

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**GRAINCO FS, Inc.-Newark** )  
**(Property Identification Number** ) **PCB 013-**  
**07-06-451-003)** ) **(Tax Certification**  
 ) **Water)**

**NOTICE**

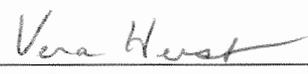
Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite. 11-500  
Chicago, Illinois 60601

Bill Stahler  
3107 North Highway 23  
Ottawa, Illinois 61350

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.

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

By:   
Vera Herst  
Assistant Counsel  
Division of Legal Counsel

DATED: June 20, 2013

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**

<b>GRAINCO FS, Inc.-Newark</b>	)
<b>(Property Identification Number</b>	) <b>PCB 013-</b>
<b>07-06-451-003)</b>	) <b>(Tax Certification</b>
	) <b>Water)</b>
	)

**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  
 Assistant Counsel  
 Division of Legal Counsel

DATED: June 20, 2013  
 Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276  
 (217)782-5544

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>GRAINCO FS, Inc.-Newark</b>	)
<b>(Property Identification Number</b>	) <b>PCB 013-</b>
<b>07-06-451-003)</b>	) <b>(Tax Certification</b>
	) <b>Water)</b>

**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 June 4, 2013, the Illinois EPA received a request from GRAINCO FS, Inc. (log number TC-08-12, 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:
 

GRAINCO FS, Inc.
10570 N. Lisbon Rd
Morris, Illinois 60450
  
3. The proposed water pollution control facilities in this request are located at Section 6, T35N, R6E of the 3<sup>rd</sup> PM in Kendall County, at the above street address and consist of the following:
 

Agrichemical containment structures consisting of one single concrete agrichemical fertilizer operational containment structure, two concrete agrichemical secondary containment structures, and associated collection and recovery systems as approved under Agency endorsed Agrichemical Facility Permit No. 92071566 (Log. No. 07089042).

These pollution control facilities have the primary purpose of collecting, transporting, and storing agricultural residues prior to reuse or disposal, and are further described in Exhibit A.
  
4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2012), 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

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...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.”

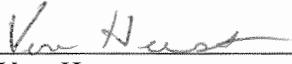
5. Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5.
  
6. Based on the information in the application and the purpose of the facilities, it is the Illinois EPA’s engineering judgment that the described facilities may be considered “pollution control facilities,” 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

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requested tax certification.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Vera Herst  
Assistant Counsel  
Division of Legal Counsel

Dated: June 20, 2013  
Illinois Environmental Protection Agency  
1021 North Grand Ave. E.  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

# Memorandum

To: Connie Tonsor, Division of Legal Counsel

From: Al Keller, P.E., Manager, Permit Section 

Date: May 31, 2013

Re: GRAINCO FS, Inc. - Newark  
Recommendation of Tax Certification  
Log # TC-15-12  
Property Identification # 07-06-451-003

The Bureau of Water received a request on June 4, 2012 from GRAINCO FS, 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:

GRAINCO FS, Inc.

Att: Bill Stahler 202 W IL Rt 71  
3107 North Highway 23 Newark, IL 60541  
~~Ottawa, Illinois 61350~~

Section 6, Township 35N, Range 6 East of the 3<sup>rd</sup> P.M in Kendall County

Agrichemical containment structures consisting of one single concrete agrichemical fertilizer operational containment structure, two concrete agrichemical secondary containment structures, and associated collection and recovery systems as approved under the Agency endorsed Agrichemical Facility Permit No. 92071566 (Log. No. 07089042). These facilities collect, transport and store agrichemical residues prior to reuse or disposal.

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 Jamie Cowles at 217/782-3362.

SAK:JMC:TC-15-12

cc: Tax Cert File

## Watershed Unit Tax Certification Review Sheet

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Project Name: GRAINCO FS, Inc.

Location: Newark – Big Grove Township

Reviewer: JMC

Date: January 30, 2013

Log number: TC-15-12

Type:  Agchem  
 Livestock

Applicant: GRAINCO FS, Inc.  
3107 North Highway 23  
Ottawa, Illinois 61350

Contact: Bill Stahler

Phone: 815-434-0131

Facility:  
GRAINCO FS, Inc.  
202 W. Il Route 71  
Newark, Il

Property ID: 07-06-451-003

County: Kendall

Legal Description:  
S: 6 Twp: 35N R: 6E PM:

Signature: Bill Stahler

Title: Owner

Date Control Devices installed: 1/1/04

Provided Fair cash Value: \$125,000

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:

Facility is regulated by AC92071566

Facility has operation containment and two secondary containment structures.

The structures and collection systems are used to collect and dispose of agrichemical wastewaters properly and are considered pollution control systems.

See attached permit or AC 92071566 for full explanation of facilities.

[06/04/2012: Received ]-[06/04/12 Logged in]

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 GRAINCO FS, Inc.			
	Person Authorized to Receive Certification Bill Stahler		Person to Contact for Additional Details Bill Stahler	
	Street Address 3107 N. Hwy 23		Street Address 3107 N. Hwy 23	
	Municipality, State & Zip Code Ottawa, IL 61350		Municipality, State & Zip Code Ottawa, IL 61350	
	Telephone Number (815) 434-0131		Telephone Number (815) 434-0131	
	Location of Facility Quarter Section      Township      Range 6      Big Grove (35) 6		Municipality      Township Newark      Big Grove	
	Street Address 202 W. IL Rt. 71		County      Book Number Kendall	
	Property Identification Number 07-06-451-003		Parcel Number 07-06-451-003	
	Sec. B  MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Retail Agrichemical Facility. Illinois Department of Agriculture Permit # AC92071566. See Attached Exhibit "A".		
		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		
Sec. C  MANUFACTURING PROCESS	Describe Unit Process See Attachment "A"			
	Materials Used in Process None.			
Sec. D  POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility See Exhibit "A"			

**RECEIVED**  
 JUN 14 2013

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
 300 IANPC/PERMIT SECTION

Sec. E	(1) Nature of Contaminants or Pollutants Groundwater contaminates.														
	Material Retained, Captured or Recovered														
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE												
	Liquid Pesticides	Various Pesticides	Collected & used on farm fields.												
	Liquid Fertilizers	Liquid 28% N	Collected & used on farm fields.												
	(2) Point(s) of Waste Water Discharge None...all contained.														
	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 <u>01/01/04</u> status of installation on date of application _____														
	(5) a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 125,000.00													
b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 0.00														
c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 0.00														
d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 0.00														
e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 40														
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	<div style="display: flex; justify-content: space-between;"> <span style="border-bottom: 1px solid black; width: 200px;"></span> <span style="border-bottom: 1px solid black; width: 200px;"></span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Signature</span> <span>Title</span> </div>														
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.														
<table style="width:100%; border:none;"> <tr> <td style="width:33%;">Submit to:</td> <td style="width:33%;">Attention:</td> <td style="width:33%;">Attention:</td> </tr> <tr> <td>Illinois EPA</td> <td>Al Keller</td> <td>Donald E. Sutton</td> </tr> <tr> <td>P.O. Box 19276</td> <td>Permit Section</td> <td>Permit Section</td> </tr> <tr> <td>Springfield, IL 62794-9276</td> <td>Division of Water Pollution Control</td> <td>Division of Air Pollution Control</td> </tr> </table>				Submit to:	Attention:	Attention:	Illinois EPA	Al Keller	Donald E. Sutton	P.O. Box 19276	Permit Section	Permit Section	Springfield, IL 62794-9276	Division of Water Pollution Control	Division of Air Pollution Control
Submit to:	Attention:	Attention:													
Illinois EPA	Al Keller	Donald E. Sutton													
P.O. Box 19276	Permit Section	Permit Section													
Springfield, IL 62794-9276	Division of Water Pollution Control	Division of Air Pollution Control													

EXHIBIT "A"

State of Illinois  
 Department of Agriculture  
 AGRICHEMICAL CONTAINMENT PERMIT

<b>Permittee:</b> <del>Grainco FS, Inc.          4000 N. Division St.          Morris, IL 60450</del>	<b>Facility ID Number:</b> AC0933030000
<b>GRAINCO FS, Inc.</b> <b>3107 N STATE ROUTE 23</b> <b>OTTAWA IL 61350</b>	<b>Facility Location:</b> Newark, IL
<b>Permit #:</b> AC92071566	<b>Log Number:</b> 07089042
<b>Facility Type:</b> Commercial: Retail Dealer	<b>Date Received:</b> August 14, 2007
<b>Date Issued:</b> September 27, 2007	<b>Expiration Date:</b> September 27, 2012

Permit is hereby granted to the above designated permittee to construct and operate an agrichemical containment facility as follows:

**OPERATIONAL CONTAINMENT STRUCTURES**

Operation of an existing reinforced concrete operational containment structure with the greatest dimensions measuring 60' (width) x 74' (length) x 0.5' (depth) with a total design capacity of 221 cubic feet (ft.<sup>3</sup>). The floor shall slope to a single trench measuring 0.67' (width) x 11' (length) x 0.5' (depth), which shall drain to one (1) of two (2) sumps, each sump measuring 4' (width) x 4' (length) x 1.5' (depth) to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of two (2) 1,650 gallon recovery tanks with an automatically activated sump pump. Segregation shall be performed based upon the applicable target crop and label use.

All loading, unloading and washing of bulk liquid agrichemical transportation and application equipment shall be performed upon the herein permitted structure.

**SECONDARY CONTAINMENT STRUCTURES**

①

Operation of an existing reinforced concrete secondary containment structure measuring 24' (width) x 50' (length) x 3.8' (height) with a total design capacity of 4,193 cubic feet (ft.<sup>3</sup>). The floor shall slope to a single sump measuring 2' (diameter) x 2' (depth) to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of the two (2) aforementioned 1,650 gallon recovery tanks with a manually activated sump pump. Segregation shall be performed based upon the applicable target crop and label use. All bulk liquid pesticides shall be stored within the herein permitted structure. This structure shall be referred to as **SC-1**.

②

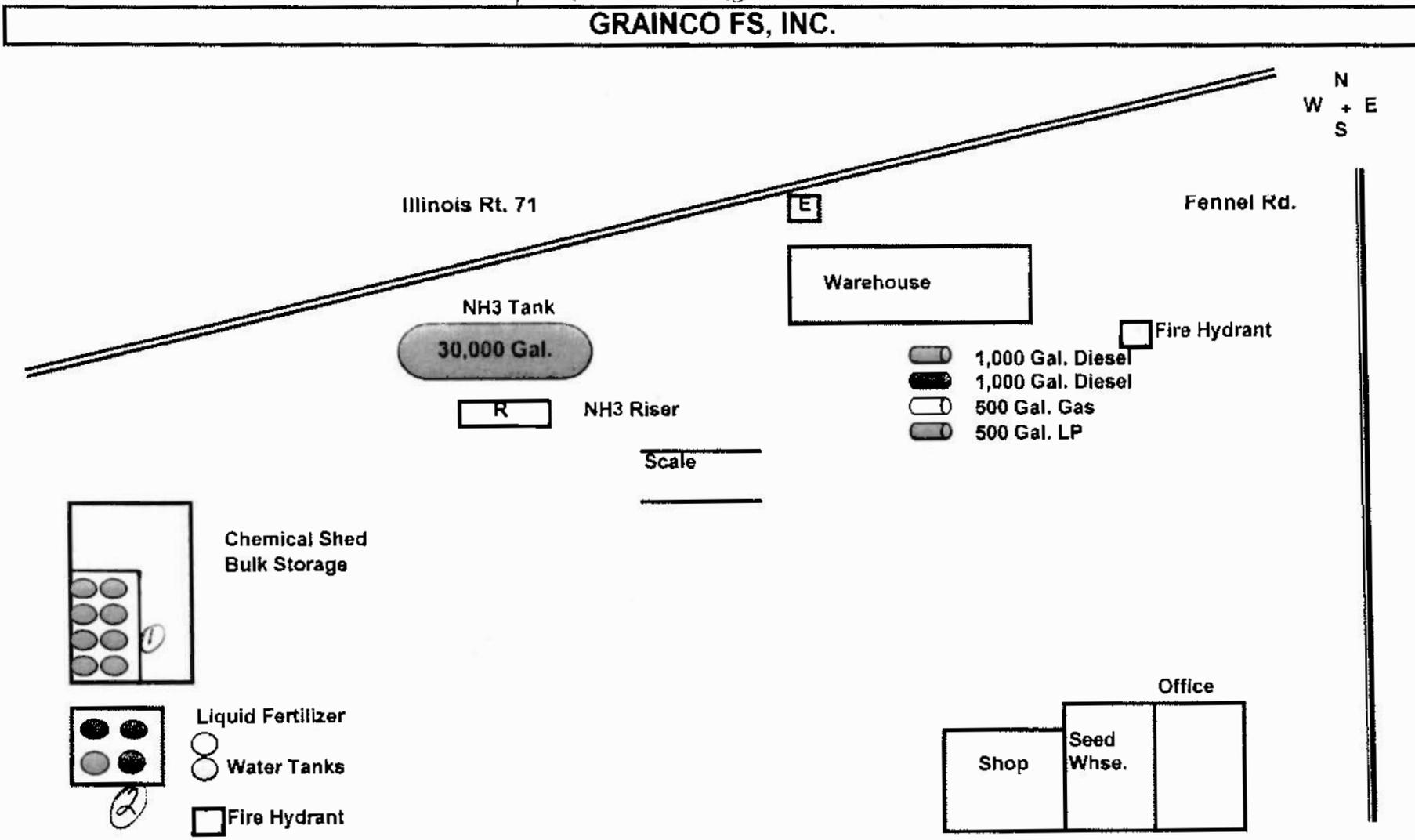
Operation of an existing reinforced concrete secondary containment structure measuring 30' (width) x 40' (length) x 3.8' (height) with a total design capacity of 4,360 cubic feet (ft.<sup>3</sup>). The floor shall slope to a single sump measuring 2' (diameter) x 2' (depth) to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of the two (2) aforementioned 1,650 gallon recovery tanks with a manually activated sump pump. Segregation shall be performed based upon the applicable target crop and label use. All bulk liquid fertilizer shall be stored within the herein permitted structure. This structure shall be referred to as **SC-2**.

①+② DIAGRAM IN EXHIBIT "B"



EXHIBIT "B"

GRAINCO FS, INC.



Newark Plant: 202 N. Rt. 71, Newark, IL 60541

LAT / LON : 41.532222 / -88.587083

Tier 2 Username : 002176

Date : February 29, 2012

Tier 2 Manager : Bill Stahler

No. of Portable Tanks : 23

Size of Portables : 1,000 Gal.

No. of Portable Tanks : 15

Size of Portables : 1,450 Gal.

 Tier 2 Storage Areas  
 Main Electrical Service

 Nearest fire hydrants

① SECONDARY CONTAINMENT  
IN EXHIBIT "A"

② SECONDARY CONTAINMENT  
TAL EXHIBIT "A"

STATE OF ILLINOIS

COUNTY OF SANGAMON

)  
)  
)  
)  
)

**PROOF OF SERVICE**

I, the undersigned attorney at law, hereby certify that on June 20, 2013, I served true and correct copies of an **APPEARANCE AND THE RECOMMENDATION**, upon the persons and by the methods as follows:

**[1<sup>st</sup> Class U.S. Mail]**

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

**[1<sup>st</sup> Class U.S. Mail]**

Bill Stahler  
3107 North Highway 23  
Ottawa, Illinois 61350

**[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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