

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Adam Niemerg)
(Property Identification Number) PCB No.
02-14-035-030)) (Tax Certification)
)

NOTICE

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

RECEIVED
CLERK'S OFFICE
DEC 28 2017
STATE OF ILLINOIS
Pollution Control Board

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

Adam Niemerg
22500 E. 600th Street
Dieterich, IL 62424

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: 
Christine M. Zeivel
Assistant Counsel
Division of Legal Counsel

DATED: December 26, 2017

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

Adam Niemerg)
(Property Identification Number) PCB No.
02-14-035-030) (Tax Certification)
)

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: 
Christine M. Zeivel
Assistant Counsel
Division of Legal Counsel

DATED: December 26, 2017

Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Adam Niemerg)
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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 August 24, 2017, the Illinois EPA received a request from Adam Niemerg (log number TC-138592, 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: Adam Niemerg
22500 E. 600th Street
Dieterich, IL 62424

The proposed water pollution control facilities in this request are located at the NW ¼ of Section 35, T7N, R7E of the 3rd P.M. in Effingham County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (approximately 169 ft. x 122 ft. x 8 ft.), the concrete slotted portion of the floor over the manure pit that captures and contains livestock waste generated in the barn above, six pump out pits (approximately 6 ft. x 5 ft. x 8 ft. each) to allow manure removal from the manure pit, and HDPE drainage pipes (approximately 656 ft. x 4 in.) located around the footing of the manure pit to prevent flotation of the pit.

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

3. Section 11-10 of the Property Tax Code, 35 ILCS 200-11-10 (2016), 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 (2016), pollution control facilities must be certified as such by the Board, 35 ILCS 200/11-20 (2016) 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: 
Christine M. Zeivel
Assistant Counsel
Division of Legal Counsel

Dated: December 26, 2017
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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

Memorandum

To: Charles Gunnarson, Division of Legal Counsel

From: Al Keller, Manager, Permit Section *AK*

Date: December 20, 2017

Re: Adam Niemerg – Dieterich
Recommendation of Tax Certification
Log # TC-138592
Property Index# 02-14-035-030

The Bureau of Water received a request on August 24, 2017 from Adam Niemerg for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204. We offer the following recommendation.

The water pollution control facilities in this request include the following:

Adam Niemerg
22500 E. 600th Ave.
Dieterich, IL 62424

NW 1/4 of Section 35, T7N, R7E of the 3rd PM in Effingham County

The livestock waste handling facilities consisting of one (1) concrete manure pit (approximately 169 ft. x 122 ft. x 8 ft.), the concrete slatted portion of the floor over the manure pit that capture and contain waste generated in the barn above, six (6) pumpout pits (approximately 6 ft. x 6 ft. x 8 ft.) to allow manure removal from the manure pit, and HDPE perimeter drainage pipes (approximately 656 ft. x 4 in.) located around the footing of manure pit to prevent flotation of the pit. The facility collects, transports and stores livestock waste prior to cropland application.

The facility is 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 Wei Han at 217/782-0610.

SAK:WH:Tax Cert Recommendation.docx

cc: Tax Cert File

Watershed Unit Tax Certification Review Sheet

Project Name: Adam Niemerg

Date: December 15, 2017

Type: Agchem

Livestock

Reviewer: WH

Log number: TC-138592

Contact: Adam Niemerg

22500 E. 600th Ave.

Dieterich , IL 62424

Phone: 217-821-2280

Applicant: Adam Niemerg

22500 E. 600th Ave.

Dieterich , IL 62424

Property Index#: 02-14-035-030

Facility: Adam Niemerg

22500 E. 600th Ave.

Dieterich , IL 62424

Parcel#:

County: Effingham

Legal Description:

NW ¼ of Section: 35 Twp: 7N R: 7E PM: 3rd

Signature: Adam Niemerg

Title: Owner

Date Control Devices installed: Dec. 22, 2015

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 livestock waste handling facilities consist of one (1) concrete manure pit (approximately 169 ft. x 122 ft. x 8 ft.) and the concrete slatted portion of the floor over the manure pit that capture and contain waste generated in the barn above. The concrete manure pit has six (6) pumpout pits (approximately 6 ft. x 6 ft x 8 ft.) to allow manure removal from the manure pit. HDPE perimeter drainage pipe (approximately 656 ft. x 4 in.) is located around the footing of the manure pit to prevent flotation of the pit. The facility collects, transports and stores livestock waste prior to cropland application.

Pollution control facilities requested by the applicant through Description of Pollution Control Facilities, Section 2 of the application form:

One (1) concrete manure pit (169 ft. x 122 ft. x 8 ft.)

Concrete slatted floor;

Six (6) pumpout pits (approximately 6 ft. x 6 ft x 8 ft.)

HDPE perimeter drainage tile (approximately 656 ft. x 4 in.)

A process flow diagram with narrative is provided by the attachment of the application.

Recommended Action: Issue tax certification.

TC-138592

W17



Illinois Environmental Protection Agency

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Application for Certification (Property Tax Treatment) Pollution Control Facility

FOR AGENCY USE ONLY

File Number: _____	Date Rec'd: _____
Certification Number: _____	Date: _____

Facility Type (check one): Air Water

This form is to be used for any application for certification of property tax treatment for a pollution control facility for air or water from the Illinois EPA.

You may complete this form online, save a copy locally, print, sign and submit.

You must have Adobe Acrobat Reader 10 or above installed to use the features on this form.

Illinois EPA
Attention: Al Keller, Permit Section
Division of Water Pollution Control
1021 North Grand Avenue East, P.O. Box 19276

I. Applicant Information:

Company Name: <u>Adam Niemera</u>	Person to Contact _____
Person Authorized to Receive Certification: <u>Adam Niemera</u>	for Additional Details: <u>Same</u>
Street Address: <u>22500 E.600th Ave.</u>	Street Address: _____
City: <u>Dieterich</u> State: <u>IL</u>	City: _____ State: _____
Zip: <u>62424</u> Phone: <u>2178212280</u>	Zip: _____ Phone: _____
Email Address: _____	Email Address: _____

II. Facility Information:

Facility Location: Quarter Section: NW Township: 7-North Range: 7-East
Municipality: Section 35 Township: _____

Note: A plat map location is requested for facilities located outside of municipal boundaries.

Address: _____ City: _____
State: Zip Code: _____ County: Effingham Book Number: _____

Property Index Number: 02-14-035-030

Note: The Property Index Number is the numerical reference used to identify a parcel of real property for assessment and taxation purposes.

Manufacturing Operations Information:

Nature of Operations Conducted at the Above Location:

The structure is a swine finishing building where swine are housed on concrete slats with a below ground concrete pit used as waste storage.

Permit Information:

WPC Construction Permit Number: _____	N/A	Date Issued: _____	
NPDES Permit Number: _____	N/A	Date Issued: _____	Exp. Date: _____
APC Construction Permit Number: _____	N/A	Date Issued: _____	
APC Operating Permit Number: _____	N/A	Date Issued: _____	Exp. Date: _____

Note: Submit copies of all relevant permits issued by local pollution control agencies. (e.g. MSD Construction Permit)

This Agency is authorized to request this information under 415 ILCS 5/4(b)(2012). Disclosure of this information is voluntary and no penalties will result from the failure to provide the information. However, the absence of the information could prevent your application from being processed or could result in denial of your application.

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I EPA
BOWWPC/PERMIT SECTION

PROBST SEED - KENT PROBST



For all of your seed needs
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and bulk beans.



12524 North 300th Street, Wheeler, Illinois 62479

217-276-5368

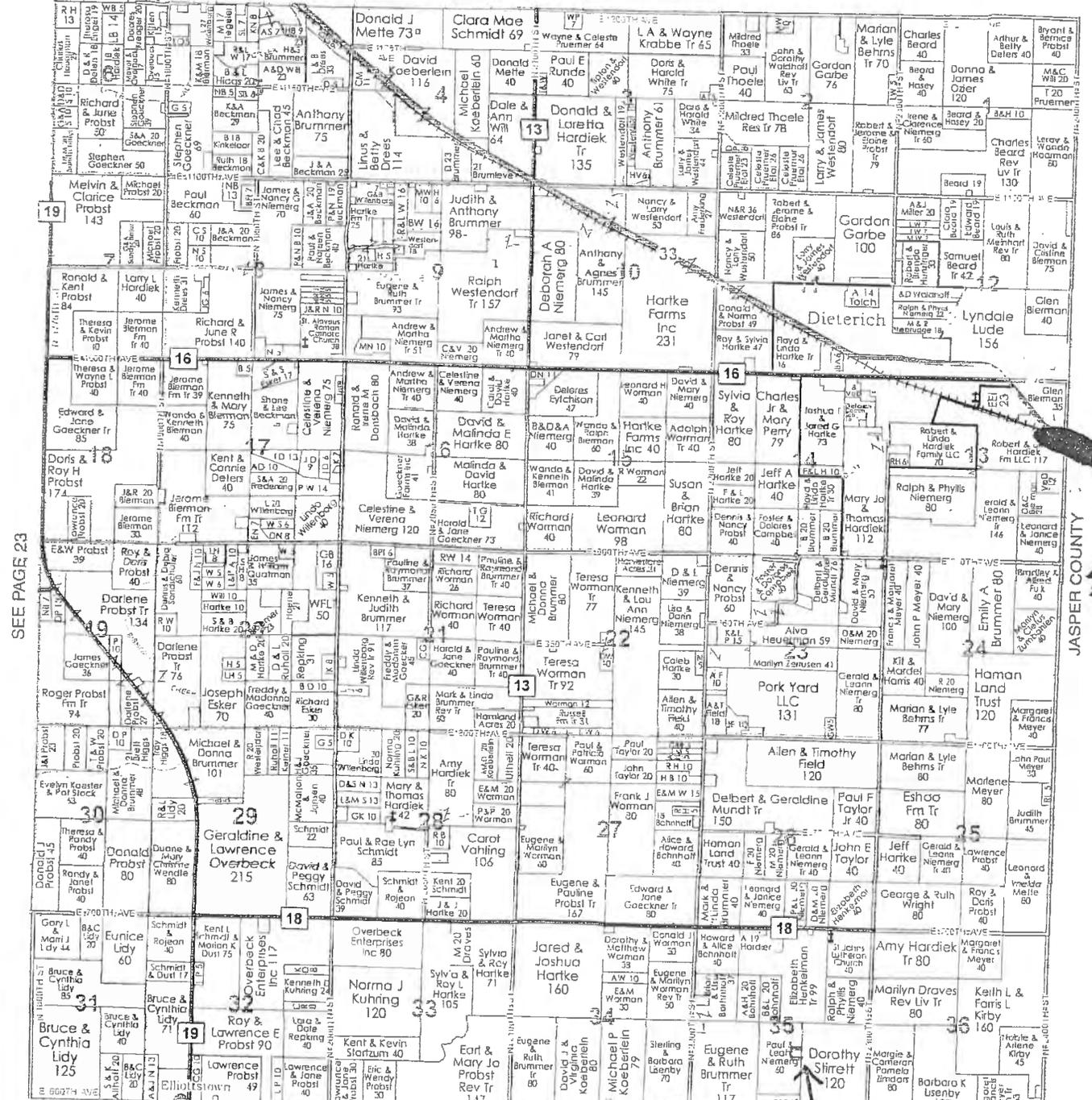


Bishop

Township 7N - Range 7E

SEE PAGE 33

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SEE PAGE 23

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.

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

A concrete pit with dimensions of 169' x 121' 6" x 8' deep is used to store livestock waste until the appropriate time to apply the manure to agricultural fields at agronomic rates. The building has six (6) 6' x 6' x 8' concrete pumpouts, 656' of 4" HDPE perforated tile around the perimeter of the footings, and 20,328 ft² of precast concrete slats.

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

The primary purpose of the pits is to have a years worth of livestock manure storage to allow flexibility for application to agricultural fields when conditions are ideal.

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).

Not applicable

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.

Contaminant or Pollutant	Material Retained, Captured or Recovered	
	Description	Disposal or Use
Livestock Manure	Stored in below ground concrete pit	Field applied at agronomic rates

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



Illinois Environmental Protection Agency

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.
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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: Dec 22 2015

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

April 13 2016

Status of installation on date of application:

In operation

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))

Adam Niemers
Printed Name:

Owner
Title:

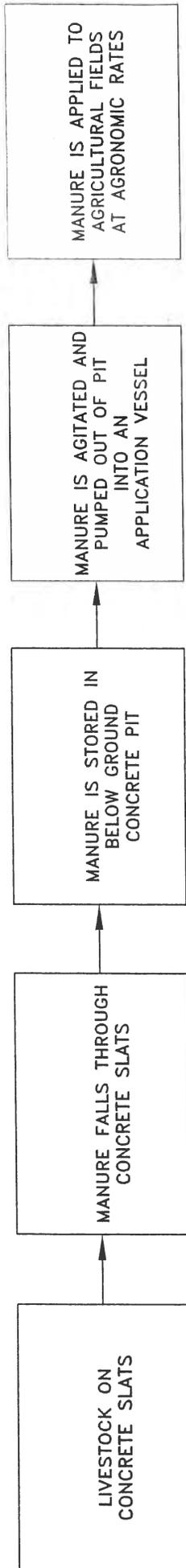
For incorporated entities, signature should be from an authorized corporate representative.

[Signature]
Signature:

8-18-17
Date:

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AUG 24 2017
EPA
BOW/WPC/FERMIT SECTION

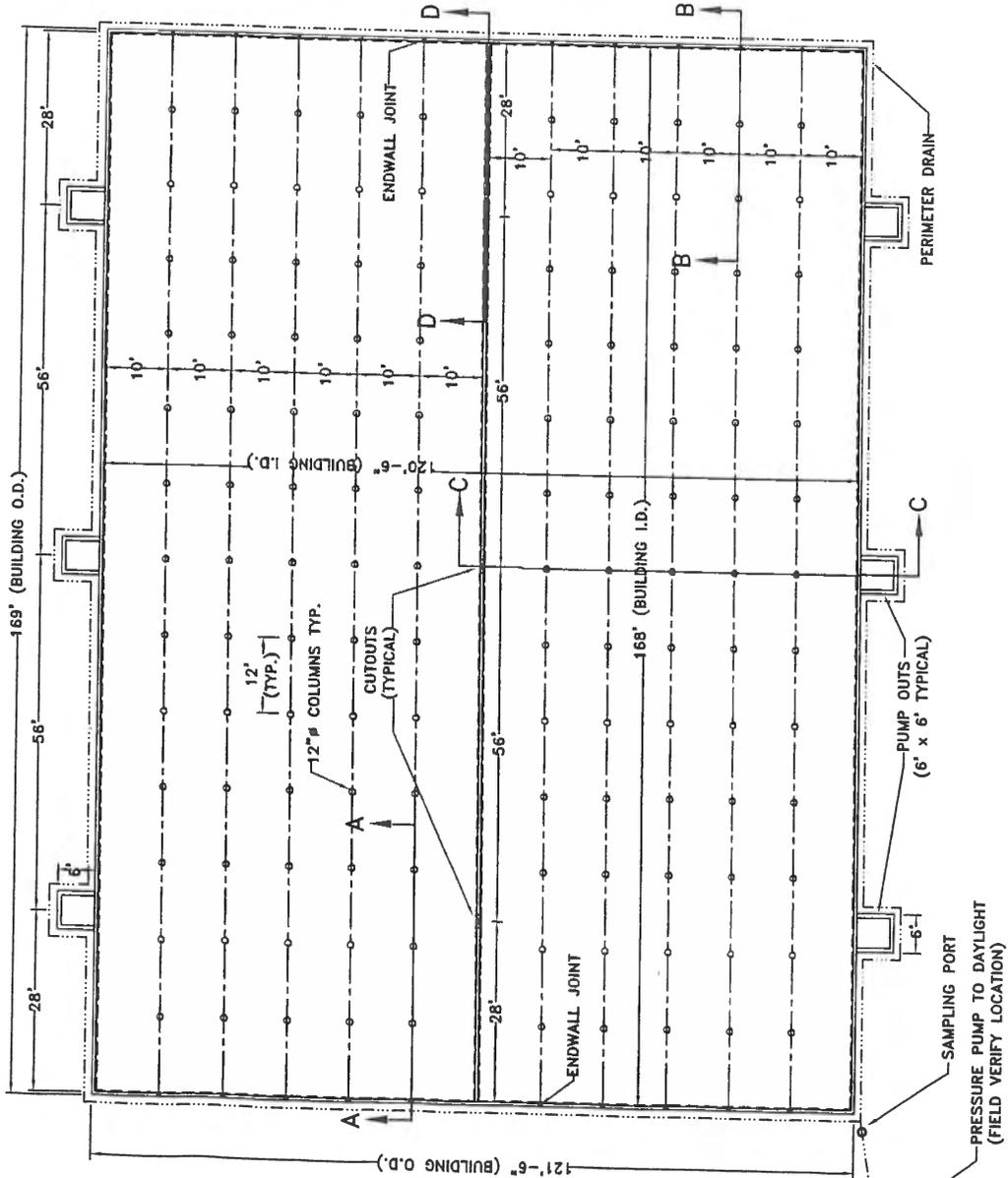
POLLUTION CONTROL FACILITY
PROCESS FLOW DIAGRAM





GENERAL NOTES

- 1.) ANY REVISIONS TO THESE DRAWINGS MUST BE APPROVED BY THE PROJECT ENGINEER OF THE COMPANY LISTED IN THE TITLE BLOCK.
- 2.) CONCRETE CONSTRUCTION SHALL MEET WITH MIDWEST PLAN SERVICE-36, CONCRETE MANURE STORAGES UNLESS NOTED OTHERWISE.
- 3.) NO CONCRETE SHALL BE PLACED ON ICE, SNOW OR FROZEN FOUNDATION MATERIAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONCRETE DAMAGED BY LOW TEMPERATURES AND SHALL REMOVE AND REPLACE ANY CONCRETE SO DAMAGED AT HIS/HER EXPENSE.
- 4.) THE METHOD AND MANNER OF PLACING CONCRETE SHALL BE SUCH AS TO AVOID SEGREGATION OR SEPARATION OF THE AGGREGATES OR THE DISPLACEMENT OF THE REINFORCEMENT.
- 5.) THE FOOTINGS ARE TO BE CONSTRUCTED WITH A MINIMUM OF 3,000 PSI CONCRETE.
- 6.) ALL WALLS, COLUMNS, AND FLOORS ARE TO BE CONSTRUCTED OF 4,000 PSI CONCRETE.
- 7.) CONCRETE SLATS WILL BE UTILIZED FOR FLOORING.
- 8.) THE CONCRETE PAD WILL BE A CONTINUOUS POUR.
- 9.) EXTERIOR WALL CONSTRUCTION JOINTS WILL BE INSTALLED AT 100' O.C.
- 10.) NO VEHICLE LOADS ALLOWED WITHIN 5' OF PIT/GUTTER WALLS.
- 11.) ALL BEAMS SHALL BE BUTTED TIGHT AND/OR GROUTED TIGHT THE FULL WIDTH AND HEIGHT OF THE BEAM. GROUT WILL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,500 PSI.
- 12.) ALL SLATS SHALL BE BUTTED TIGHT AND/OR GROUTED TIGHT THE FULL LENGTH AND DEPTH OF THE SLAT. GROUT WILL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,500 PSI.
- 13.) NO PIPE PENETRATIONS OTHER THAN THE TYPES IDENTIFIED ON THESE DRAWINGS ARE ALLOWED. ALL WALL AND FLOOR PENETRATIONS, INCLUDING PIPE PENETRATIONS MUST BE APPROVED BY THE PROJECT ENGINEER.
- 14.) THE PRESUMED SOIL BEARING CAPACITY IS 2,000 LBS./SQ. FT.
- 15.) WATERSTOP SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER INSTRUCTIONS.



 <p>Frank & West Environmental Engineers, Inc. 226 N. State Route 28 Springfield, IL 62707 Phone: 217/487-7886 Fax: 217/487-7887</p>	<p>ADAM NIEMERG</p> <p>PLAN VIEW</p> <p>DRAWN BY: CEO</p>	<p>2015 © FRANK & WEST ENVIRONMENTAL ENGINEERS, INC. THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF FRANK AND WEST ENVIRONMENTAL ENGINEERS, INC. ARE ONLY FOR THIS PROJECT AND MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.</p> <p>SCALE: AS SHOWN DATE: 12/18/14 REVISED ON: 12/10/15 DRAWING NO. 15-17801</p>
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Frank & West
Environmental Engineers, Inc.

July 20, 2017

Al Keller
Permit Section
Division of Water Pollution Control
Illinois EPA
P.O. Box 19276
Springfield, Illinois 62794-9276

RE: Adam Niemerg facility

Dear Mr. Keller:

Frank & West is submitting an application for certification of property tax treatment for pollution control facility on behalf of the Adam Niemerg facility.

If you have any further questions or comments regarding the Adam Niemerg non-lagoon livestock waste handling facility, please advise.

FRANK & WEST
ENVIRONMENTAL ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Jacob Nims', is written over the company name.

Jacob Nims
Agricultural Engineer

Attachment: Application for Certification

RECEIVED
JUL 24 2017
EPA
DIVISION OF WATER POLLUTION CONTROL PERMIT SECTION

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 26, 2017, 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:

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

Adam Niemerg
22500 E. 600th Street
Dieterich, IL 62424

[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/ Christine M. Zeivel
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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