

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Wayne A. and Susan E. Bergbower)
(Property Identification Number) PCB 015-
90-08-16-300-009) (Tax Certification
) Water)

NOTICE

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

Wayne Bergbower
13433 N. 1425th St.
Newton, IL 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: Vera Herst
Vera Herst
Assistant Counsel
Division of Legal Counsel

DATED: July 25, 2014

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

**Wayne A. and Susan E. Bergbower
(Property Identification Number
90-08-16-300-009)**

)
) **PCB 015-**
) **(Tax Certification**
) **Water)**

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: July 25, 2014
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

Wayne A. and Susan E. Bergbower)
(Property Identification Number) PCB 015-
90-08-16-300-009) (Tax Certification
) Water)

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 February 22, 2013, the Illinois EPA received a request from Wayne A. and Susan E. Bergbower (log number TC-04-13, 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: 13433 N. 1425th St.
Newton, IL 62448
3. The proposed water pollution control facilities in this request are located at Section 16, T7N, R10E of 3rd PM in Jasper County, at the above street address and consist of the following:

Livestock waste management facilities consisting of two (2) 212 ft. x 40 ft. x 6 ft. concrete manure pits, and two (2) 192 ft. x 50 ft. x 6 ft. concrete manure pits with slotted floors that collect swine waste.

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 (2012), defines “pollution control facilities” as:

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“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.”

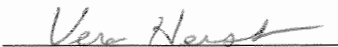
5. Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5.

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.

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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: July 25, 2014
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) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

Memorandum

To: Charles Gunnarson, Division of Legal Counsel

From: Al Keller, Manager, Permit Section *Al Keller & Pat Quinn*

Date: July 15, 2014

Re: Wayne Bergbower
Newton, IL
Recommendation of Tax Certification
Log # TC-04-13
Property ID # 90-08-16-300-009

The Bureau of Water received a request on February 22, 2013 from Wayne A. and Susan E. Bergbower 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:

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

Section 16, T7N, R10E of the 3rd PM in Jasper County

The facility consists of two (2) 212 ft. x 40 ft. x 6 ft. concrete manure pits and two (2) 192 ft. x 50 ft. x 6 ft. concrete manure pits with slotted floors that collect swine waste. These livestock waste management facilities are used to collect, transport, and/or store livestock waste 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 Jenny Larsen at 217/782-0610.

SAK:JML:Tax Certs\AgChem\LogTC-04-13.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Wayne A. & Susan E. Bergbower

Location: Newton, IL

Reviewer: Jenny Larsen

Date: June 27, 2014

Log number: TC-04-13

Type: Agchem
 Livestock

Applicant: Wayne Bergbower
13433 N. 1425th Street
Newton, IL 62448

Contact: Wayne Bergbower

Phone: (618)783-8759

Facility:
13433 N. 1425th Street
Newton, IL 62448

Property ID: 90-08-16-300-009

County: Jasper

Legal Description:
S: 16 T: 7N R: 10E PM: 3rd

Signature: Wayne Bergbower

Title: Owner

Date Control Devices installed: 12/20/2012

Provided Fair cash Value: \$307,000

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:

The facility consists of two (2) 212 ft. x 40 ft. x 6 ft. concrete manure pits and two (2) 192 ft. x 50 ft. x 6 ft. concrete manure pits with slotted floors that collect swine waste.

Recommended Action: Permit the above mentioned structures.

TC-04-13

APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
 POLLUTION CONTROL FACILITY
 AIR WATER

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 P. O. Box 19276, Springfield, IL 62794-9276

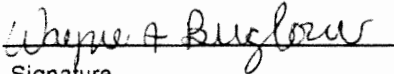
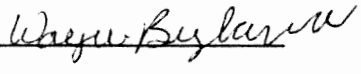
This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter, 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

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 FEB 22 2013

FOR AGENCY USE

File No.	Date Received	Certification No.	Date	FEB 22 2013	
Sec. A APPLICANT	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. 1425th Street		Street Address		
	Municipality, State & Zip Code Newton, IL 62448		Municipality, State & Zip Code		
	Telephone Number (618) 783-8759		Telephone Number		
	Location of Facility Quarter Section Township Range		Municipality	Township	
	SW 16 7 10		Newton	7	
	Street Address 13433 N. 1425th Street		County Jasper	Book Number B186 p.311	
	Property Identification Number 90-08-16-300-009		Parcel Number E 20 acres NW1/4 SW 1/4 Sec. 16 T7, R10		
	Sec. B MANUFACTURING OPERATIONS	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			
Sec. C MANUFACTURING PROCESS	Describe Unit Process n/a				
	Materials Used in Process n/a				
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility The hog waster is collected in the concrete 6ft. pits. It is then applied to nearby cropland, which is handled by TCW Custom Pumping, Inc. , Montrose, IL 62445				

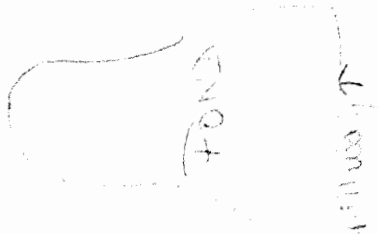
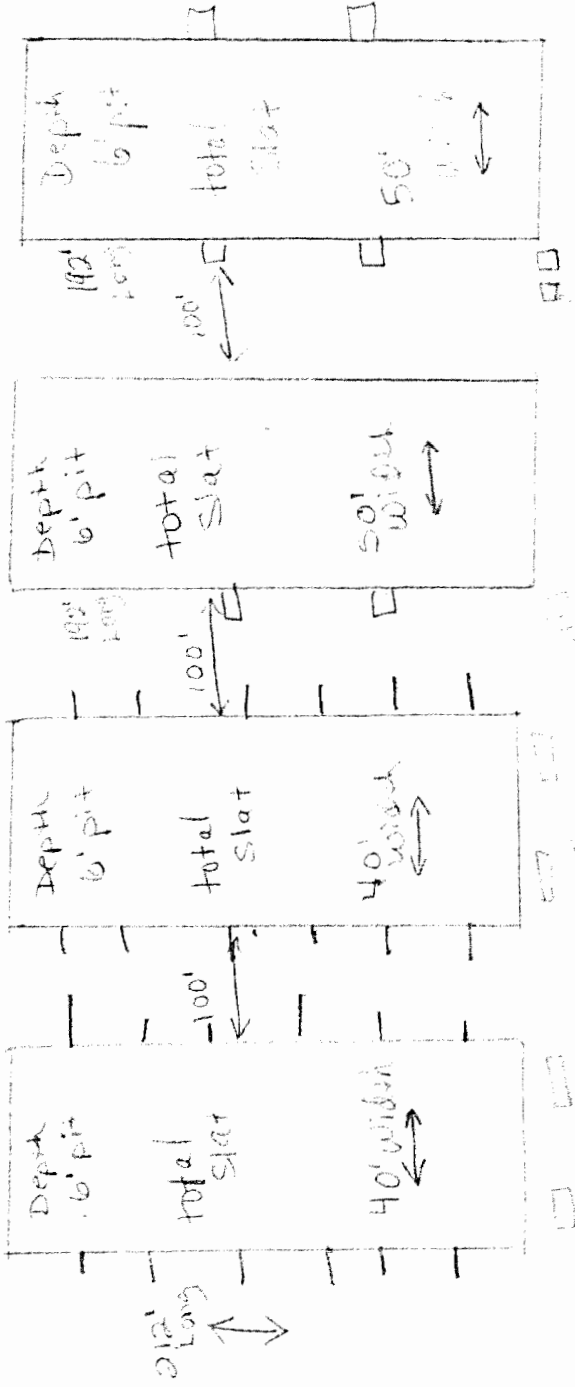
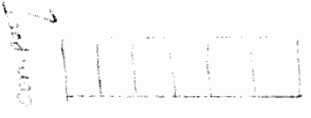
POLLUTION CONTROL FACILITY - CONTAMINANTS	Sec. E (1) Nature of Contaminants or Pollutants		
	Material Retained, Captured or Recovered		
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
	swine manure		
ACCOUNTING DATA	(2) Point(s) of Waste Water Discharge		
	n/a		
	Plans and Specifications Attached		Yes <input 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>12/20/12</u> status of installation on date of application <u>02/15/13</u>	
	(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 307,000.00
		b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 30,000.00
		c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ 48,000.00
	d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ 10,800.00	
	e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 90	

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.	
	 Signature	owner  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 <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	Al Keller Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control

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Manure would be over slats before running out of pumpouts.



old curve
to be
not used

Field - Fed. Ditch

Old Shed

Old Storage / Storage

Storage

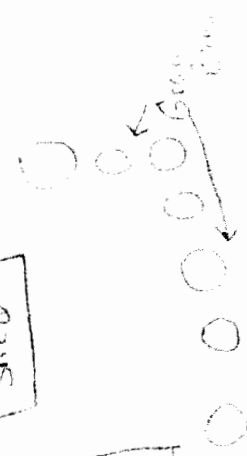
House

Shed

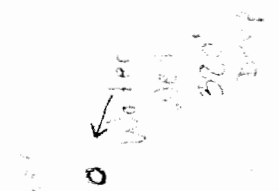
Wayne Bergman
13433 N. 1425th St.

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FEB 22 2013

IEPA
BOW/WPC/PERMIT SECTION



Old Pond



STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 25, 2014, 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]

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

[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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