

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Honey Creek Hogs, Inc.
(Property Identification Number
64-002-01A)

)
) PCB 08-70
) (Tax Certification)
)

RECEIVED
CLERK'S OFFICE
APR 14 2008
STATE OF ILLINOIS
Pollution Control Board

NOTICE

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

Brandon M. Gerard
3 Pheasant Lane
Pittsfield, Illinois 62363

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: April 10, 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

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
APR 14 2008
STATE OF ILLINOIS
Pollution Control Board

Honey Creek Hogs, Inc.)
(Property Identification Number) PCB 08-
64-002-01A) (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: April 10, 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

RECEIVED
CLERK'S OFFICE

APR 14 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

Honey Creek Hogs, Inc.)
(Property Identification Number) PCB 08-
64-002-01A) (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 July 16, 2007, the Illinois EPA received a request from Honey Creek Hogs, Inc. (log number TC-12-07, 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: Honey Creek Hogs, Inc.
County Hwy 7
Pittsfield, Illinois 62363
3. The proposed water pollution control facilities in this request are located at SE 1/4 of Section 1, T6S, R4W of the 4th PM in Pike County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete pit (100 ft. x 200 ft. x 8 ft. deep) with six concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep) and the portion of the concrete slotted flooring over the manure pit in one swine building; and PVC foundation drainage tubing (6 in. diameter x 600 ft. long).

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 (2006), 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: April 10, 2008
Illinois Environmental Protection Agency
1021 North Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544



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: Alan Keller, Manager, Permit Section *AK*

Date: MAR 12 2008

Re: Honey Creek Hogs, Inc.
 Recommendation of Tax Certification
 Log # TC-12-07
 Property Identification # 64-002-01A

RECEIVED
 Division of Legal Counsel
 MAR 12 2008
 Environmental Protection
 Agency

The Bureau of Water received a request on July 16, 2007 from Honey Creek Hogs, Inc. 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:

Honey Creek Hogs, Inc.
 Co. Hwy 7
 Pittsfield, IL 62363

SE 1/4 of Section 1, T6S, R4W of the 4th PM in Pike County

Livestock waste management facilities consisting of one concrete pit (100 ft. x 200 ft. x 8 ft. deep) with six concrete pump out pits (each 6 ft. x 6 ft. x 8 ft. deep) and the portion of the concrete slotted flooring over the manure pit in one swine building; and PVC foundation drainage tubing (6 in. diameter x 600 ft. long). 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 James Allison at 217/782-3362.

SAK:DLH:JRA:

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Honey Creek Hogs, Inc
Reviewer: JRA
Log No: TC-12-07

Location: Pittsfield
Date: 11 Feb 08
Type: Agcnem
 Livestock

Applicant: Brandon M. Gerard
3 Pheasant Lane
Pittsfield, IL 62363

Contact: same
Phone: (217) 473-5032

Facility: Co Hwy 7
Pittsfield, IL 62363

Property ID: 04-002-01A

Legal Description: SE 1/4 sec 1 T6S R4W of 4 1/2 pm

County: Pike

Date Control Devices installed: 10/3/05

Provided Fair Cash Value: \$150,000

Signature: Brandon Gerard

Title: President

Wastes: Livestock waste is applied to cropland.
 Agricultural rinseate and spillage is recycled through the facility and/or land applied.
 Other:

Physical Description of Pollution Control Devices:
100' x 200' x 8' w/ (6) - 6 x 6 x 8' pumpout w/ conc. slabs
perimeter tile drain 6" ϕ x 600' PVC

Other:
21 Feb 08 spoke w/ Brandon for pumpout dimensions.
4 Mar 08 spoke w/ Brandon for perimeter piping info.

TC-12-01

July 10, 2007

Illinois EPA
BOW/ Watershed Management Section/ Facility Evaluation Unit
P.O. Box 19276
Springfield, IL 62794-9276

RECEIVED
JUL 16 2007
Watershed Management Section
BUREAU OF WATER

To Whom It May Concern:

Enclosed is an application for tax certification of the livestock pollution control facility known as Honey Creek Hogs. Following is discussion pertinent to the application.

Attached is a sketch showing both a top and side view of the manure storage facility. The underground pit measures 200' by 100' by 8' deep, holding up to one year's storage of manure from the 2400 head of swine. As indicated by the side view, the animals directly drop urine and feces into the concrete pit through the slatted floors.

Through the six manure removal ports indicated per the top view, the manure is pumped by a professional applicator through a hose to cropland that is located within a one-half mile radius of the pollution control facility. Up to 6000 gallons of manure per acre are injected into the soil following harvest, providing nutrients to crops the following year.

Since the pit is fully enclosed via concrete, instances of leakage is very rare and only possible should flaws exist in the concrete structure. To monitor potential leakage, a perimeter tile drain is located around the base of the facility and water samples are taken each calendar quarter, being analyzed by the IL Department of Agriculture for signs of contamination.

As noted by the sketch, a major waterway known as Honey Creek passes approximately 200 feet to the North of the facility, and a field ditch that runs water passes approximately 40 feet to the East of the facility. The concrete manure storage structure prevents the swine manure from entering these waterways via its full containment.

Approval of this tax certification will be appreciated, and I will be happy to provide further information or clarification of any item. I may be reached at (217) 473-5232.

Thank you,


Brandon Gerard
President – Honey Creek Hogs, Inc.

TC-12-07

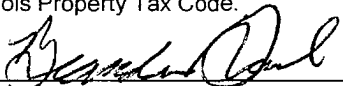
**APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
 POLLUTION CONTROL FACILITY
 AIR WATER**

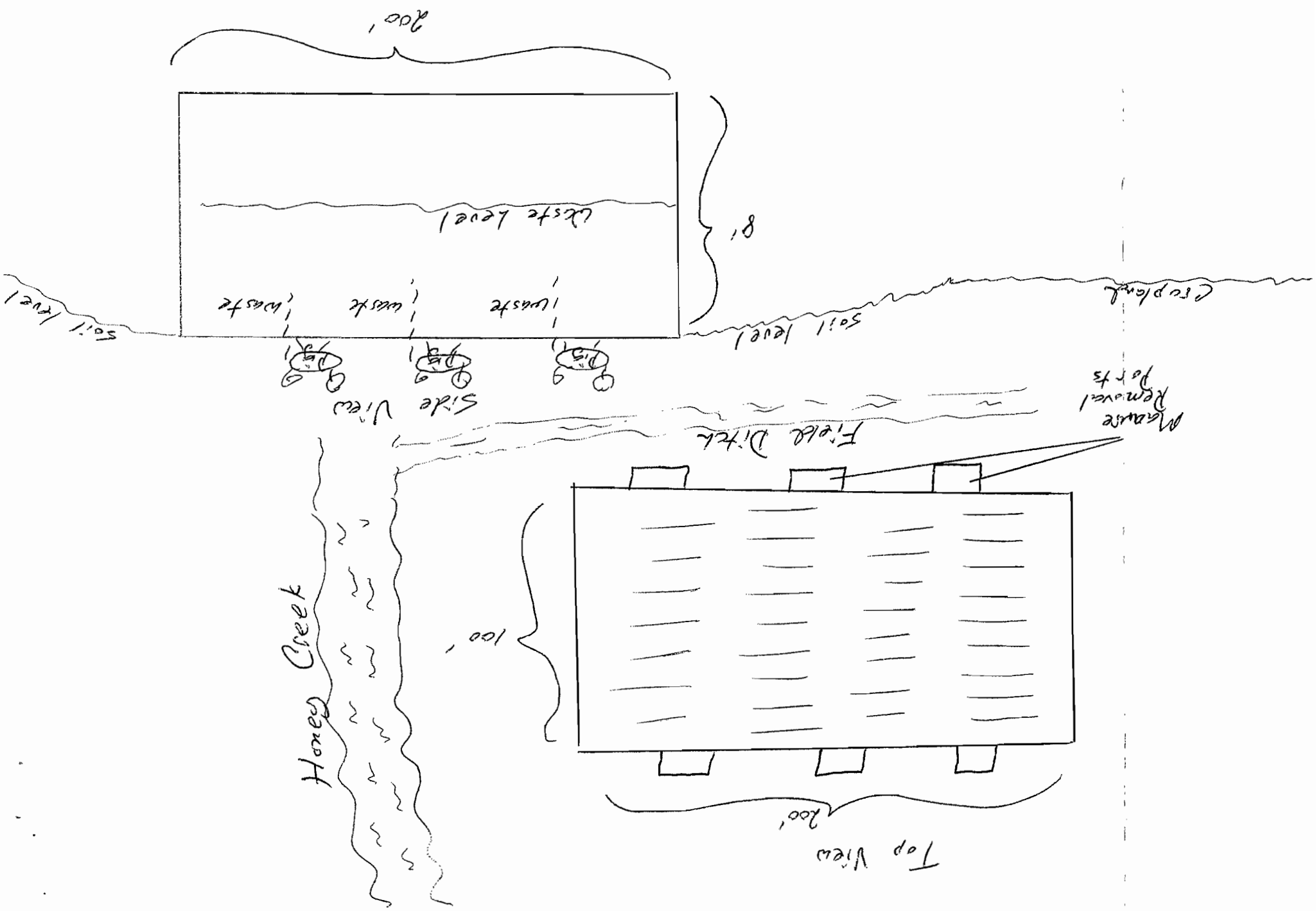
**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 P. O. Box 19276, Springfield, IL 62794-9276**

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	
Sec. A APPLICANT	Company Name Honey Creek Hogs, Inc.			
	Person Authorized to Receive Certification Brandon M Gerard, President		Person to Contact for Additional Details Brandon Gerard	
	Street Address 3 Pheasant Lane		Street Address 3 Pheasant Lane	
	Municipality, State & Zip Code Pittsfield, IL 62363		Municipality, State & Zip Code Pittsfield, IL 62363	
	Telephone Number (217) 473-5232		Telephone Number (217) 473-5232	
	Location of Facility Quarter Section Township Range		Municipality Township	
	SE 1 T6S R4W		Pittsfield T6S	
	Street Address Co Hwy 7		County Book Number Pike	
	Property Identification Number 64-002-01A		Parcel Number 64-002-01A	
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Swine finishing facility with underground concrete pit manure storage under slatted floors		
Water Pollution Control Construction Permit No.		Date Issued		
NPDES PERMIT No.		Date Issued		
		Expiration Date		
Air Pollution Control Construction Permit No.		Date Issued		
Sec. C MANUFACTURING PROCESS	Describe Unit Process			
	Materials Used in Process			
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility The facility includes approximately 160,000 cubic feet of underground manure storage, contained by concrete. The primary purpose of this facility is to store the manure, eliminating pollution potential, until which time the manure can be applied to cropland in an environmentally friendly manner. Approximaely \$150K in concrete materials were used in constructing the pit facility. Manure contained within the facility consists of approximately 59 lbs. of Nitrogen, 26 lbs. of Phosphorus and 31 lbs. of Potassium, all measured per 1000 gallons of material.			

Sec. E	(1) Nature of Contaminants or Pollutants			
	CONTAMINANTS	Material Retained, Captured or Recovered		
		Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
		Nitrogen, Phosphorus, Potassium and other pollutants from swine manure	Swine manure	Inject into cropland post-harvest
	ACCOUNTING DATA	(2) Point(s) of Waste Water Discharge		
		No points of discharge; Material is directly dropped from animals to storage facility		
		Plans and Specifications Attached		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
		(3)	Are contaminants (or residues) collected by the control facility?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
(4)		Date installation completed <u>10/03/05</u> status of installation on date of application <u>10/03/05</u>		
ACCOUNTING DATA	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 150,000.00	
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 75,000.00	
		c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 96,000.00	
		d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 10,000.00	
		e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 33	
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			President	
	Signature	Title		
Sec. G	INSTRUCTIONS FOR COMPILING AND FILING APPLICATION			
INSTRUCTIONS	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	Al Keller Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control	



STATE OF ILLINOIS
COUNTY OF SANGAMON

)
)
) ORIGINAL
)
)

RECEIVED
CLERK'S OFFICE
APR 14 2008
STATE OF ILLINOIS
Pollution Control Board

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

Brandon M. Gerard
3 Pheasant Lane
Pittsfield, Illinois 62363

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

and mailing it from Springfield, Illinois, on April 10, 2008, with sufficient postage affixed for first class mail.

Brenda Boehr

SUBSCRIBED AND SWORN TO BEFORE ME
This 10th day of April, 2008

Cynthia L. Wolfe
Notary Public

