

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Conserv FS, Inc. - Waterman)
(Property Identification Number) PCB No. 24 -
14-16-401-008) (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.

Conserv FS, Inc. - Waterman
David Swigart
1110 McConnell Road
Woodstock, Illinois 60098

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: 

Joshua Leopold
Assistant Counsel
Division of Legal Counsel

DATED: December 12, 2023

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

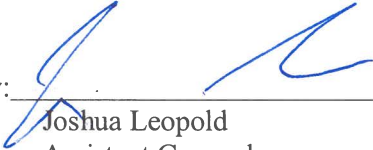
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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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: 
Joshua Leopold
Assistant Counsel
Division of Legal Counsel

DATED: December 12, 2023

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

Conserv FS, Inc. - Waterman)
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**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 December 12, 2022, the Illinois EPA received a request from Conserv FS, Inc. - Waterman (Log number TC-147348, 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: Conserv FS, Inc. - Waterman
450 West Adams
Waterman, Illinois 60556

The proposed water pollution control facilities in this request are located in the SE ¼ of Section 16, T38N, R4E of the 3rd P.M. in DeKalb County, at the above street address and consist of the following agrichemical containment structures:

One (1) synthetic membrane liner installed and operated within the mild steel bulk liquid fertilizer tank with storage capacity of 1,000,000 gallons.

These agrichemical facilities store liquid agrichemicals as approved under the Agency endorsed Agrichemical Facility Permit No. AC21023338 (Log No. 21023338 issued on March 10, 2022)

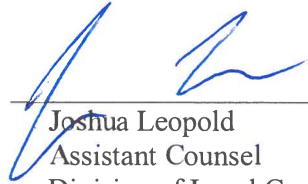
THIS FILING SUBMITTED ON RECYCLED PAPER

3. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2022), 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 (2022), pollution control facilities must be certified as such by the Board, 35 ILCS 200/11-20 (2022) 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: 
Joshua Leopold
Assistant Counsel
Division of Legal Counsel

Dated: December 12, 2023

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, P.E., Manager, Permit Section, Division of Water Pollution Control, Illinois Environmental Protection Agency *DEL*

Date: NOV - 8 2023

Re: Conserv FS, Inc. - Waterman
Recommendation of Tax Certification
Log No.: TC-147348
BOW ID No.: W0378010011
Property Index Number: 14-16-401-008

The Bureau of Water received a request on December 12, 2022 from Conserv FS, Inc., having a principal place of business at 1110 McConnell Road, Woodstock, IL 60098, 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:

Conserv FS, Inc.
450 W. Adams
Waterman, IL 60556

SE 1/4 of of Section 16, Township 38-North, Range 4-East of the East 3rd PM in DeKalb County.

One (1) synthetic membrane liner installed and operated within the mild steel bulk liquid fertilizer tank with storage capacity of 1,000,000 gallons.

These agrichemical facilities store liquid agrichemicals as approved under the Agency endorsed Agrichemical Facility Permit No. AC21023338 (Log No. 21023338 issued on March 10, 2022)

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.

DRG:TC-147348_Tax Cert Recommendation_12Dec22.docx

cc: Tax Cert File

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Illinois EPA - Bureau of Water - Division of Pollution Control
Title 35 Subtitle A Part 125 Tax Certifications
Illinois EPA Review Notes for:
Agency Recommendation of Pollution Control Facilities.

BOW ID #: W0378010011

Project Name: Conserv FS, Inc.

Date application received: 12/12/2022

Reviewer: DRG

Log number: TC-147348

Legal Description:
SE 1/4 of of Section 16 Twp: 38-North Range: 4-
East PM: East 3rd

County: DeKalb

Facility Contact:

Phone: _217 248-5930

Pollution Control Facility Type:
Agrichemical Facility

Property ID: 14-16-401-008

Applicant: Conserv FS, Inc.
1110 McConnell Road
Woodstock, IL 60098

Facility: Conserv FS, Inc.
450 W. Adams
Waterman, IL 60556

Date Control Devices installed: March 2022

Application Signature by: David Swigart

Title: Manager

Contents of Application: 3 page form, Exhibit with image of tank and narrative description, and Copy of DoA permit.

Is there a pollutant control flow diagram? **No not applicable**

Is there sufficient diagrams showing the pollution control facilities? **Yes**

This facility generates the following pollutants and prevents their discharge as indicated:

Bulk agrichemical fertilizer and or pesticide rinsate and spillage is recycled at the facility and/or land applied to crop land.

Physical description of pollution control facilities that ARE recommended:

One (1) synthetic membrane liner installed and operated within the mild steel bulk liquid fertilizer tank with storage capacity of 1,000,000 gallons.

These agrichemical facilities store liquid agrichemicals as approved under the Agency endorsed Agrichemical Facility Permit No. AC21023338 (Log No. 21023338 issued on March 10, 2022)

Notes:

Nothing follows – DRG - (November 7, 2023)

REVIEW NOTES

Page of

Project Name	Conserv FS, Inc.	Project Location	Waterman	Cty	DeKalb
Log No.	TC-147348	Descr	Agrichemical containment facilities consisting of	Date	11/6/2023
				Reviewer	

Void log number TC-147347, it is duplicate of this L.N.

Synthetic liner - lines interior of (1) one million gallon steel liquid fertilizer tank with DoA permit number AL21023338.

Synthetic liner membrane is 100% used to prevent leakage and is therefore a pollution control device

Prepare recommendation

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

Not Applicable

Materials Used in the Process

Not Applicable

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. State the type of control facility, as well as a narrative description and a process flow diagram describing the pollution control facility. Include an average analysis of the influent and effluent of the control facility stating the collection efficiency, if applicable.

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

Agrichemical secondary containment synthetic membrane with a 1,000,000 gallon steel storage tank

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

The primary purpose of the synthetic membrane is to eliminate, prevent or reduce stored fertilizer within the tank from entering ground water by providing a backup storage vessel to contain any leaked fertilizer.

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).

Title 8: IL Administrative Code: Chapter I: Pesticide Control: Part 255 Agrichemical Facilities: Section 255.60

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.

Material Retained, Captured or Recovered		
Contaminant or Pollutant	Description	Disposal or Use
Liquid Fertilizer	Nitrogen	Reduce, Recycle, Reuse

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

Point(s) of Waste Water Discharge

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.

Project Status

Date Installation Completed: March, 2022

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

03/28/2022

Status of installation on date of application

Operational

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))

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

David Swigart
Printed Name

CEO & General Manager
Title

David Swigart
David Swigart (Dec 9, 2022 13:39 CST)
Signature

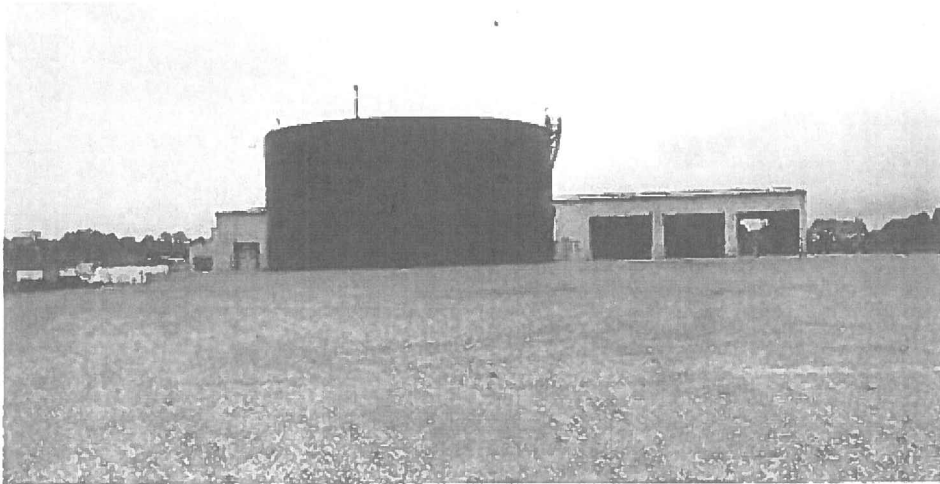
12/09/2022
Date

Document Index

Conserv FS Application for Certification (Waterman Facility)

- 1) Application (3 pages)
- 2) Application Index (1 page)
- 3) Picture and Explanation of Fertilizer Tank with Synthetic Liner (1 page)
- 4) Agrichemical Facility Permit – Waterman Facility (3 page)

Experimental Secondary Containment Structure



One Million Gallon Steel Liquid Fertilizer Tank with a Synthetic Membrane Liner

The synthetic membrane liner of the above tank serves as the primary containment within the tank. Functionally, the exterior steel tank is the secondary containment structure. Although the liner is the primary containment, it has been the policy of the Illinois EPA to treat the liner as the material that allows the steel tank to be approved as a contained liquid fertilizer storage device. The structural integrity for containing the liquid fertilizer within the liner would not be possible without the physical strength of the steel tank. The Illinois EPA has therefore concluded that even though the synthetic liner acts as a primary containment device it is treated as a secondary containment device for certification purposes. It is therefore concluded that the synthetic liner of the above tank should be certified as a pollution containment facility.

State of Illinois
Department of Agriculture
AGRICHEMICAL CONTAINMENT PERMIT
EXPERIMENTAL

Permittee: Conserv FS, Inc. P.O. Box 1550 Woodstock, IL 60098	Facility ID Number: AC0373090000 Facility Location: Waterman
Permit #: AC21023338 Facility Type: Commercial: Retail Dealer Date Issued: March 10, 2022	Log Number: 21023338 Date Received: February 26, 2021 Expiration Date: March 10, 2024

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

SECONDARY CONTAINMENT STRUCTURES

Installation and operation of a mild steel bulk liquid fertilizer storage tanks with a storage capacity of 1,000,000 with the installation and operation of a synthetic membrane liner within each of the aforementioned tanks to serve as primary containment within each tank, in accordance with 8 Illinois Administrative Code 255 60

There shall be no discharge of wastewater from the herein permitted facilities.

This experimental permit has been reviewed and approved by the Illinois Environmental Protection Agency per the attached permit endorsement. This experimental permit is subject to standard conditions on the reverse side of this document and the following special conditions.

SPECIAL CONDITION 1: The permittee shall provide backflow protection in accordance with the Illinois Department of Public Health Plumbing Code (77 Ill. Adm. Code 890) and the Illinois Environmental Protection Agency's Technical Policy Statement (35 Ill. Adm. Code 653 803(c)(4)).

SPECIAL CONDITION 2: All uncontained stainless steel product piping associated with the herein permitted structures shall be pressure tested annually. Records of said testing shall be maintained on file at the facility.

SPECIAL CONDITION 3: The permittee shall notify the Department immediately of any detection of agrichemicals in the effluent recovered from the leak monitoring ports installed under the synthetic liner and the valve containment boxes.

SPECIAL CONDITION 4: The Department and the Agency may require conventional secondary containment structures in accordance with 8 Illinois Administrative Code 255 80 to be installed if the experimental design permitted herein fails to provide adequate containment.

SPECIAL CONDITION 5: The permittee shall maintain all monitoring valves in a closed position, except when facility personnel are directly attending these valves for leak monitoring and maintenance.



**STANDARD CONDITIONS FOR AGRICHEMICAL CONTAINMENT PERMITS
ISSUED BY THE ILLINOIS DEPARTMENT OF AGRICULTURE**

The Illinois Pesticide Act (415 ILCS 60) and the Illinois Fertilizer Act of 1961 (505 ILCS 80) authorizes the Illinois Department of Agriculture to impose standard conditions on permits that it issues. The following standard conditions are applicable unless superseded by special condition(s):

1. The construction or development covered by this permit shall be done in compliance with all applicable provisions of the Illinois Pesticide Act, the Illinois Fertilizer Act of 1961, the Illinois Environmental Protection Act, and regulations adopted therein, and any applicable federal rules and regulations.
2. There shall be no deviations from the approved plans and specifications unless a written request for modification, along with plans and specifications as required, is submitted to the Department and a supplemental or modified permit is issued.
3. There shall be no discharge of agrichemicals, agrichemical residues, rinsates, or agrichemical contaminated wash water from the facility to the waters of the State. Accumulated precipitation from containment structures may be discharged provided the following conditions are met pursuant to 8 Illinois Administrative Code 255 and the Illinois Environmental Protection Act and rules and regulations adopted thereunder:
 - a. The discharge shall not cause water quality violations;
 - b. The discharge shall not cause a pesticide release;
 - c. The containment structures have been rinsed and cleaned of agrichemicals prior to discharge.
4. Agrichemicals, agrichemical residues, rinsates or agrichemical contaminated wash water collected by the agrichemical containment structures shall be properly reused on agricultural land or disposed in accordance with the requirements of 8 Illinois Administrative Code 255 and the Illinois Environmental Protection Act and rules and regulations adopted thereunder.
5. The permittee shall allow any duly authorized representative of the Illinois Department of Agriculture or the Illinois Environmental Protection Agency, upon presentation of credentials, at reasonable times:
 - a. To enter the permittee's property where permitted agrichemical containment structures or on-farm containment structures are located or where any activity is conducted pursuant to this permit;
 - b. To have access to and copy any records required to be kept under the terms and conditions of this permit or by 8 Illinois Administrative Code 255;
 - c. To inspect during any hours of operation of equipment or structures constructed or operated under this permit, such equipment and structures that are required to be kept, used, operated, and maintained under this permit;
 - d. To enter with and utilize any photographic equipment for the purpose of preserving or recording any activity or structure as authorized by this permit;
 - e. To obtain and remove at reasonable times, samples of any discharge or emission of pollutants.
6. The issuance of this permit:
 - a. Shall not be considered as, in any manner, affecting the title of the premises upon which the permitted structures are located;
 - b. Does not release the permittee from any liability for damage to person or property caused by construction, maintenance, or the operation of the proposed containment structures;
 - c. Does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois or with applicable local laws, ordinances, and regulations;
 - d. Does not take into consideration or attest to the structural integrity of any units or parts of the project;
 - e. In no manner implies or suggests that the Illinois Department of Agriculture or the Illinois Environmental Protection Agency (or its officers, agents, or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment and containment structures.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Illinois Department of Agriculture may suspend or revoke a permit
 - a. Upon discovery that the permit application contained misrepresentations, misinformation or false statements or that relevant facts were not disclosed; or
 - b. Upon finding a violation of any standard or special conditions; or
 - c. Upon any violation of the Illinois Department of Agriculture's or Illinois Environmental Protection Agency's rules or regulations effective thereunder.
9. An Illinois Environmental Protection Agency endorsement of this permit, if issued by the Agency, shall expire concurrently with the expiration date of this permit.
10. An Illinois Environmental Protection Agency endorsement of this permit, if issued by the Agency, does not grant immunity from enforcement action found necessary by the Illinois Environmental Protection Agency to meet its responsibilities in prevention, abatement and control of water or air pollution.

State of Illinois
Department of Agriculture
AGRICHEMICAL CONTAINMENT PERMIT

SPECIAL CONDITION 6: The permittee shall submit on the permit renewal application an inspection report indicating the condition of the liner system and the steel storage tank. The said inspection shall be performed by a qualified individual based upon education and/or equivalent experience who is employed outside of the company. The inspections shall be performed between **January 2024 and December 2024** at a time that is convenient to empty the storage vessel(s).

SPECIAL CONDITION 7: The inspection and maintenance records for the structures and detection valves shall be maintained at the facility. The permittee shall notify the Department immediately of any detection of agrichemicals in effluent sampled or recovered from the leak monitoring ports installed under the proposed synthetic liner and the valve containment structures. The permittee shall sample, on a quarterly basis, any effluent collected at the monitoring ports and analyze samples for fertilizer content. Results of any analysis shall be reported to the Department immediately.

SPECIAL CONDITION 8: The permittee shall submit to the Department the results of all post-leak analyses used to establish baseline nitrate-nitrogen levels associated with the synthetic liner. Samples shall be taken of flush water removed during decontamination of the monitoring area and of any effluent forced out during the post repair filling of the storage tank

THE STANDARD CONDITIONS OF ISSUANCE ON THE REVERSE SIDES OF THIS MUST BE COMPLIED WITH IN FULL.



Brad A. Beaver, Acting-Bureau Chief
Bureau of Environmental Programs



Rosario J. Plunstone, Manager
Technical Services & Pesticide Laboratory

IEPA WPC: Permits
file
037309.xper



STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)
)
)

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of December 12, 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:

Conserv FS, Inc. - Waterman
David Swigart
1110 McConnell Road
Woodstock, Illinois 60098

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/ Joshua Leopold
Assistant Counsel
Division of Legal Counsel
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P.O. Box 19276
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)