

**RECEIVED**  
CLERK'S OFFICE

APR 04 2007

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**Wayne and Susan Bergbower-Newton**  
(Property Identification Number  
90-08-16-300-~~900~~)

009

)  
) PCB 07- 100  
) (Tax Certification)  
)

**NOTICE**

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. 1425<sup>th</sup> St.  
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.

ENVIRONMENTAL PROTECTION AGENCY  
OF THE STATE OF ILLINOIS

By: Vera Herst  
Vera Herst  
Assistant Counsel  
Division of Legal Counsel

DATED: April 2, 2007

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**

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STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**Wayne and Susan Bergbower-Newton**  
(Property Identification Number  
90-08-16-300-900)

609

)  
) PCB 07- 100  
) (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: Vera Herst  
Vera Herst  
Assistant Counsel  
Division of Legal Counsel

DATED: April 2, 2007  
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**

APR 04 2007

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STATE OF ILLINOIS  
Pollution Control Board

Wayne and Susan Bergbower-Newton	)
(Property Identification Number	)
90-08-16-300- <del>9005</del>	)
609	) PCB 07- 100
	)(Tax Certification)
	)

**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 January 11, 2006, the Illinois EPA received a request from Wayne and Susan Bergbower-Newton (log number TC-03-06, 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: Wayne and Susan Bergbower  
13433 N. 1425th St.  
Newton, Illinois 62448

3. The proposed water pollution control facilities in this request are located at SW ¼ of Section 16, T7N, R10E of the 3<sup>rd</sup> P.M. in Jasper County, at the above street address, and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (192 ft. x 50 ft. x 6 ft. deep) with the slotted concrete portion of the floor over the manure pit.

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 (2004), 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 ...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

requested tax certification.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Vera Herst  
Vera Herst  
Assistant Counsel  
Division of Legal Counsel

Dated: April 2, 2007

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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Exhibit A

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

Memorandum

To: Connie Tonsor, Division of Legal Counsel
From: Bruce J. Yurdin, Manager, Watershed Management Section
Date: MAR 12 2007
Re: Wayne and Susan Bergbower - Newton
Recommendation of Tax Certification
Log # TC-03-06
Property Identification # 90-08-16-300-009

RECEIVED
Division of Legal Counsel
MAR 12 2007
Environmental Protection Agency

The Bureau of Water received a request on January 11, 2006 from Wayne and Susan 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 and Susan Bergbower
13433 N. 1425th St.
Newton, IL 62448

SW 1/4 of Section 16, T7N, R10E of the 3rd P.M. in Jasper County

Livestock waste management facilities consisting of one concrete manure pit (192 ft. x 50 ft. x 6 ft. deep) with the slotted concrete portion of the floor over the manure pit.

These livestock waste management facilities are used to collect, transport and/or store livestock wastes 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 Thaddeus Faight at 217/782-3362.

BJY:TJF:TC-03-06.doc

cc: Tax Cert File



TC-03-06

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 + Susan Bergbauer	
			Person Authorized to Receive Certification		Wayne Bergbauer	
			Person to Contact for Additional Details		Wayne Bergbauer	
			Street Address		same	
			Municipality, State & Zip Code		same	
			Telephone Number		same	
			Location of Facility		Municipality Township	
			Quarter Section Township Range		Newton Wade	
		Street Address		County Book Number		
		13433 N. 1425 <sup>th</sup> St.		Jasper B0186 - p. 311		
		Property Identification Number		Parcel Number		
		90-08-16-300-009		E 20 acres NW 1/4 SW 1/4 Sec 16 T7R10		

MANUFACTURING OPERATIONS	Sec. B	Nature of Operations Conducted at the Above Location	
			Hog Waste
	Water Pollution Control Construction Permit No.		Date Issued
	LF 0790050000 (Facility ID#)		July 20, 2005
	NPDES PERMIT No.		Date Issued Expiration Date
		Air Pollution Control Construction Permit No.	Date Issued
		Air Pollution Control Operating Permit No.	Date Issued

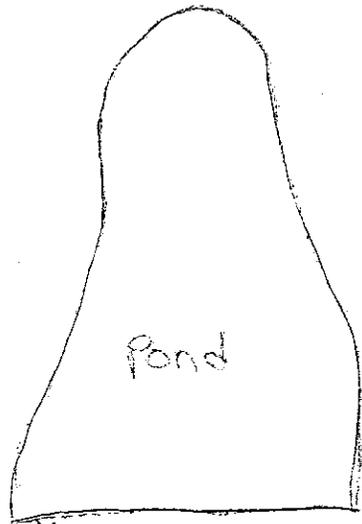
MANUFACTURING PROCESS	Sec. C	Describe Unit Process
	N/A	
		Materials Used in Process

POLLUTION CONTROL FACILITY DESCRIPTION	Sec. D	Describe Pollution Abatement Control Facility
The hog waste is collected in the concrete 6ft. pits. It is then applied to crepland, which is handled by TCW Custom Pumping, Inc. haulers, Montrose, IL		

**RECEIVED**  
JAN 11 2006



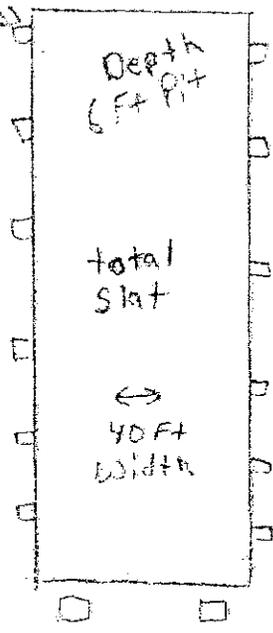
Before running out  
Pump outs



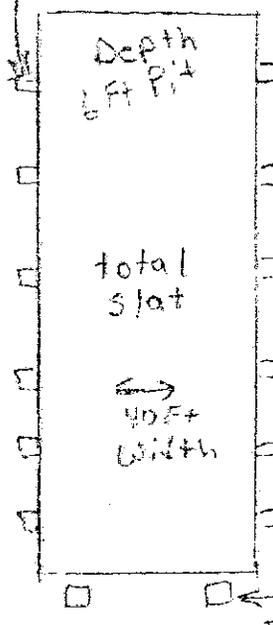
Spill way

Old cattle  
Barn  
Not used

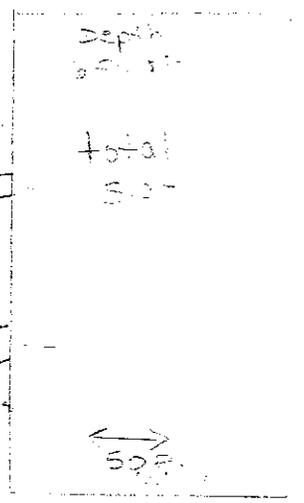
Pump outs  
6 Per Side



Pump outs  
6 per Side



Proposed for  
removal



Field Fed Ditch

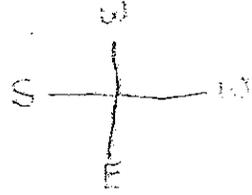
Old  
Shed

Garage

Old Grainery  
Storage

Grain  
Bins

House

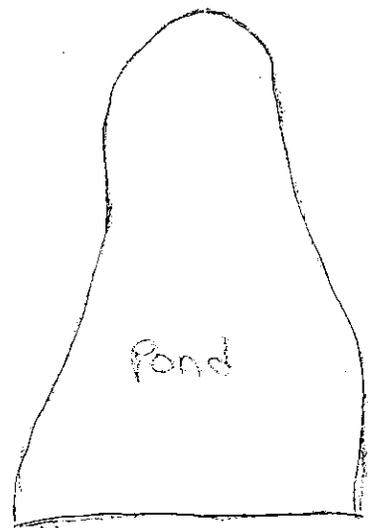


Shed  
and  
Shop

Water  
well  
380  
Deep

13433 N. 1425th St  
Newton IL 62448

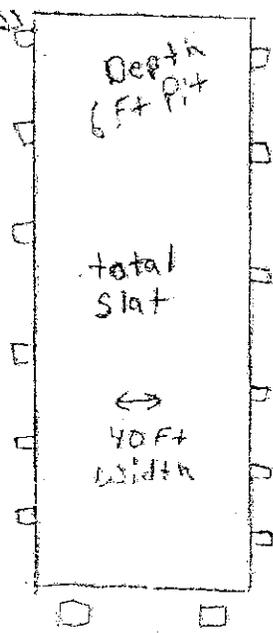
Before running out  
Pump outs



Spill way

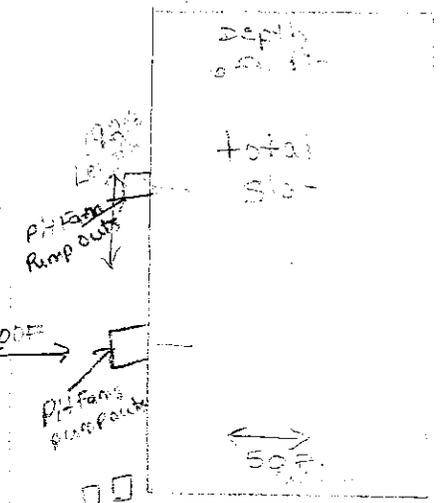
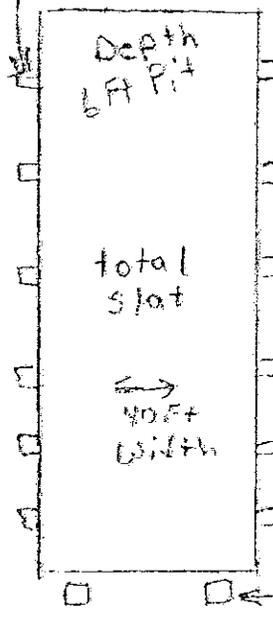
600ft  
110 ft

Pump outs  
6 Per Side



Pump outs  
6 per Side

100ft



Proposed for  
2025

PH 1500  
Ramp outs

PH Fans  
Ramp outs

Feed  
tanks

Old cattle  
Barn  
Not used

Field Fed Ditch

Old  
Shed

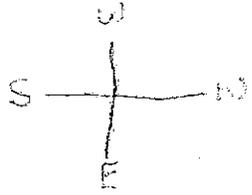
Garage

Old Grain  
Storage



Grain  
Bins

House



Shed  
and  
Shop

Water  
Well  
380 Ft  
Deep

13433 N. 1425th St.  
Newton IL 62448

ing out

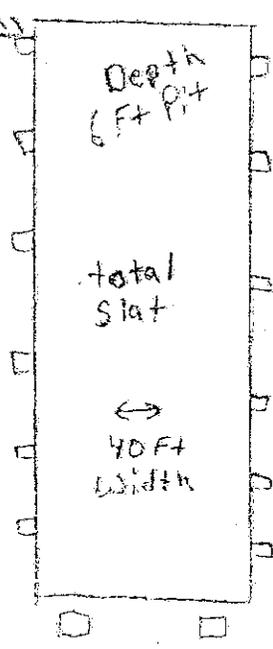
6 Per Side

6 per side

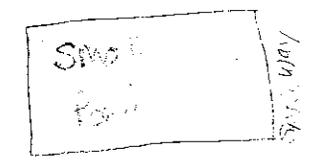
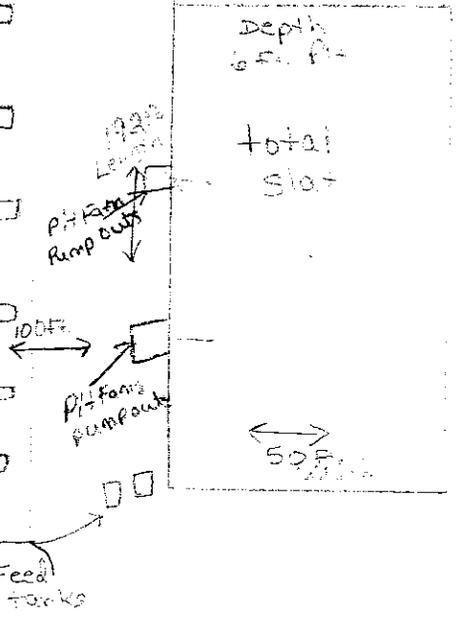
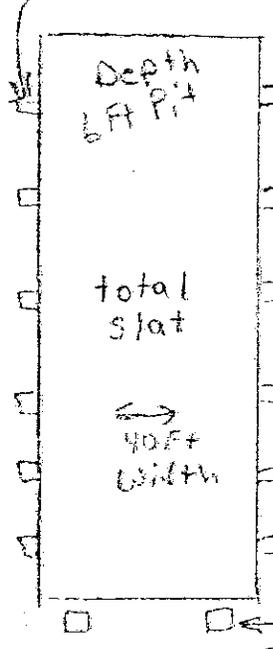
Proposed to  
tax assessor

End-Stop Walls no R's  
Sides - Curved  
Pole Structure

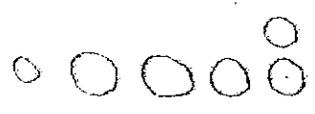
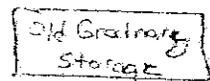
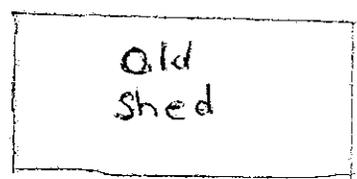
Pits - concrete walls  
10" thick, also  
Floor is 10" thick



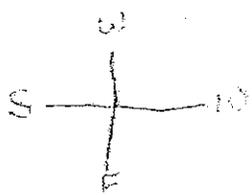
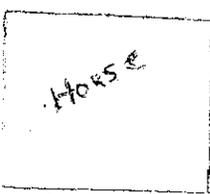
100 FT



1/2 Fed Off



Grain Bins



Water Well  
380 Ft.  
Deep

13433 N. 1425th St.  
Newton IL 62448

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

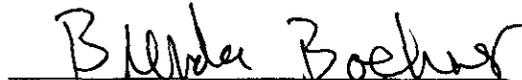
Wayne and Susan Bergbower  
13433 N. 1425<sup>th</sup> St.  
Newton, Illinois 62448

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

and mailing it from Springfield, Illinois, on April 2, 2007, with sufficient postage affixed for first class mail.



SUBSCRIBED AND SWORN TO BEFORE ME  
This 2nd day of April, 2007

  
Notary Public



**THIS FILING IS SUBMITTED ON RECYCLED PAPER**