

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LTBS Pork, LLC-Keenes)
(Property Identification Number) PCB No. 21-
10-210-210-14) (Tax Certification)
)

NOTICE

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an APPEARANCE and RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, copies of which are herewith served upon you.

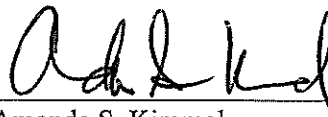
LTBS Pork, LLC-Keenes
Luke Smith
1625 Co. Hwy. 12
Cisne, Illinois 62823

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

Copies also provided electronically as follows:

Illinois Department of Revenue
via email at REV.PropTaxApp@illinois.gov
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Amanda S. Kimmel
Assistant Counsel
Division of Legal Counsel

DATED: March 26, 2021

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


**LTBS Pork, LLC-Keenes
(Property Identification Number
10-210-210-14)**

)
) **PCB No. 21-**
) **(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: 

Amanda S. Kimmel
Assistant Counsel
Division of Legal Counsel

DATED: March 26, 2021

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LTBS Pork, LLC-Keenes)
(Property Identification Number) PCB No. 21-
10-210-210-14) (Tax Certification)
)

**RECOMMENDATION OF THE ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY**

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 ("Board"), 35 Ill. Adm. Code 125.204.

1. On September 11, 2020, the Illinois EPA received a request from LTBS Pork, LLC-Keenes (log number TC-143311, 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 facility's address is: LTBS Pork, LLC
1190 Co. Hwy 13
Keenes, Illinois 62851

The proposed water pollution control facilities in this request are located in the NW ¼ of Section 21, T1S, R5E of the 3rd P.M. in Wayne County, at the above street address and consist of the following:

Livestock waste management facilities consisting of two concrete manure pits (approximately 277 ft. x 71 ft. x 8 ft. each), the concrete slatted portion of the floor over the manure pit that captures and contains waste generated in the barn above, sixteen concrete pump out pits (each approximately 6 ft. x 7 ft. x 8 ft.) to allow manure removal from the manure pit, and a plastic perimeter drainage tiles (approximately 1,636 ft. x 4 in. and 408 ft. x 6 in. total), around the footing of the manure pit to prevent flotation of the pit, which includes one inspection riser port.

These livestock waste management facilities are used to collect, transport, and/or store livestock waste prior to cropland application, and are further described in Exhibit A.


3. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2018), and Section 125.200(a) of the Board's regulations, 35 Ill. Adm. Code 125.200(a), define "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: eliminating, preventing, or reducing air or water pollution ...or 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.

4. In order to receive preferential tax treatment as pursuant to 35 ILCS 200/11-5 (2018), pollution control facilities must be certified as such by the Board, 35 ILCS 200/11-20 (2018) and 35 Ill. Adm. Code 125.200(a).
5. Upon receipt of a tax certification application, the Illinois EPA must file a recommendation on the application with the Board, 35 Ill Adm. Code 125.204(a).
6. Based on the information in the application and the purpose of the facility, 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: 
Amanda S. Kimmel
Assistant Counsel
Division of Legal Counsel

Dated: March 26, 2021

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

Memorandum

To: Mike Roubitchek, Division of Legal Counsel

From: Darin E. LeCrone, Manager, Industrial Unit, Permit Section *DEL*

Date: January 22, 2021

Re: LTBS Pork, LLC – Keenes
Recommendation of Tax Certification
Log# TC-143311
Property Index# 10-210-210-14

The Bureau of Water received a request on September 11, 2020 from Luke Smith for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204. We offer the following recommendation.

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

LTBS Pork, LLC
1190 Co. Hwy 13
Keenes, IL 62851

NW ¼ of Section 21, T1S, R5E of the 3rd PM in Wayne County

The livestock waste handling facilities consisting of two (2) concrete manure pits (approximately 277 ft. x 71 ft. x 8 ft. each), the concrete slatted portion of the floor over the manure pits that capture and contain waste generated in the barns above, sixteen (16) pumpout pits (approximately 6 ft. x 7 ft. x 8 ft. each) to allow manure removal from the manure pits, and plastic perimeter drainage tiles (approximately 1,636 ft. x 4 in. and 408 ft. x 6 in. total) located around the footing of the manure pits to prevent flotation of the pits. The facility collects, transports and stores livestock waste prior to cropland application.

The facility is 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 Wei Han at 217/782-0610.

DEL:WH:Tax Cert Recommendation.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: LTBS Pork, LLC

Date: November 19, 2020

Reviewer: WH

Type: Agchem
 Livestock

Log number: TC-143311

Applicant: Luke Smith
1625 Co. Hwy. 12
Cisne, IL 62823

Contact: Gayle Baker
3116 N. Dries Lane, Suite 100
Peoria IL 61604
Phone: 309-693-7615

Facility: LTBS Pork, LLC
1190 Co. Hwy 13
Keenes, IL 62851

Property Index#: 10-210-210-14

Parcel#:

Legal Description:
NW of Section: 21 Twp: 1S R: 5E PM: 3rd

County: Wayne

Signature: Lucas Smith

Date Control Devices installed: January 2020

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:

The livestock waste handling facilities consist of two (2) concrete manure pits (approximately 277 ft. x 71 ft. x 8 ft each) and the concrete slatted portion of the floor over the manure pits that capture and contain waste generated in the barns above. The concrete manure pits have sixteen (16) pumpout pits (approximately 6 ft. x 7 ft. x 8 ft. each) to allow manure removal from the manure pits. Plastic corrugated perimeter drainage tiles (approximately 1,636 ft. x 4 in. and 408 ft. x 6 in. total) are located around the footing of the manure pits to prevent flotation of the pits. The facility collects, transports and stores livestock waste prior to cropland application.

Pollution control facilities requested by the applicant through Description of Pollution Control Facilities, Section C of the application form and the attached drawings.

two (2) concrete manure pits; (approximately 277 ft. x 71 ft. x 8 ft)

Concrete slatted floor at the pit;

Pumpout pits attached to the manure pit, 16 x 6 ft. x 7 ft. x 8 ft.

Perimeter drainage tiles at the pits: 1,636 ft. x 4 in. and 408 ft. x 6 in. total

A plan view of the pits and a process flow diagram are submitted with the application.

Recommended Action: Issue tax certification.



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Application for Certification (Property Tax Treatment) Pollution Control Facility

FOR AGENCY USE ONLY

File Number: _____	Date Rec'd: _____
Certification Number: _____	Date: _____

Facility Type (check one): Air Water

This form is to be used for any application for certification of property tax treatment for a pollution control facility for air or water from the Illinois EPA.

You must have Adobe Acrobat Reader 8.0 or above installed to use the features on this form.

You may complete this form online, save a copy locally, print, sign and submit it to:

RECEIVED
SEP 11 2020

Illinois EPA
Attention: Al Keller, Permit Section
Division of Water Pollution Control
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276

IEPA
BOWWPC/PERMIT SECTION

I. Applicant Information:

Company Name: <u>LTBS Pork, LLC</u>	Person to Contact: _____
Person Authorized to Receive Certification: <u>Luke Smith</u>	for Additional Details: <u>Gayle C. Baker, PE</u>
Street Address: <u>1625 Co. Hwy. 12</u>	Street Address: <u>3116 N. Dries Lane, Suite 100</u>
City: <u>Cisne</u> State: <u>IL</u>	City: <u>Peoria</u> State: <u>IL</u>
Zip: <u>62823</u> Phone: <u>618-599-9711</u>	Zip: <u>61604</u> Phone: <u>309-693-7615</u>
Email Address: <u>smith.09.lt@gmail.com</u>	Email Address: <u>acbaker@mstutz.com</u>

II. Facility Information:

Facility Location: Quarter Section: NW-21 Township: 1S Range: 5E
Municipality: _____ Township: Hickory Hill

Address: 38.430121, -88.656755 City: Keenes
State: IL Zip Code: 62851 County: Wayne Book Number: _____
Property Index Number: 10-210-210-14

Note: The Property Index Number is the numerical reference used to identify a parcel of real property for assessment and taxation purposes.

Manufacturing Operations Information:

Nature of Operations Conducted at the Above Location:

NA

Permit Information:

WPC Construction Permit Number: <u>None</u>	Date Issued: _____
NPDES Permit Number: <u>ILR10AY59</u>	Date Issued: <u>8/22/2019</u> Exp. Date: <u>7/31/2023</u>
APC Construction Permit Number: <u>None</u>	Date Issued: _____
APC Operating Permit Number: <u>None</u>	Date Issued: _____ Exp. Date: _____

Note: Submit copies of all relevant permits issued by local pollution control agencies. (e.g. MSD Construction Permit)

This Agency is authorized to request this information under 415 ILCS 5/4(b)(2012). Disclosure of this information is voluntary and no penalties will result from the failure to provide the information. However, the absence of the information could prevent your application from being processed or could result in denial of your application.

Manufacturing Process Information:

Please provide information on the manufacturing process and materials on which pollution control facility is used, including each major piece of equipment associated with the pollution control facility (or low sulfur dioxide emission coal fueled device).
Description of the Process:

N/A

Materials Used in the Process:

N/A

Pollution Control Facility Information:

Please provide a narrative description of the pollution control facility (or low sulfur dioxide emission coal fueled device), and an explanation of why its primary purpose is to eliminate, prevent or reduce pollution.

Describe the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

See Attachment 1: Facility Pollution Control Facility Description.

Describe the Primary Purpose of the Pollution Control Facility (or Low Sulfur Dioxide Emission Coal Fueled Device):

See Attachment 2: Purpose of the Pollution Control Facility

Identify the statute or regulation (federal or state), or local ordinance, if any, requiring the installation of the subject pollution control facility (or low sulfur dioxide emission coal fueled device).

Federal: Title 35, Subtitle E, Chapter I, Part 502&502; State: Title 8, Chapter 1, Subchapter t, Part 900

Nature of Contaminants or Pollutants:

List air contaminants or water pollution substances released as effluents to the manufacturing processes. Also list the final disposal of any contaminants removed from the manufacturing processes.

Contaminant or Pollutant	Material Retained, Captured or Recovered	
	Description	Disposal or Use
Swine Manure	Manure	Land Application for Crop Nutrients

Note: Contaminant or pollutant means that which is removed from the process by the pollution control facility.

Identify the location of the discharge to the receiving stream. This will typically refer to a source of water pollution but can include water-carried wastes from air pollution control facilities.

Plans and Specifications Attached Yes No

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.

Are contaminants (or residues) collected by the control facility? Yes No

Note: If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value dollars reclaimed by the sale or reuse of the collected substances. State the cost of reclamation and related expense.

Date Installation Completed: 01/2020

Provide the date the pollution control facility was first placed into service and operated. If not, explain.

See Attachment 3: Date of First Service

Status of installation on date of application:

See Attachment 4: Status of Installation

III. Verification and Signature:

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.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Lucas Smith

Printed Name:

owner/manager

Title:

For incorporated entities, signature should be from an authorized corporate representative.

[Signature]

Signature:

9-8-20

Date:

Application for Certification (Property Tax Treatment) Pollution Control Facility
 LTBS Pork, LLC Swine Farm
 By: Maurer-Stutz, Inc

ATTACHMENT 1: Facility Pollution Control Facility Description

The site consists of the following swine buildings:

P1	277'-6" x 71'-2" x 8'-0"	Concrete Deep pit below precast slatted flooring
P2	277'-6" x 71'-2" x 8'-0"	Concrete Deep pit below precast slatted flooring

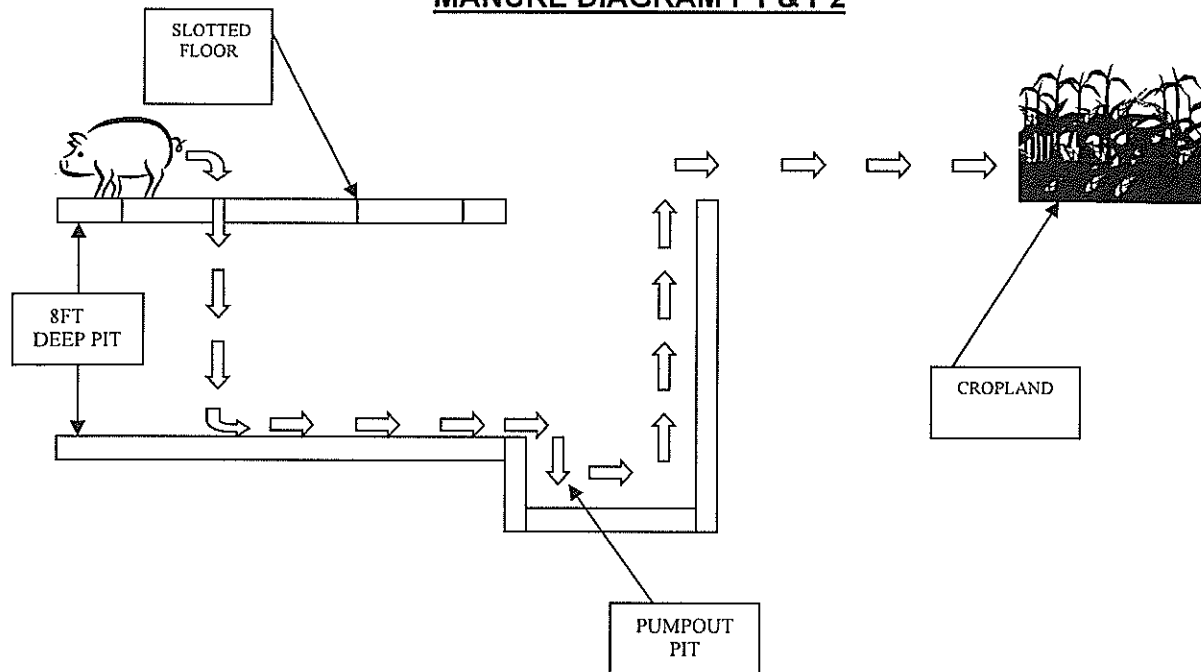
The building identified as P1 on the plans is an 8ft deep pit that consist of a 4" thick slab and 8" thick pit walls. Precast concrete slotted floors enable excreta and wastewater to fall through and accumulate in the below floor pits. The walls have footings that are 9" thick and 1'-6" wide. Columns within the pit are 14" in diameter, 7'-2" tall and supported by 36"x36" round footings. The columns support 10"x9"x12ft long precast concrete floor beams. The floor beams support a 4" thick precast concrete slotted gang slat floor. The barn has 8 pumpout pits that allow manure agitation and transfer through a hose to be pumped for field application. Each pumpout pit is 6'4" x 6'-8" with 8" thick walls. Footings around the pumpout pit walls measure 18" wide by 16" inches thick. The recessed sump area is 4'-2"x 8'-3" x 11" deep. A perimeter drain is used to control the seasonal high water table. The total length of 4" corrugated perforated plastic pipe perimeter drain is 818 ft. The perimeter drain outlets to a waterway through a 6" corrugated perforated plastic pipe. Total length of 6' corrugated perforated plastic pipe is 241 ft.

The building identified as P2 on the plans is an 8ft deep pit that consist of a 4" thick slab and 8" thick pit walls. Precast concrete slotted floors enable excreta and wastewater to fall through and accumulate in the below floor pits. The walls have footings that are 9" thick and 1'-6" wide. Columns within the pit are 14" in diameter, 7'-2" tall and supported by 36"x36" round footings. The columns support 10"x9"x12ft long precast concrete floor beams. The floor beams support a 4" thick precast concrete slotted gang slat floor. The barn has 8 pumpout pits that allow manure agitation and transfer through a hose to be pumped for field application. Each pumpout pit is 6'4" x 6'-8" with 8" thick walls. Footings around the pumpout pit walls measure 18" wide by 16" inches thick. The recessed sump area is 4'-2"x 8'-3" x 11" deep. A perimeter drain is used to control the seasonal high water table. The total length of 4" corrugated perforated plastic pipe perimeter drain is 818 ft. The perimeter drain outlets to a waterway through a 6" corrugated perforated plastic pipe. Total length of 6' corrugated perforated plastic pipe is 167 ft.

The facility protects ground and surface water by providing collection and storage of livestock waste for about 12 months. Subsequently, the waste may be applied agronomically to cropland under proper soil and weather conditions for safe use.

Application for Certification (Property Tax Treatment) Pollution Control Facility
LTBS Pork, LLC Swine Farm
By: Maurer-Stutz, Inc

MANURE DIAGRAM P1 & P2



ATTACHMENT 2: Purpose of Pollution Control Facility

The primary purpose of the facilities is to provide housing for gestation and farrowing swine and storage for the manure until it can be properly land applied to cropland at agronomic rates.

ATTACHMENT 3: Date of First Service

The pollution control facility was first placed into service March 1, 2020.

ATTACHMENT 4: Status of Installation

Facilities described in Attachment 1 are fully constructed and in service as of Jan 1, 2020.



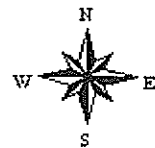
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Map Center: 38.431210, -88.655382




MAURER-STUTZ
ENGINEERS SURVEYORS

21-1S-5E
Wayne County
Illinois



Maps Provided By:

surety
CUSTOMIZED ONLINE MAPPING
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3/25/2020

STATE OF ILLINOIS
COUNTY OF SANGAMON

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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of March 26, 2021, the attached **NOTICE, APPEARANCE and RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, upon the following persons by causing to be mailed a true copy thereof in an envelope duly addressed, bearing proper first class postage, and deposited in the United States mail at Springfield, Illinois:

LTBS Pork, LLC-Keenes
Luke Smith
1625 Co. Hwy. 12
Cisne, Illinois 62823

Copies also provided electronically as follows:

Illinois Department of Revenue
via email at REV.PropTaxApp@illinois.gov
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

[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/ Amanda S. Kimmel
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)