

CASE NO. 908-S-18

SUPPLEMENTAL MEMORANDUM #1
August 9, 2018

Petitioner: **Greg Allen, d.b.a. Prairie States Warehouse Inc.**

Request: **Authorize the storage and dispensing of agricultural fertilizer as a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility as a Special Use in the AG-1 Agriculture Zoning District**

Location: **A tract in the Southeast Quarter of Section 12, Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township and commonly known as Prairie States Warehouse Inc. with an address of 1009 CR 2400E, Homer, Illinois**

Site Area: **88.03 acres (Special Use Permit area is 7.46 acres)**

Time Schedule for Development: **Already in use**

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

Brookens Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

STATUS

On July 9, 2018, P&Z Staff received a copy of the approved Illinois Department of Agriculture Agrichemical Containment Permit issued June 21, 2018 (see Attachment A). The permit was endorsed by the Illinois EPA in a letter attached to the permit.

Special condition B is no longer necessary based on receipt of this approved permit.

The following language will be added to the Summary of Evidence:

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - F. Regarding regulations enforced by the Illinois Department of Agriculture regarding proper storage and use of fertilizers:
 - (1) The petitioner has submitted a permit application to the Illinois Department of Agriculture, which was received by the P&Z Department on May 9, 2018.
 - a. Engineer Nick Burrus stated in a phone call to Susan Burgstrom on May 9, 2018, that the permit has not been approved officially, but believes that final approval will occur within 1 to 3 months.
 - (2) On July 9, 2018, P&Z Staff received a copy of the approved Illinois Department of Agriculture Agrichemical Containment Permit issued June 21, 2018. The permit was endorsed by the Illinois EPA in a letter attached to the permit.
 - a. P&Z Staff note that item 6.c. on the attached “Standard Conditions for Agrichemical Containment Permits Issued by IDAG” states: “The

issuance of this permit does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances, and regulations.”

PROPOSED SPECIAL CONDITIONS

Regarding proposed special conditions of approval:

- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The above stated special condition is necessary to ensure the following:

The proposed Special Use Permit meets applicable state codes for handicapped accessibility.

- ~~B. **The Zoning Administrator shall not approve a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit unless a copy of the required Agrichemical Facility Permit from the Illinois Department of Agriculture is provided.**~~

~~The above stated special condition is necessary to ensure the following:~~

~~**The proposed Special Use Permit meets applicable state codes for construction and use of an agrichemical facility.**~~

- C. Regarding the ongoing operation of the Special Use as authorized by the Illinois Department of Agriculture:
- (1) **The Special Use shall at all times be operated in conformance with Illinois Department of Agriculture permit, and any special conditions thereof.**
 - (2) **The owner/operator of the Special Use shall make all inspection and maintenance records required by the Illinois Department of Agriculture (IDAG) available to Champaign County upon request by the Zoning Administrator and shall cooperate with Champaign County in resolving any valid complaint or concern that is related to public safety and environmental protection.**
 - (3) **The owner/operator of the Special Use shall provide the Zoning Administrator with copies of renewal permits over the lifetime of the Special Use for the Illinois Department of Agriculture (IDAG) Permit. The Special Use shall become void if the Petitioner fails to submit a renewal permit from the Illinois Department of Agriculture (IDAG) to the Zoning Office over the lifetime of the Special Use.**

The special conditions above are required to ensure the following:

To ensure that Champaign County is fully informed of any risks that arise for public safety and environmental protection.

- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special conditions stated above are required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- E. **A complete Storm water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The special conditions stated above are required to ensure the following:

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

ATTACHMENT

- A Approved Agrichemical Containment Permit from the Illinois Department of Agriculture issued June 21, 2018 and received July 9, 2018



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) • 1-866-287-2999 (TDD/TTY)

June 21, 2018

Prairie States West
P.O. Box 21
Allerton, IL 61810

Dear Agrichemical Facility Permit Applicant:

Enclosed is the construction and/or operating permit as approved by the Illinois Department of Agriculture and endorsed by the Illinois Environmental Protection Agency. Please carefully review and follow the Standard and Special Conditions of the Permit and Endorsement.

Prior to construction, the Department and the Agency caution you to carefully evaluate past operational practices at the site. Should you suspect environmental (soil, surface or groundwater) contamination, it is advisable to determine the extent and severity of such contamination prior to construction and remediate these areas as required.

We appreciate your cooperation with the Department in this process. Should you have any questions or comments regarding your Agrichemical Facility Permit, please contact the Agrichemical Containment Program at (217) 785-2427.

ILLINOIS DEPARTMENT OF AGRICULTURE

A handwritten signature in black ink that reads "Douglas C. Owens".

Douglas C. Owens, Chief
Bureau of Environmental Programs

A handwritten signature in black ink that reads "Brad A. Beaver".

Brad A. Beaver, Manager
Permits and Downstate Field Operations

file
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RECEIVED

JUL 09 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Department of Agriculture

AGRICHEMICAL CONTAINMENT PERMIT

Permittee: Prairie States West P.O. Box 21 Allerton, IL 61810	Facility ID Number: AC0193420000 Facility Location: Homer
Permit #: AC18042663 Facility Type: Commercial: Retail Dealer Date Issued: June 21, 2018	Log Number: 18042663 Date Received: April 11, 2018 Expiration Date: June 21, 2023

Permit is hereby granted to the above designated permittee to construct and operate an agrichemical containment facility as follows:

OPERATIONAL CONTAINMENT STRUCTURE

Installation and operation of a reinforced concrete operational containment structure measuring 66' (width) x 72' (length) x 0.67' (depth) with a total design capacity of 1,308.78 cubic feet (ft.³). The floor shall slope to a single edge to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of five (5) 250-gallon recovery tanks with a manually activated sump pump. All loading, unloading, and washing of bulk liquid agrichemical transportation and application equipment shall be performed upon the herein permitted structure. All blending of bulk liquid agrichemicals shall be performed upon the herein permitted structure. This structure shall be referred to as OC-1.

SECONDARY CONTAINMENT STRUCTURES

Installation and operation of a reinforced concrete secondary containment structure measuring 16' (width) x 40' (length) x 4.375' (height) with a total design capacity of 2,719.6 cubic feet (ft.³). The floor shall slope to an edge to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to the aforementioned one (1) of five (5) 250-gallon recovery tanks with a manually activated sump pump. All bulk liquid pesticides shall be stored within the said structure. This structure shall be referred to as SC-1.

Installation and operation of a reinforced concrete secondary containment structure measuring 16' (width) x 40' (length) x 4.42' (height) with a total design capacity of 2,747 cubic feet (ft.³). The floor shall slope to a single edge to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to the aforementioned one (1) of five (5) 250-gallon recovery tanks with a manually activated sump pump. All bulk liquid fertilizers shall be stored within the said structure. This structure shall be referred to as SC-2.

There shall be no discharge of wastewater from the herein permitted facilities.



Department of Agriculture

AGRICHEMICAL CONTAINMENT PERMIT

This permit has been reviewed and approved by the Illinois Environmental Protection Agency per the attached permit endorsement. This permit is subject to standard conditions on the reverse side of this document and the following special conditions:

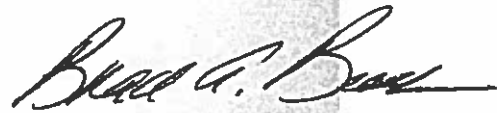
SPECIAL CONDITION 1: The permittee shall provide backflow protection in accordance with the Illinois Department of Public Health Plumbing Code (77 Ill. Adm. Code 890) and the Illinois Environmental Protection Agency's Technical Policy Statement (35 Ill. Adm. Code 653.803(c)(4).

SPECIAL CONDITION 2: The permittee may discharge accumulated precipitation from the herein permitted operational containment structure and bulk liquid fertilizer secondary containment structure pursuant to 8 Illinois Administrative Code 255.110 (a) (2) (A) and (B).

THE STANDARD CONDITIONS OF ISSUANCE ON THE REVERSE SIDES OF THIS MUST BE COMPLIED WITH IN FULL.



Douglas C. Owens, Chief
Bureau of Environmental Programs



Brad A. Beaver, Manager
Permits and Downstate Field Operations

IEPA WPC: Permits
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**STANDARD CONDITIONS FOR AGRICHEMICAL CONTAINMENT PERMITS
ISSUED BY THE ILLINOIS DEPARTMENT OF AGRICULTURE**

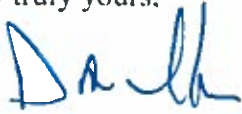
The Illinois Pesticide Act (415 ILCS 60) and the Illinois Fertilizer Act of 1961 (505 ILCS 80) authorizes the Illinois Department of Agriculture to impose standard conditions on permits that it issues. The following standard conditions are applicable unless superseded by special condition(s):

1. The construction or development covered by this permit shall be done in compliance with all applicable provisions of the Illinois Pesticide Act, the Illinois Fertilizer Act of 1961, the Illinois Environmental Protection Act, and regulations adopted therein, and any applicable federal rules and regulations.
2. There shall be no deviations from the approved plans and specifications unless a written request for modification, along with plans and specifications as required, is submitted to the Department and a supplemental or modified permit is issued.
3. There shall be no discharge of agrichemicals, agrichemical residues, rinsates, or agrichemical contaminated wash water from the facility to the waters of the State. Accumulated precipitation from containment structures may be discharged provided the following conditions are met pursuant to 8 Illinois Administrative Code 255 and the Illinois Environmental Protection Act and rules and regulations adopted thereunder:
 - a. The discharge shall not cause water quality violations;
 - b. The discharge shall not cause a pesticide release;
 - c. The containment structures have been rinsed and cleaned of agrichemicals prior to discharge.
4. Agrichemicals, agrichemical residues, rinsates or agrichemical contaminated wash water collected by the agrichemical containment structures shall be properly reused on agricultural land or disposed in accordance with the requirements of 8 Illinois Administrative Code 255 and the Illinois Environmental Protection Act and rules and regulations adopted thereunder.
5. The permittee shall allow any duly authorized representative of the Illinois Department of Agriculture or the Illinois Environmental Protection Agency, upon presentation of credentials, at reasonable times:
 - a. To enter the permittee's property where permitted agrichemical containment structures or on-farm containment structures are located or where any activity is conducted pursuant to this permit;
 - b. To have access to and copy any records required to be kept under the terms and conditions of this permit or by 8 Illinois Administrative Code 255;
 - c. To inspect during any hours of operation of equipment or structures constructed or operated under this permit, such equipment and structures that are required to be kept, used, operated, and maintained under this permit;
 - d. To enter with and utilize any photographic equipment for the purpose of preserving or recording any activity or structure as authorized by this permit;
 - e. To obtain and remove, at reasonable times, samples of any discharge or emission of pollutants.
6. The issuance of this permit:
 - a. Shall not be considered as, in any manner, affecting the title of the premises upon which the permitted structures are located;
 - b. Does not release the permittee from any liability for damage to person or property caused by construction, maintenance, or the operation of the proposed containment structures;
 - c. Does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois or with applicable local laws, ordinances, and regulations;
 - d. Does not take into consideration or attest to the structural integrity of any units or parts of the project;
 - e. In no manner implies or suggests that the Illinois Department of Agriculture or the Illinois Environmental Protection Agency (or its officers, agents, or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment and containment structures.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Illinois Department of Agriculture may suspend or revoke a permit:
 - a. Upon discovery that the permit application contained misrepresentations, misinformation or false statements or that relevant facts were not disclosed; or
 - b. Upon finding a violation of any standard or special conditions; or
 - c. Upon any violation of the Illinois Department of Agriculture's or Illinois Environmental Protection Agency's rules or regulations effective thereunder.
9. An Illinois Environmental Protection Agency endorsement of this permit, if issued by the Agency, shall expire concurrently with the expiration date of this permit.
10. An Illinois Environmental Protection Agency endorsement of this permit, if issued by the Agency, does not grant immunity from enforcement action found necessary by the Illinois Environmental Protection Agency to meet its responsibilities in prevention, abatement, and control of water or air pollution.

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This endorsement does not grant immunity from enforcement action found necessary by this Agency to meet its responsibilities in prevention, abatement, and control of water or air pollution.

Very truly yours,



Darin E. LeCrone, P.E.
Manager, Industrial Unit, Permit Section
Division of Water Pollution Control



Raymond E. Pilapil
Manager, Permit Section
Division of Air Pollution Control

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cc: DWPC – Champaign Region
Records Unit
DAPC/Permits
DAPC – Collinsville Region (Champaign County)