

ILLINOIS POLLUTION CONTROL BOARD  
March 22, 2018

RANCHO CANTERA, LLC	)	
(Property Identification Number	)	
10-11-15-200-011),	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 18-62
	)	(Tax Certification - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by B.K. Carter):

On February 27, 2018, the Illinois Environmental Protection Agency (Agency) filed a motion to withdraw (Mot.) its recommendation for tax certification of water pollution control facilities owned by Rancho Cantera, LLC (Rancho Cantera). In this order, the Board briefly discusses the motion and grants it.

On February 9, 2018, the Agency filed a recommendation on whether the Board should certify specified facilities of Rancho Cantera as “pollution control facilities” for preferential tax treatment under the Property Tax Code. *See* 35 ILCS 200/11-5 *et seq.* (2016); 35 Ill. Adm. Code 125. Rancho Cantera’s livestock waste management facilities are located at 2745 North Sunnyside Road in Kent, Stephenson County. The Agency initially recommended that the Board issue a tax certificate for Rancho Cantera’s manure reception pit based upon the information contained in Rancho Cantera’s application for tax certification. Relying on Rancho Cantera’s representations, the Agency believed the manure pit contained sixteen pump out ports for manure removal. However, a February 21, 2018 email to the Agency from Jack Nims of Frank & West Environmental Engineers disclosed that the application mistakenly listed sixteen pump out ports when there are none. Mot. at 2-3. The Agency now moves to withdraw its recommendation and dismiss this case without prejudice because the recommendation is based upon inaccurate information.

The Board may consider any permissible motion the parties wish to file. 35 Ill. Adm. Code 101.500(a). A party may file a response within 14 days after service of the motion or, if no response is filed, it is deemed to have waived any objection to the Board granting the motion. 35 Ill. Adm. Code 101.500(d). Here, the Agency initiated service on February 27, 2018 by U.S. Mail. Rancho Cantera is therefore presumed to have been served on March 3, 2018. *See* 35 Ill. Adm. Code 101.300(c)(4). The 14<sup>th</sup> day after March 3 was a Saturday, making any response due by March 19, 2018. *See* 35 Ill. Adm. Code 101.300(c)(4). Rancho Cantera did not file a response. Accordingly, the Board grants the Agency’s motion to withdraw, dismisses this case without prejudice, and closes the docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 22, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Clerk  
Illinois Pollution Control Board