

ILLINOIS POLLUTION CONTROL BOARD

May 2, 2002

UAP RICHTER COMPANY (McDonough)
County) (Property Identification Number 08-)
000-071-00),)
)
Petitioner,)
)
v.) PCB 02-184
) (Tax Certification)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

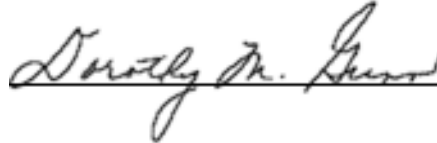
On April 22, 2002, the Illinois Environmental Protection Agency (Agency) fled a recommendation on whether the Board should certify certain facilities of UAP Richter Company (UAP) as “pollution control facilities” for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-5 *et seq.* (2000)). The Agency filed the recommendation under Part 125 of the Board’s procedural rules (35 Ill. Adm. Code 125). The Agency recommended that the Board issue a tax certificate for certain agrichemical containment structures where the primary purpose is the elimination, prevention, and reduction of water pollution. However, the Agency recommended that the Board deny a tax certificate for the portion of the building over the minibulk and package agrichemical secondary containment structure, stating that its primary purpose is to warehouse products for future use.

In a separate order, the Board today issued a tax certificate for UAP’s agrichemical containment structures for which the Agency recommended such certification in PCB 02-182. The Board now opens this docket, PCB 02-184, to address the Agency’s recommendation that the Board deny tax certification for the portion of the building over the minibulk and package agrichemical secondary containment structure. The Board directs the Clerk of the Board to place a copy of the Agency’s recommendation in the record of this docket.

If UAP wishes to contest the Agency’s recommendation regarding this portion of the building, UAP must file a petition to contest with the Clerk of the Board within 35 days after the Agency served the recommendation on UAP. *See* 35 Ill. Adm. Code 125.206(a). If UAP fails to timely file a petition, the Board may deny tax certification for the landfill based solely on the Agency’s recommendation.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 2, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board