

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Benjamin Augspurger)
(Property Identification Number) **PCB 19-**
03-07-200-004)) **(Tax Certification)**
)

NOTICE


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

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

Benjamin Augspurger
30424 N. 2480 East Road
Chenoa, Illinois 61726

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**, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 

Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

DATED: November 14, 2018

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

**Benjamin Augspurger
(Property Identification Number
03-07-200-004)**

)
) PCB 19-
) (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:



Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

DATED: November 14, 2018

Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Benjamin Augspurger)
(Property Identification Number) **PCB 19-**
03-07-200-004) **(Tax Certification)**
)

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 June 19, 2018, the Illinois EPA received a request from John Burkholder (log number TC-140289, 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: Benjamin Augspurger
30544 N. 2480 East Road
Chenoa, IL 61726

The proposed water pollution control facilities in this request are located in the NE ¼ of Section 7, T26N, R4E of the 3rd P.M. in McLean County, at the above street address and consist of the following:

Livestock waste management facilities consisting of one concrete manure pit (approximately 101.5 ft. x 201 ft. x 8 ft. deep), the concrete slatted portion of the floor over the manure pit that captures and contains waste generated in the barn above, and four pump out pits (each approximately 7 ft. x 7 ft. x 9 ft.) to allow manure removal from the manure pit.

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

3. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2014), 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 (2014), pollution control facilities must be certified as such by the Board, 35 ILCS 200/11-20 (2014) 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: 
Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

Dated: November 14, 2018

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: Darin LeCrone, Manager, Industrial Unit, Permit Section *DEL*

Date: September 20, 2018

Re: Ben Augspurger – Chenoa
Recommendation of Tax Certification
Log # TC-139960
BOW ID: W1138070008
Property Identification # 03-07-200-004

RECEIVED
Division of Legal Counsel
SEP 21 2018
Environmental Protection
Agency

The Bureau of Water received a request on June 19, 2018 from Benjamin Augspurger 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:

Ben Augspurger Swine Finishing Facility
30544 N. 2480 East Road
Chenoa, IL 61726

NE $\frac{1}{4}$ of Section 7, Township 26N, Range 4E of the 3rd PM in McLean County.

Livestock waste management facilities consisting of one concrete manure pit (approximately 101.5 ft. x 201 ft. x 8 ft. deep) with 4 concrete manure pump out pits (approximately 7 ft. x 7 ft. x 9 ft. deep each) and the portion of concrete slotted flooring 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 Faught at 217/782-0610.

DEL:TJF:TC-139960.docx

cc: Tax Cert File

FeU Tax Certification Review Sheet

Project Name: Ben Augspurger

Location: Chenoa

Reviewer: TJF

Date: September 13, 2018

Log number: TC-139960

Type: Agchem

BOW ID: W1138070008

Livestock

Applicant: Benjamin Augspurger
30424 N. 2480 East Road
Chenoa, IL 61726

Contact: same as applicant

Phone: 309-532-0443
Email: bcaugsp@live.com

Facility: Ben Augspurger Swine Finishing Facility
30544 N. 2480 East Road
Chenoa, IL 61726

Property ID: 03-07-200-004

County: McLean

Legal Description:

NE ¼ Section 7 Twp: 26N R4E of 3rd PM

Signature: Benjamin Augspurger

Title: Owner

Date Control Devices installed: 11/1/2018

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:

- One concrete manure pit (approximately 101.5 ft. x 201 ft. x 8 ft. deep) with 4 concrete pumpouts (each 7 ft x 7 ft x 9 ft deep) with concrete slats

«Project_Status_Remarks»

Email sent 9/06/2018 to verify dimensions and get waste flow diagram.

Response received 9/06/2018. Pumpout pit dimensions were corrected/updated in a 9/13/2018 email from the applicant.

STRUCTURE DETAILS: provided in Attachment A and verified/updated in 9/06/2018 and 9/13/2018 emails.

WASTE FLOW DIAGRAM: provided in attachment to 9/06/2018 email entitled "Flow Chart"

Faught, Thaddeus

From: Ben Augspurger <bcaugsp@live.com>
Sent: Thursday, September 13, 2018 9:39 AM
To: Faught, Thaddeus
Subject: [External] Re: Illinois EPA tax certification for swine finishing facility in Chenoa (TC-139960)

Thaddeus, I'm sorry but I had some bad information. The pumpouts were changed during construction because of the forms available. They are actually 7' x 7' O.D. and 9' deep. Let me know if you have any other questions.

Thanks Ben Augspurger
309-532-0443

Sent from my iPhone

On Sep 6, 2018, at 11:27 AM, Faught, Thaddeus <Thaddeus.Faught@Illinois.gov> wrote:

Ben,

As we discussed this morning, below are a few items I will need to finish off my review for the subject tax certification.

- 1) Please verify the dimensions/size of the requested facility. The application form states 100' x 200' x 8' deep. However, attachment A shows dimensions of 101'6" x 201'. Please verify the dimensions.
- 2) Please verify the dimensions of the 4 pumpouts. The application form states the pumpouts are 6'x6'. However, attachment A states the pump outs are 5'x 6'. Please verify the dimensions, including the depth of the pumpouts.
- 3) Please provide a schematic/flow diagram showing the flow of the waste (manure) from its generation (animals) to the final disposal (land application) to verify that the facility is a pollution control facility. I basically understand where the waste goes and how it is handled, but we need to have a clear flow diagram that documents all of the steps the waste takes from the animals to the slats/pit to land application (and any steps in between). A simple box diagram/flow chart would work perfectly.

Please let me know if you have any questions on what I need.

Thanks,

Thaddeus Faught, P.E.

Illinois EPA

217-782-3362

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Faught, Thaddeus

From: Ben Augspurger <bcaugsp@live.com>
Sent: Thursday, September 6, 2018 11:42 AM
To: Faught, Thaddeus
Subject: [External] Re: Illinois EPA tax certification for swine finishing facility in Chenoa (TC-139960)
Attachments: flow chart manure.pdf

Thaddeus, the dimensions of the building are 101'6" x 201'. The pumpouts are 5' x 6' and 8' deep. Attached is a flow chart.

Thanks, Ben

From: Faught, Thaddeus <Thaddeus.Faught@Illinois.gov>
Sent: Thursday, September 6, 2018 11:27 AM
To: bcaugsp@live.com
Subject: Illinois EPA tax certification for swine finishing facility in Chenoa (TC-139960)

Ben,
As we discussed this morning, below are a few items I will need to finish off my review for the subject tax certification.

1. Please verify the dimensions/size of the requested facility. The application form states 100' x 200' x 8' deep. However, attachment A shows dimensions of 101'6" x 201'. Please verify the dimensions.
2. Please verify the dimensions of the 4 pumpouts. The application form states the pumpouts are 6'x6'. However, attachment A states the pump outs are 5'x 6'. Please verify the dimensions, including the depth of the pumpouts.
3. Please provide a schematic/flow diagram showing the flow of the waste (manure) from its generation (animals) to the final disposal (land application) to verify that the facility is a pollution control facility. I basically understand where the waste goes and how it is handled, but we need to have a clear flow diagram that documents all of the steps the waste takes from the animals to the slats/pit to land application (and any steps in between). A simple box diagram/flow chart would work perfectly.

Please let me know if you have any questions on what I need.

Thanks,

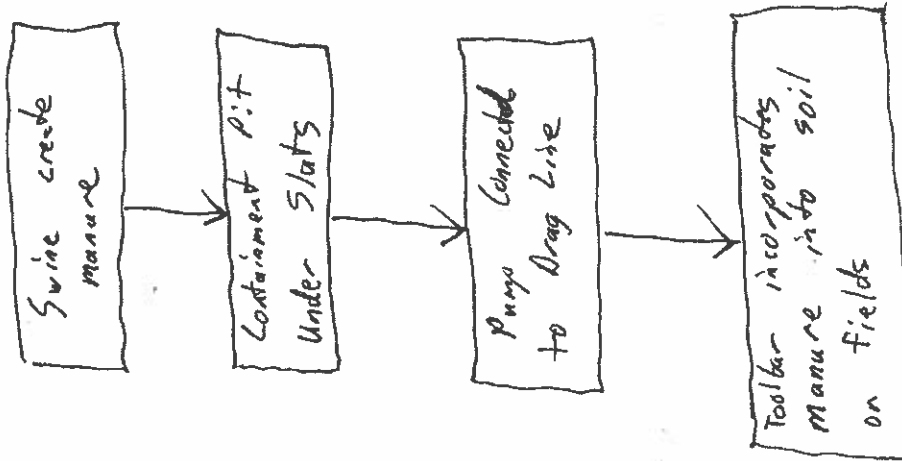
Thaddeus Faught, P.E.

Illinois EPA

217-782-3362

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof,

FLOW CHART



Faught, Thaddeus

From: Faught, Thaddeus
Sent: Thursday, September 6, 2018 11:28 AM
To: 'bcaugsp@live.com'
Subject: Illinois EPA tax certification for swine finishing facility in Chenoa (TC-139960)

- Ben,
- As we discussed this morning, below are a few items I will need to finish off my review for the subject tax certification.
- 1) Please verify the dimensions/size of the requested facility. The application form states 100' x 200' x 8' deep. However, attachment A shows dimensions of 101'6" x 201'. Please verify the dimensions.
 - 2) Please verify the dimensions of the 4 pumpouts. The application form states the pumpouts are 6'x6'. However, attachment A states the pump outs are 5'x 6'. Please verify the dimensions, including the depth of the pumpouts.
 - 3) Please provide a schematic/flow diagram showing the flow of the waste (manure) from its generation (animals) to the final disposal (land application) to verify that the facility is a pollution control facility. I basically understand where the waste goes and how it is handled, but we need to have a clear flow diagram that documents all of the steps the waste takes from the animals to the slats/pit to land application (and any steps in between). A simple box diagram/flow chart would work perfectly.

Please let me know if you have any questions on what I need.

Thanks,

Thaddeus Faught, P.E.

Illinois EPA

217-782-3362



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

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. Separate applications must be completed for each control facility claimed. Do not mix types (air and water). Where both air and water operations are related, file two applications.

If attachments are needed, record them consecutively on an index sheet.

You may complete this form online, save a copy locally, print, sign and submit it to:

RECEIVED
JUN 19 2018

Illinois EPA
 Attention: Al Keller, Permit Section
 Division of Water Pollution Control
 1021 North Grand Avenue East, P.O. Box 19276
 Springfield, IL 62794-9276

IEPA
BOW/WPC/PERMIT SECTION

I. Applicant Information:

Company Name: <u>Ben Augspurger</u>	Person to Contact _____
Person Authorized to Receive Certification: <u>Benjamin Augspurger</u>	for Additional Details _____
Street Address: <u>30424 N 2480 East Rd</u>	Street Address: _____
City: <u>Chenoa</u> State: <u>IL</u>	City: _____ State: _____
Zip: <u>61726</u> Phone: <u>3095320443</u>	Zip: _____ Phone: _____
Email Address: <u>bcaugsp@live.com</u>	Email Address: _____

II. Facility Information:

Facility Location: Quarter Section: NE Township: 26-N Range: 4-E
 Municipality: na Township: Chenoa

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

Address: 30544 N 2480 East Rd City: Chenoa
 State: IL Zip Code: 61726 County: McLean Book Number: _____

Property Index Number: 03-07-200-004

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:

Swine Finishing Facility

Permit Information:

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

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:

NA

Materials Used in the Process:

NA

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):

See attachment (A) 100' x 200' x 8' deep concrete storage pit covered with 4'x10' concrete slats with 6'x6' pump outs

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

To contain swine manure until it can be applied as fertilizer according to our nutrient management plan.

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).

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
swine manure	swine manure	Land applied for fertilizer

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: Nov 1, 2018

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

Status of installation on date of application:

Construction underway

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))

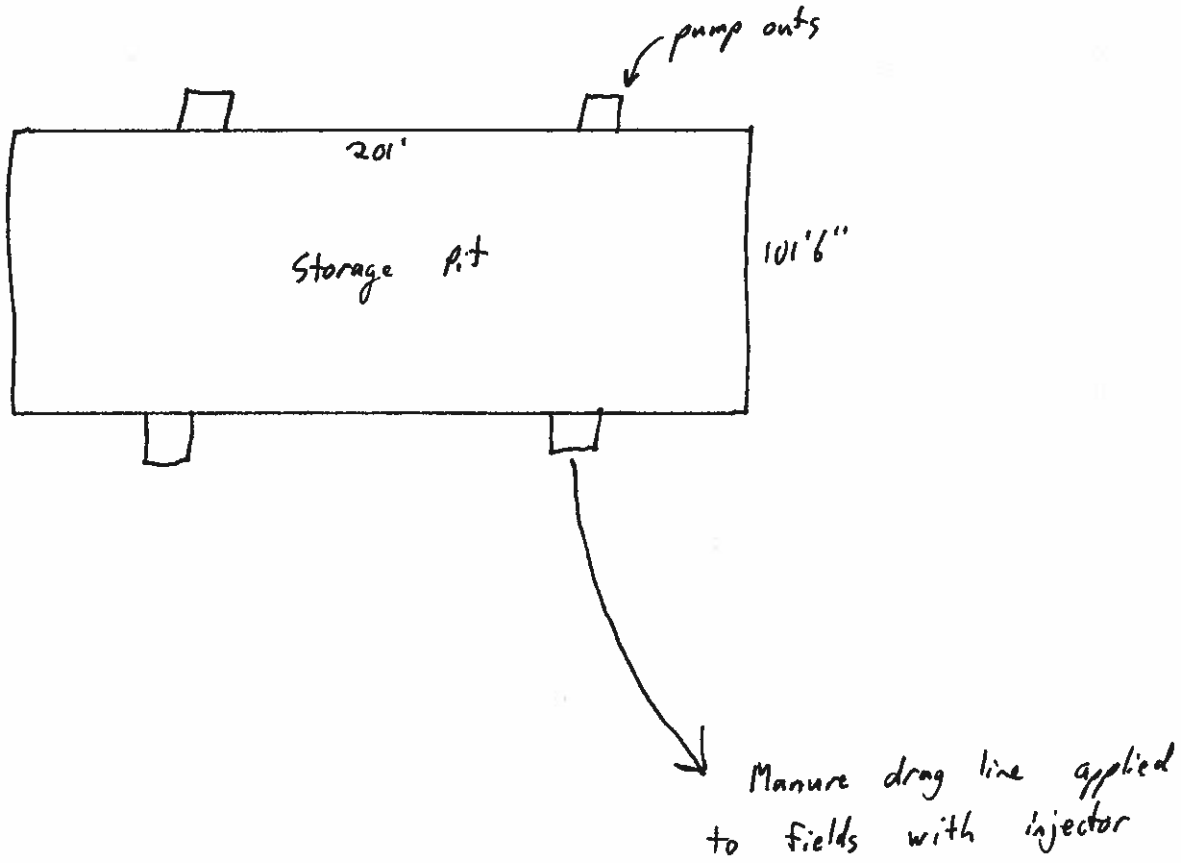
Benjamin Augspurger _____ Owner _____
 Printed Name: Title:

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

R. C. Sp... _____ 6/15/2018 _____
 Signature: Date:

Attachment (A)

Swine finishing facility measuring 101' 6" x 201' with and 8' deep storage pit. The storage pit has 4- 5'x6' pumpouts. The entire storage facility is covered with concrete slats.



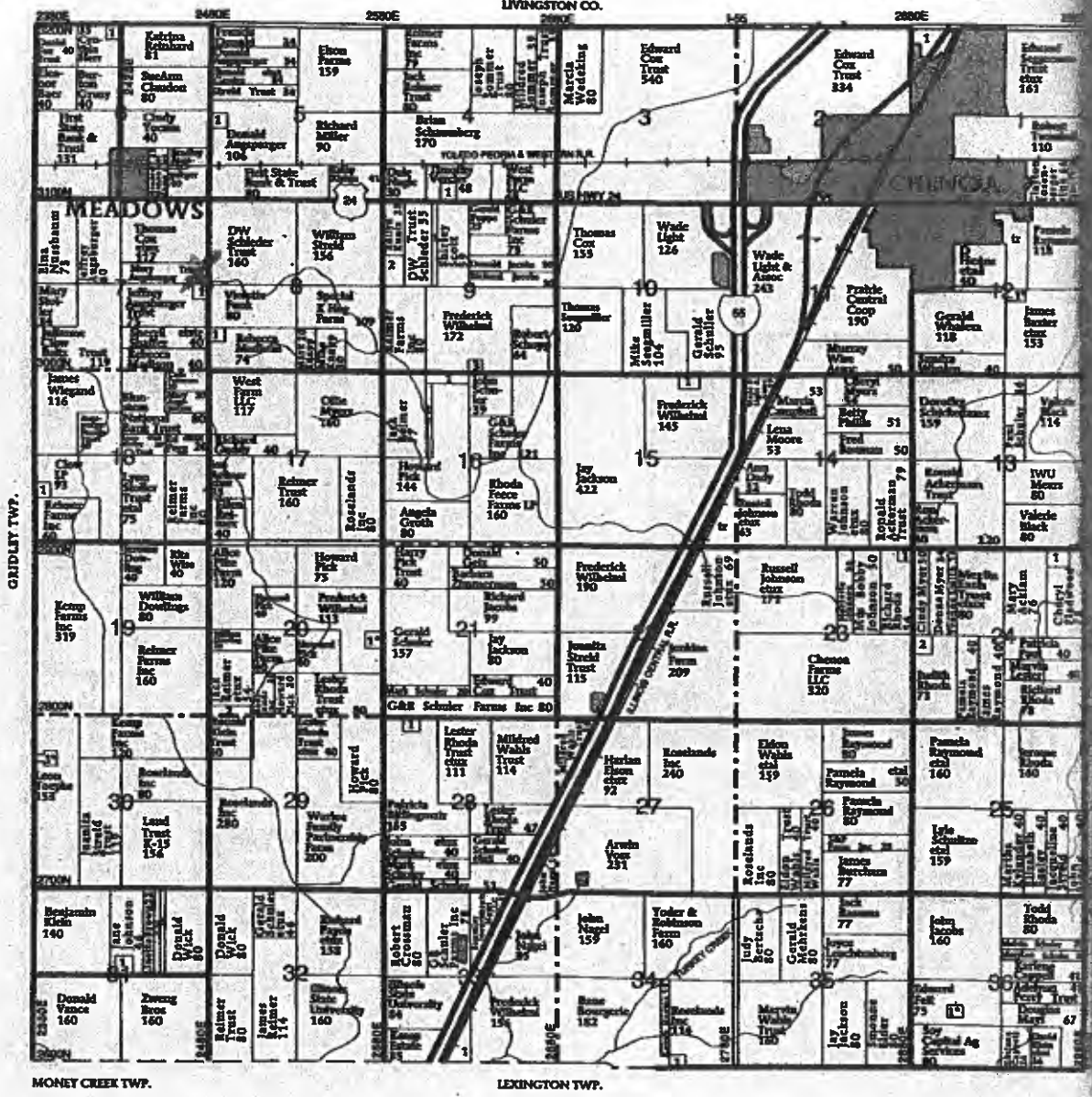
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JUN 19 2018

IEPA
BOW/WPC/PERMIT SECTION

T-26-N

CHENOA PLAT

R-4-E



CHENOA TOWNSHIP

- SECTION 1**
1. Kauffman, Charles 15
- SECTION 4**
1. Hurley, Richard 5
- SECTION 5**
1. Augspurger, Robert 5
- SECTION 6**
1. Trost, Janet 5
- SECTION 7**
1. Augspurger, Benjamin 5

SECTION 8

- 1. Murphy, Larry 6
- SECTION 9**
1. Scott, David 6
2. Special K Hog Farm 13
3. Albright, Susan 5
- SECTION 12**
1. Skoggs Jr, Jack etux 9
- SECTION 15**
1. McCarty, Terrie 7
- SECTION 18**
1. Thacker, William 11

SECTION 19

- 1. Clow Trust, Julianne 6
- SECTION 20**
1. Shane Trust, Kenneth etux 6
2. Tibbs, Loola 6
- SECTION 23**
1. Deutsche Bank 6
- SECTION 24**
1. Seftes, Peter 8
2. Erdman, Ronald 7

SECTION 28

- 1. Goffiday, Barbara 5
- SECTION 30**
1. Kahle, Paul etal 6
- SECTION 31**
1. Sullivan, Judy 7
2. Brown, Terry etux 8
3. Brown, Terry 15
- SECTION 33**
1. Kemp Farms Inc 15
- SECTION 34**
1. Grimsley, Robert 6

SECTION 36

- 1. Norris, Thomas etux 6

RECEIVED
JUN 19 2018

STATE OF ILLINOIS

COUNTY OF SANGAMON

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)
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)
)

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of November 14, 2018, the attached **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

Benjamin Augspurger
30424 N. 2480 East Road
Chenoa, Illinois 61726

[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/ Michael S. Roubitsek
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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