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**BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD**

STATE OF ILLINOIS
Pollution Control Board

AQUA ILLINOIS, INC.)
 (/k/a Consumers Illinois Water Company,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 03 - 124
(Contest-Tax Certification)

NOTICE OF FILING


Carol Sudman, Hearing Officer
Illinois Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704

Connie L. Tonsor
Bureau of Water Managing Attorney
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

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

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the
Pollution Control Board the Joint Motion to Enter Agreed Order, a copy of which is hereby
served upon you.

Date: July 8, 2004



Charles T. Wehland
Kristin Parker
Laura M. Earl
Jones Day
77 West Wacker Drive
Chicago, Illinois 60601-1692
(312) 782-3939

THIS PLEADING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

Charles T. Wehland, an attorney, hereby certifies that he served a copy of the attached Joint Motion to Enter Agreed Order upon the persons listed below by first class mail on July 8, 2004.

Carol Sudman, Hearing Officer
Illinois Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704

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**BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD**

CONSUMERS ILLINOIS WATER COMPANY,)	
)	
)	
Petitioner,)	
)	
v.)	PCB 03-124
)	(Contest-Tax Certification)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
)	
Respondent.)	

JOINT MOTION TO ENTER AGREED ORDER

Aqua Illinois, Inc. ("Aqua"), formerly Consumers Illinois Water Company, and the Illinois Environmental Protection Agency ("IEPA") hereby submit this joint motion to request the Board to enter an agreed order:

1. Aqua filed an Application for Certification of the following equipment with the IEPA on November 7, 2002: (1) three 3-million gallon sludge lagoons, (2) one 4-million gallon backwash waste settling basin, (3) one nitrate removal facility, (4) one wet well/storage basin for ion exchange backwash, (5) one powdered activated carbon unit, (6) two 2-stage upflow clarifiers, and (7) six rapid-rate gravity dual media filters.
2. IEPA filed a recommendation to deny certification for all equipment on Aqua's application with the Illinois Pollution Control Board ("IPCB") on or about February 10, 2003.
3. Aqua filed its Petition for Administrative Review of the IEPA's recommendation with the Illinois Pollution Control Board on March 14, 2003.
4. Aqua and the IEPA thereafter engaged in discussions, during which additional clarifying information about the equipment on Aqua's petition was exchanged. During those

discussions, Aqua indicated that it would not continue to contest the IEPA's denial of certification for the two 2-stage upflow clarifiers and the six rapid-rate gravity dual media filters.

5. Aqua and the IEPA filed a Joint Statement of Stipulated Facts with the IPCB on December 4, 2003.

6. IEPA served an Amended Recommendation on January 5, 2004, which recommended approval of certification for Aqua's three 3-million gallon sludge lagoons and its 4-million gallon settling basin.

7. Since IEPA filed its Amended Recommendation, Aqua has learned that the remaining contested equipment on its tax certification application (specifically, the nitrate removal facility, the wet well/storage basin for ion exchange backwash, and the powdered activated carbon unit) are excluded from its tax base until 2010, under Illinois tax law regarding enterprise zones.

8. In light of the above facts, at this time Aqua no longer wishes to pursue its petition for administrative review with respect to the equipment remaining on its petition for which IEPA has not recommended granting tax certification status.

WHEREFORE, Aqua and the IEPA hereby request that the Board enter the attached Agreed Order, (1) granting tax certification for Aqua's three 3-million gallon sludge lagoons and its 4-million gallon settling basin, and (2) dismissing, without prejudice, Aqua's petition for administrative review with respect to its nitrate removal facility, wet well/storage basin for ion exchange backwash, powdered activated carbon unit, two 2-stage upflow clarifiers, and six rapid-rate gravity dual media filters, with leave to refile its application for tax certification with respect to these facilities in the future.

Respectfully Submitted,

DATED: June 2, 2004

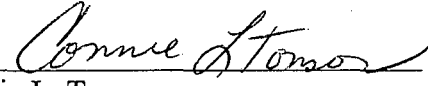
AQUA ILLINOIS, INC.

By: 
Charles T. Wehland

Laura M. Earl
Jones Day
77 West Wacker
Suite 3500
Chicago, Illinois 60601-1692

DATED: July 7, 2004

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Connie L. Tonsor
Bureau of Water Managing Attorney
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

**BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD**

CONSUMERS ILLINOIS WATER COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 03-124
)	(Contest-Tax Certification)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

AGREED ORDER

Upon the agreement of counsel for Aqua Illinois, Inc. ("Aqua"), formerly Consumers Illinois Water Company, and the Illinois Environmental Protection Agency ("IEPA"), the Board hereby finds and certifies that the three 3-million gallon sludge lagoons and the 4-million gallon backwash waste settling basin, as identified in Aqua's petition for administrative review, are pollution control facilities as defined in Section 11-10 of the Property Tax Code (35 ILCS 200/11-10 (2003)). Under Section 11-25 of the Property Tax Code, the effective date of this certificate is November 7, 2002, the date of the application for the certificate, because the construction of the facility was completed prior to the application. 35 ILCS 200/11-25 (2003); *see also* 35 Ill. Adm. Code 125.216(a).

Upon the agreement of counsel for Aqua and IEPA, the Board hereby dismisses, without prejudice, Aqua's Petition for Administrative Review with respect to all remaining identified facilities. Aqua may refile an application for tax certification with respect to these facilities in the future. The docket in this matter is closed.

IT IS SO ORDERED

ENTER: _____
Hearing Officer

DATE: _____

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Laura M. Earl
Jones Day
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Suite 3500
Chicago, Illinois 60601
Attorneys for Aqua Illinois, Inc.

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