavy gauge wire floor in (A)+(C)

8" connecting PVC pipes
 - 50' long
 - 2" below grade

Independence Park, LLC :

EXISTING

Farrowing House:

The farrowing house waste falls through a large gauge wire ("00") flooring into a 2' deep cement pit below. When these pits full, a "pull-plug" system is utilized to transfer the waste to the Gestation building pit (B) through an 8" connecting PVC pipe.

EXISTING

Gestation Building:

The Gestation building has an 8' deep cement storage pit with totally slotted concrete floors above it. Manure from the Gestation building animals falls through the slats and is contained in this pit. Also, waste from the farrowing buildings to the ~~west~~^{North} floors to this building for storage through an 8" connecting PVC pipe.

* Please note that all pit walls and floors in the buildings (A, B) + (C) are 5" thick with 4000 p.s.i. concrete. The walls / floors are heavily reinforced with rebar. The construction of the pit floors + walls were overseen by a representative from the IL. dept. of Agriculture and meets all facets of the Department's "new" (2001) requirements for all waste storage structures.

© The "new" expansion farrowing house addition has its waste fall through a large gauge wire ("00") flooring into a ~~2"~~ 2' deep cement pit below. When this pit fills, a "pull-plug" system is utilized to transfer the waste to the Gestation building pit ② through an 8" connecting PVC pipe

