

ILLINOIS POLLUTION CONTROL BOARD
January 20, 2005

BURROUGHS AG SERVICE, INC.-)	
WYOMING)	
(Portion of Building over Agrichemical)	
Containment Structures (Property)	
Identification Number 05-29-300-007)),)	
)	
Petitioner,)	
)	
v.)	PCB 05-107
)	(Tax Certification - Water)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

On December 6, 2004, the Illinois Environmental Protection Agency (Agency) recommended that the Board not certify certain facilities of Burroughs AG Service, Inc. (Burroughs AG Service) as “pollution control facilities” for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-5 *et seq.* (2002)). The disapproved facilities are the portion of the building over the minibulk/package agrichemical containment structures at Burroughs AG Service’s agrichemical and fertilizer loading and storage facility located in Stark County. The Agency filed the recommendation under Part 125 of the Board’s procedural rules (35 Ill. Adm. Code 125). In this order, consistent with the Agency’s recommendation, the Board declines to certify that Burroughs AG Service’s facilities are pollution control facilities.

The Agency states that it received a tax certification application from Burroughs AG Service for the agrichemical containment structure and the portion of the building over its minibulk/package agrichemical containment structures at its agrichemical and fertilizer loading and storage facility on December 2, 2002. Agency Rec. at 1. On December 6, 2004, the Agency filed a recommendation on the application with the Board. The Agency’s recommendation identifies the facilities at issue:

The portion of the building over the minibulk/package agrichemical secondary containment structure. Agency Rec. at 2.

The Agency’s recommendation also identifies the location of the facilities: Section 29, Township 31 North, Range 7 East of the Third Principal Meridian in Stark County. *Id.* at 1.

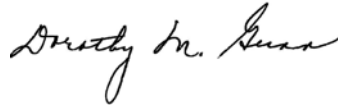
The Agency recommends that the Board deny certification that the identified facilities are pollution control facilities as defined in Section 11-10 of the Property Tax Code (35 ILCS 200/11-10 (2002)). Agency Rec. at 3.

Burroughs AG Service had 35 days from when it was served with a copy of the Agency's recommendation to contest that recommendation to the Board. 35 Ill. Adm. Code 125.206. Any petition for review was to have been filed on or before January 11, 2005. 35 Ill. Adm. Code 101.300(c). The Burroughs AG Service failed to file a petition before the Board within that time. Accordingly, consistent with the Agency's recommendation, the Board declines to certify that Burroughs AG Service's facilities are pollution control facilities that are subject to preferential treatment under the Property Tax Code. The Board dismisses this docket.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 20, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board