

ILLINOIS POLLUTION CONTROL BOARD
February 21, 2002

DUKE ENERGY NORTH AMERICA (Lee)
County) (Property Identification Numbers 18-)
08-12-200-005, 18-08-12-200-008, 07-08-01-)
400-003, 14-09-07-100-011),)
)
Petitioner,)
)
v.) PCB 02-113
) (Tax Certification)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

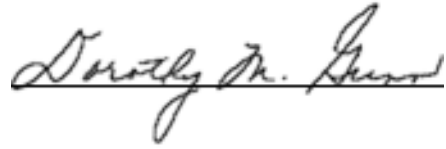
On February 11, 2002, the Illinois Environmental Protection Agency (Agency) recommended that the Board certify certain facilities of Duke Energy North America (Duke) as “pollution control facilities” for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-5 *et seq.* (2000)). The Agency 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 certification for the concrete structures and sumps, but deny a tax certificate for the sanitary waste septic tank and associated lift station.

In a separate order, the Board today issued a tax certificate for Duke’s concrete structures and sumps in PCB 02-110. The Board now opens this docket to address the Agency’s recommendation that the Board deny tax certification for Duke’s septic tank and lift station. The Board directs the Clerk of the Board to place a copy of the Agency’s recommendation in the record of this docket.

If Duke wishes to contest the Agency’s recommendation regarding the septic tank and lift station, Duke must file a petition to contest with the Clerk of the Board within 35 days after the Agency served the recommendation on Duke. *See* 35 Ill. Adm. Code 125.206(a). If Duke fails to timely file a petition, the Board may deny tax certification for the septic tank and the lift station 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 February 21, 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