

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JAN 14 2004

WAYNE A. AND SUSAN E. BERGBOWER
(Property Identification Number
90-08-16-300-009)

)
) PCB 04- 127
)

STATE OF ILLINOIS
Pollution Control Board

NOTICE

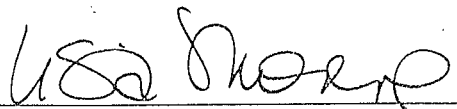
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite. 11-500
Chicago, Illinois 60601

Wayne A. and Susan E. Bergbower
13433 N. 1425th Street
Newton Illinois 62448

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: 

Lisa Moreno
Assistant Counsel
Division of Legal Counsel

DATED: January 12, 2004

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

JAN 14 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

WAYNE A. AND SUSAN E. BERGBOWER
(Property Identification Number
90-08-16-300-009)

)
) PCB 04-127
)

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: 

Lisa Moreno
Assistant Counsel
Division of Legal Counsel

DATED: January 12, 2004

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

JAN 14 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

WAYNE A. AND SUSAN E. BERGBOWER
(Property Identification Number
90-08-16-300-009)

)
) PCB 04-127
)

RECOMMENDATION

The Illinois Environmental Protection Agency ("Illinois EPA") hereby files its Recommendation regarding the tax certification of water pollution control facilities pursuant to pursuant to Section 125.204 of the regulations of the Illinois Pollution Control Board, 35 Ill. Adm. Code 125.204.

1. On December 20, 2002 the Illinois EPA received a request from Wayne and Susan Bergbower (log number TC 19-02, Exhibit A) for a recommendation regarding the tax certification of water pollution control facilities, pursuant to 35 Ill. Adm. Code 125.204.
2. The applicant's address is: Wayne and Susan Bergbower
13433 N. 1425th Street
Newton Illinois 62448
3. The proposed water pollution control facilities in this request are located in Section 16, T7N, Range 10E of the 3rd Principal Meridian, Jasper County at the above address, and consist of the following livestock waste management facilities:

one concrete manure pit (40 ft. x 212 ft. x 6 ft.) with twelve 12-inch PVC manure pump-out ports and the slotted concrete portion of the floor over the manure pit in each of 2 swine confinement buildings (each 40 ft. by 212 ft.).

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

4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10, defines "pollution control facilities" as:

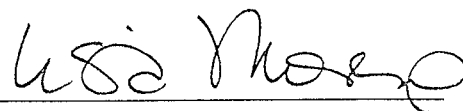
THIS FILING IS SUBMITTED ON RECYCLED PAPER

“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 **grant** the requested tax certification.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Lisa Moreno
Assistant Counsel
Division of Legal Counsel

DATED: January 12, 2004

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

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	
APPLICANT	Sec. A Company Name Wayne A. & Susan E. Bergbower			
	Person Authorized to Receive Certification Wayne Bergbower		Person to Contact for Additional Details Wayne Bergbower	
	Street Address 13433 N. 1425 th St.		Street Address Same	
	Municipality, State & Zip Code Newton IL 62448		Municipality, State & Zip Code Same	
	Telephone Number (618) 783-8759		Telephone Number Same	
	Location of Facility Quarter Section SW 1/4 16	Township 7	Range 10	Municipality Newton
	Street Address 13433 N. 1425 th St.		County Jasper	Township Wade
	Property Identification Number 90-08-16-300-009		Parcel Number E 20 acres NW 1/4 SW 1/4 Sec 16 T7 R10	
MANUFACTURING OPERATIONS	Sec. B Nature of Operations Conducted at the Above Location Hog waste			
	Water Pollution Control Construction Permit No. N/A	Date Issued		
	NPDES PERMIT No. N/A	Date Issued	Expiration Date	
	Air Pollution Control Construction Permit No. N/A	Date Issued		
	Air Pollution Control Operating Permit No. N/A	Date Issued		
MANUFACTURING PROCESS	Sec. C Describe Unit Process N/A			
	Materials Used in Process			
POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D Describe Pollution Abatement Control Facility The hog waste is collected in the concrete 6 ft. pits. It is then applied to cropland, which is handled by J.B. Waste haulers from Robinson, IL.			

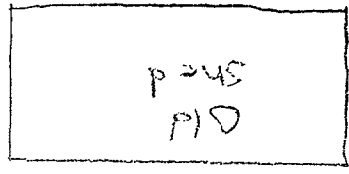
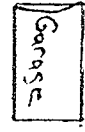
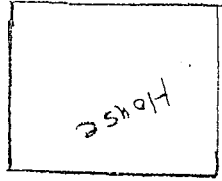
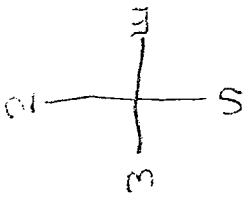
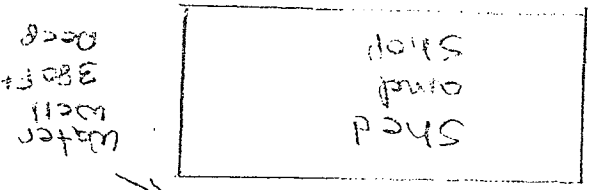
RECEIVED
 DEC 20 2002

ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY
 BOW/WPC/PERMIT SECTION

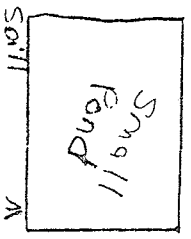
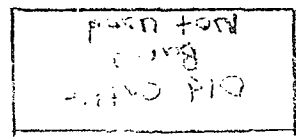
APPENDIX A

POLLUTION CONTROL FACILITY - CONTAMINANTS	Sec. E (1) Nature of Contaminants or Pollutants <u>S</u>			
	Material Retained, Captured or Recovered			
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE	
	<u>swine manure</u>			
ACCOUNTING DATA	(2) Point(s) of Waste Water Discharge <u>N/A</u>			
			Plans and Specifications Attached	
			Yes	No
	x (3)	Are contaminants (or residues) collected by the control facility?	Yes <u>X</u>	No
	y (4)	Date installation completed <u>11/95 + 11/98</u> status of installation on date of application <u>_____</u>		
	y (5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ <u>230,000.-</u>	
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ <u>30,000.-</u>	
c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:		\$ <u>75,000.-</u>		
d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:		\$ <u>15,000.-</u>		
e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:		% <u>46.1535</u>		
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.			
	<u>Libbyne A. Berclaver</u> <u>OWNER</u> Signature <u>Susan E. Bergbair</u> Title <u>owner</u>			
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 <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	Thomas McSwiggin Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control	

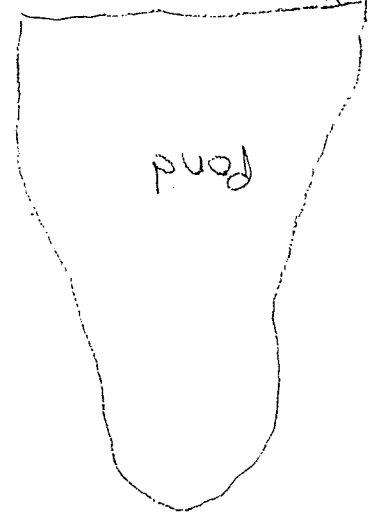
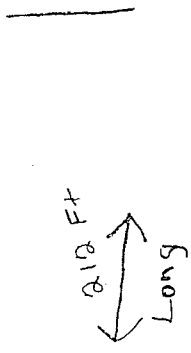
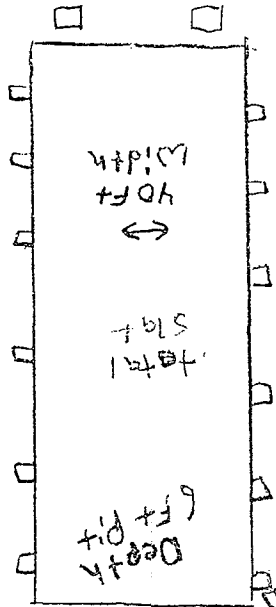
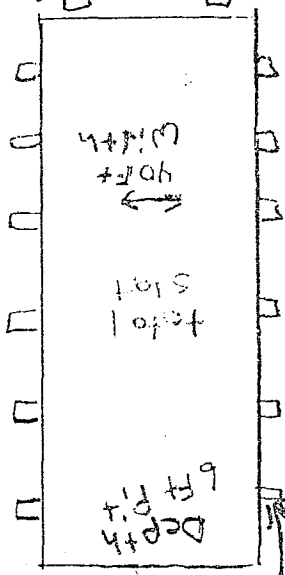
13433 N 1455+5+
Admission #L 60448



Field Fed Check



Feed tanks



Pits - concrete walls are 10" thick, also 10" thick

Ends steel walls and roofs
Sides - curtains
Pole Structures

Before running out
Pump out
Pump out will be in feeder

This is included to show that 2nd barn was issued this
Intent to Construct Permit which barn #1 was not required to apply.



Illinois
Department of
Agriculture

Bureau of Environmental Programs • State Fairgrounds • P.O. Box 19281 • Springfield, IL 62794-9281
217/785-2427 (voice/TDD) • Fax 217/524-4882 • Pesticide Misuse Hotline 1-800-641-3934 (voice/TDD)

LIVESTOCK WASTE PROGRAM
"NOTICE OF INTENT TO CONSTRUCT" REVIEW

DENIAL NOTIFICATION

Applicant:

Wayne A. Bergbower
13433 N. 1425th St.
Newton, IL 62448

Date: February 9, 1998

Facility ID Number: LF0790070000
Facility Location: Newton, IL
Date Received: January 22, 1998

Dear Applicant:

Your Notice of Intent to Construct was received by the Department and processed accordingly. Pursuant to 35 IAC 506.703 (d), the Department has reviewed the application and determined the facility is not a "New Facility", as defined pursuant to 35 IAC 506.103. Based upon this determination, the facility is not required to file a Notice of Intent to Construct with the Department, pursuant to 35 IAC 506.701 (a).

Please be advised that this facility must comply with all other applicable setback requirements found in 35 IAC 501.402, as referenced in 35 IAC 506.702.

We appreciate your cooperation with the Department on this matter. Should you have any questions or comments regarding this letter or if we can be of further assistance to you during this process, please contact us at (217) 785-2427.

Sincerely,

Warren D. Goetsch, P.E.
Chief, Bureau of Environmental Programs

Gerald C. Kirbach, Manager
Permits and Downstate Field
Operations

STATE OF ILLINOIS

)

)

COUNTY OF SANGAMON

)

)

)

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:

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

Wayne and Susan Bergbower
13433 N. 1425th Street
Newton Illinois 62448

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

and mailing it from Springfield, Illinois on January ___, 2004 with sufficient postage affixed for first class mail.

SUBSCRIBED AND SWORN TO BEFORE ME

this __th day of January 2004.

Notary Public