

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JD Pork, LLC-LaHarpe)
(Property Identification Number) PCB 10-
09-24-200-005) (Tax Certification)
)

NOTICE

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

Jamie Deitrich
2505 E. Co. Road 2150
LaHarpe, Illinois 61450

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 1, 2010

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JD Pork, LLC-LaHarpe)
(Property Identification Number) PCB 10-
09-24-200-005) (Tax Certification)
)

A P P E A R A N C E

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 1, 2010
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
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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 30, 2008, the Illinois EPA received a request from JD Pork (log number TC-30-08, 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: JD Pork, LLC
2502 E. Co. Road 2150
LaHarpe, Illinois 61450
3. The proposed water pollution control facilities in this request are located at NE ¼ of Section 24, T6N, R6W of the West 4th PM in Hancock County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one manure pit (280 ft. x 71 ft. x 8 ft.) and the concrete slotted floor over the manure pit and four pump out pits (6 ft. x 6 ft. x 8 ft) in building # 1.

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.

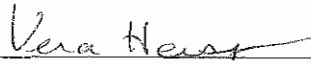
4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2008), defines “pollution control facilities” as:

“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 1, 2010
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) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR



RECEIVED
Division of Legal Counsel
DEC 16 2009
Environmental Protection
Agency

Memorandum

To: Connie Tonsor, Division of Legal Counsel

From: Al Keller, Manager, Permit Section *AK*

Date: December 15, 2009

Re: JD Pork, LLC - La Harpe
Recommendation of Tax Certification
Log # TC-30-08
Property Identification # 09-24-200-005

The Bureau of Water received a request on December 30, 2008 from JD 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:

JD Pork, LLC
2505 E. Co. Road 2150
La Harpe, IL 61450

NE 1/4 of Section 24, T6N, R6W of the West 4th PM in Hancock County.

Livestock waste management facilities consisting of one manure pit (280 ft. x 71 ft. x 8 ft.) and the concrete slotted floor over the manure pit and 4 pump out pits (6 ft. x 6 ft. x 8 ft.) in building #1.

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 Darren Gove at 217/782-0610.

SAK:DRG:TC-30-08_Tax Certification_30Dec08.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: JD Pork, LLC

Location: La Harpe

Reviewer: DAG

Date: June 5, 2009

Log number: TC-30-08

Type: Agchem
 Livestock

Applicant: JD Pork, LLC
2505 E. Co. Road 2150
La Harpe, IL 61450

Contact: Jamie Deitrich

Phone: 217 659-3770

Facility: JD Pork, LLC
2505 E. Co. Road 2150
La Harpe, IL 61450

Property ID: 09-24-200-005

County: Hancock

Legal Description: _____

Signature: Dwane Deitrich

S: 24 Twp: R: 6 West PM: West 4th
Pilot grove

Title: owner / Partner

Date Control Devices installed: 1/15/08

Provided Fair cash Value: \$235,708

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:

Bldg #1 (280' x 71' x 8') w/ Pumpouts: 4 ea (6ft x 6ft x 8ft)
 pit has (concrete slab reinforced) floor

Need Township 6N (Compass direction) →

Need to get this from APP could they provide maps

BU-09
TC-29

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 <i>JD Poeh, LLC</i>			
	Person Authorized to Receive Certification <i>Duane Heitrich</i>		Person to Contact for Additional Details <i>Jamie Heitrich</i>	
	Street Address <i>2505 E. Co. Rd., 2150</i>		Street Address <i>2596 E. Co. Rd., 2300</i>	
	Municipality, State & Zip Code <i>La Harpe, IL 61450</i>		Municipality, State & Zip Code <i>La Harpe, IL 61450</i>	
	Telephone Number <i>217-659-7998</i>		Telephone Number <i>217-659-3770</i>	
	Location of Facility Quarter Section Township Range <i>NE Sec. 24 Pilot Grove 6 West</i>		Municipality Township <i>La Harpe Pilot Grove</i>	
	Street Address <i>2505 E. Co. Rd., 2150</i>		County Book Number <i>Hancock</i>	
	Property Identification Number <i>09-24-200-005</i>		Parcel Number	
	Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location <i>Agricultural production specifically hog production from wean to marketing of hogs for commercial slaughter.</i>		
		Water Pollution Control Construction Permit No. <i>N/A</i>		Date Issued
NPDES PERMIT No. <i>N/A</i>		Date Issued		
Air Pollution Control Construction Permit No. <i>N/A</i>		Date Issued		
Air Pollution Control Operating Permit No. <i>N/A</i>		Date Issued		
Sec. C MANUFACTURING PROCESS	Describe Unit Process <i>19,880 sq. ft. hog finisher building with a 19,880 sq. ft. manure pit under entire building.</i>			
	Materials Used in Process <i>Structure is a wood frame building on a concrete foundation and slate floor. The interior of the building has steel roof and ends with curtained sides.</i>			
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility <i>The concrete sided pit is 8 ft. deep. The floor of the pit is also concrete. Steel reinforced concrete slabs cover the pit. There are 4 pumpouts (as illustrated on drawing) for pumping out the manure.</i>			

IL 532-0222

APC 151 (Rev. 2000)

RECEIVED
DEC 30 2008

Tax Certification for Pollution Control Facilities

Page 1 of 2
8/01

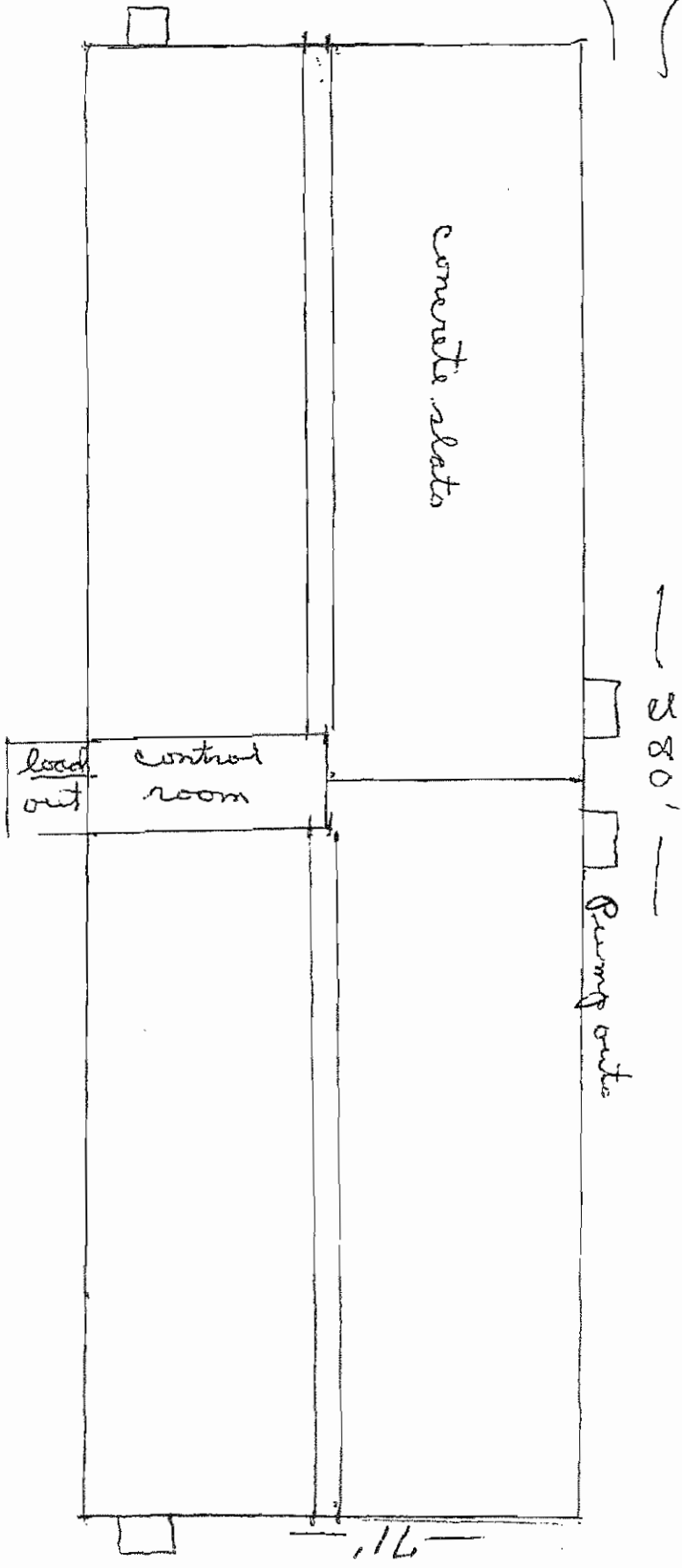
Watershed Management Section
BUREAU OF WATER

POLLUTION CONTROL FACILITY - CONTAMINANTS ACCOUNTING DATA	Sec. E (1) Nature of Contaminants or Pollutants		
			Material Retained, Captured or Recovered
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
	<i>Runoff pollutants</i>	<i>Hog manure (liquid & solids)</i>	<i>Livestock waste is pumped from pit and injected into soil</i>
	Sec. E (2) Point(s) of Waste Water Discharge		
	<i>4 pump outs located on 3 sides of building</i>		
			Plans and Specifications Attached
			Yes <input checked="" type="checkbox"/> No <input 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 <i>1/15/08</i> status of installation on date of application <i>Completed & in use</i>		
(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ <i>235,708</i>	
	b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ <i>N/A</i>	
	c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ <i>0</i>	
	d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ <i>0</i>	
	e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% <i>18.75 60% Maximum</i>	

SIGNATURE	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.	
	<i>Dwaine Dettrich</i> Signature	<i>owner/partner</i> Title

INSTRUCTIONS	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	Al Keller Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control

***** PCB 2010-060 *****
N
Candy road 5100



STATE OF ILLINOIS)
)
)
COUNTY OF SANGAMON)
)

PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 1, 2010, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

[1st Class U.S. Mail]
Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
Post Office Box 19033
Springfield, Illinois 62794

[1st Class U.S. Mail]
Jamie Deitrich
2505 E. Co. Road 2150
LaHarpe, Illinois 61450

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

/s/ Vera Herst
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276-
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)

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