

ILLINOIS POLLUTION CONTROL BOARD

December 20, 2001

THE AMERICAN COAL COMPANY -	)	
GALATIA (Landfill) (Property Identification	)	
Numbers 11-1-083-01, 1-1-088-01, 1-1-088-	)	
03, 1-1-088-04, 11-1-093-01, 11-1-093-02,	)	
11-1-093-03, 11-1-093-05, 11-1-093-06, 11-1-	)	
093-07, 11-1-095-01, 11-1-095-02),	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 02-83
	)	(Tax Certification)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On December 12, 2001, the Illinois Environmental Protection Agency (Agency) filed a recommendation on whether the Board should certify certain facilities of The American Coal Company (American Coal) 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 the perimeter ditch of American Coal's new 472-acre coal cleaning refuse landfill (perimeter ditch), but deny a tax certificate for the 472-acre coal cleaning refuse landfill and addition of agricultural lime (landfill).

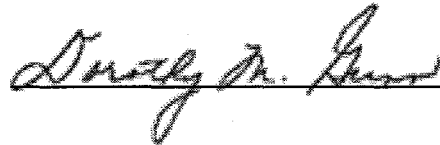
In a separate order, the Board today issued a tax certificate for American Coal's perimeter ditch in PCB 02-76. The Board now opens this docket, PCB 02-83, to address the Agency's recommendation that the Board deny tax certification for American Coal's landfill. The Board directs the Clerk of the Board to place a copy of the Agency's recommendation in the record of this docket.

If American Coal wishes to contest the Agency's recommendation regarding the landfill, American Coal must file a petition to contest with the Clerk of the Board within 35 days after the Agency served the recommendation on American Coal. *See* 35 Ill. Adm. Code 125.206(a). If American Coal 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 December 20, 2001, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

**RECEIVED**  
CLERK'S OFFICE

DEC 12 2001

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

The American Coal Company-Galatia )  
(Property Identification Numbers )  
11-1-083, 1-1-088-01, 1-1-088-03, 1-1-088-04, )  
11-1-093-01, 11-1-093-02, 11-1-093-03, ) PCB 02-*76*  
11-1-093-05, 11-1-093-06, 11-1-093-07, ) (Tax Certification)  
11-1-095-01 and 11-1-095-02 )

**RECOMMENDATION**

Now Comes the Illinois Environmental Protection Agency ("Illinois EPA") by Connie L. Tonsor, one of its attorneys, and pursuant to Section 125.204 of the Illinois Pollution Control Board's (Board) regulations files the following Recommendation regarding the tax certification of water pollution control facilities pursuant to 35 Ill. Adm. Code 125.204.

1. On January 31, 2001, the Illinois EPA received a request from The American Coal Company for an Illinois EPA recommendation regarding the tax certification of water pollution control facilities, pursuant to 35 Ill. Adm. Code 125.204, and noted the request as log number TC-06-01. (Exhibit A)

2. The applicant's address is:

Ms. Linda Carlton  
The American Coal Company  
Post Office Box 727  
Harrisburg, Illinois 62946

3. The proposed water pollution control facilities in this request are located at:  
SW ¼ of Section 17, E ½ of the NE ¼ of Section 19 and NW ¼ and the N ½ of

the SW ¼ of Section 20 Township 8 South-Range 6 East of the 3<sup>rd</sup> P.M. and consist of:

- A) The perimeter ditch of the new 472-acre coal cleaning refuse landfill.  
(This facility is further described in Exhibit A.)
- B) The 472-acre coal cleaning refuse landfill and addition of agricultural lime.  
(This facility is further described in Exhibit A.)

4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2000), defines “pollution control facilities” as: “any system, method, construction, device or appliance appurtenant thereto or any portion of any building or equipment, that is designed, constructed, installed or operated for the primary purpose of: (a) eliminating, preventing, or reducing air or water pollution ...or (b) treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without treatment, pretreatment modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property.”
5. Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5 (2000).
6. Based on the information in the application and the purpose of the facilities, the perimeter ditch, described in paragraph 3(A) is conveying water back to a pond system. The pond system collects all water at the site and is used as slurry water. The Illinois EPA’s engineering judgment that the described facilities may

be considered "pollution control facilities," pursuant to 35 Ill. Adm. Code 125.200(a), with the primary purpose of eliminating, preventing, or reducing water pollution, or as otherwise provided in 35 Ill. Adm. Code 125.200.

Therefore, the perimeter ditch described in paragraph 3(A) is eligible for tax certification from the Board.

7. The 472-acre coal cleaning refuse landfill and the addition of agricultural lime described in paragraph 3(B) is a disposal facility for coal cleaning refuse, a byproduct of mining, and not a water pollution control device, 35 Ill. Adm. Code 125.200.
8. Therefore, pursuant to Section 125.204(a) the Illinois EPA recommends that the Board issue the requested tax certification for the perimeter ditch described in paragraph 3(A) and deny the requested tax certification for the 472-acre coal cleaning refuse landfill described in paragraph 3(B), 35 Ill. Adm. Code 125.204.
9. The applicant may file a petition with the Board to contest the Agency denial recommendation. The applicant has 35 days after the date of service of this recommendation to file its petition.

Illinois Environmental Protection Agency,

By: Connie L. Tonsor

Connie L. Tonsor  
Associate Counsel

December 10, 2001  
1021 North Grand Ave. E.  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)

POLLUTION CONTROL FACILITY

AIR  WATER

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
P. O. Box 19276, Springfield, IL 62794-9276

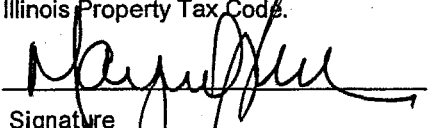
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TC-02-01  
This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

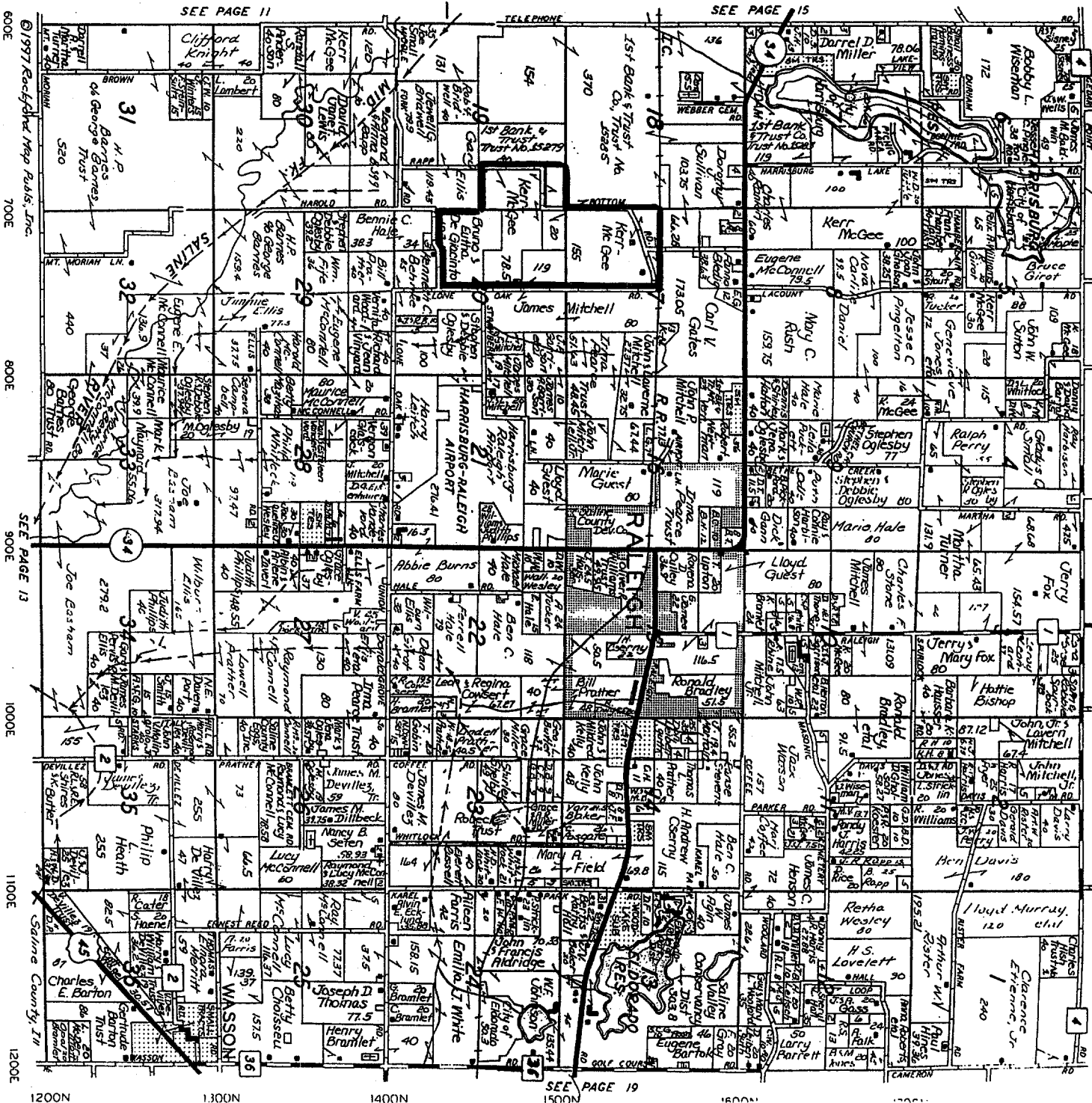
JAN 31 2001

FOR AGENCY USE		ILLINOIS ENVIRONMENTAL PROTECTION AGENCY	
File No.	Date Received	Certification No. <span style="float: right;">Date</span>	
APPLICANT	<b>Sec. A</b> Company Name <b>The American Coal Company</b> <b>BOW/WPC/PERMIT SECTION</b>		
	Person Authorized to Receive Certification <b>Ms. Linda Carlton</b>	Person to Contact for Additional Details <b>Ms. Linda Carlton</b>	
	Street Address <b>P O Box 727</b>	Street Address <b>P O Box 727</b>	
	Municipality, State & Zip Code <b>Harrisburg, IL 62946</b>	Municipality, State & Zip Code <b>Harrisburg, IL 62946</b>	
	Telephone Number <b>618/268-6535</b>	Telephone Number <b>618/268-6535</b>	
	Location of Facility Quarter Section      Township      Range <b>Pt. Sec 17, 19, 20    8S                      6E</b>	Municipality      Township <b>1.2 miles East      Raleigh</b>	
	Street Address <b>9085 Hwy 34 N, Galatia, IL</b>	County      Book Number <b>Saline</b>	
	Property Identification Number <b>11-1-083-01; 1-1-088-01, 03, 04; 11-1-093-01,02, 03, 05,06, 07; 11-1-095-01,02</b>	Parcel Number	
	MANUFACTURING OPERATIONS	<b>Sec. B</b> Nature of Operations Conducted at the Above Location <b>472 acre surface site designed and approved for permanent containment of coal waste materials to meet surface runoff and groundwater environmental compliance.</b> <b>IDNR-Land Reclamation Div. Permit No. 306      Issued 11/20/1997</b>	
Water Pollution Control Construction Permit No.		Date Issued	
NPDES PERMIT No. <b>IL0061727-Sediment Pond #002</b>		Date Issued <b>8/15/96 (current)</b>	Expiration Date <b>8/15/2001</b>
Air Pollution Control Construction Permit No.		Date Issued	
Air Pollution Control Operating Permit No.		Date Issued	
MANUFACTURING PROCESS	<b>Sec. C</b> Describe Unit Process <b>Coarse refuse generated from coal cleaning is placed on the prepared site and compacted to ensure stability for permanent containment. Fine refuse is placed inside the coarse refuse and dewatered for permanent containment.</b>		
	Materials Used in Process <b>Self propelled compactor, bulldozers, roadgraders and haultrucks.</b> <b>Agricultural grade limestone and calcium hydroxide are used as needed to ensure proper pH control for surface runoff prior to final reclamation.</b>		
POLLUTION CONTROL FACILITY DESCRIPTION	<b>Sec. D</b> Describe Pollution Abatement Control Facility <b>Coarse refuse is compacted to stabilize the containment structure which encloses fine refuse to prevent pollution of surface water and groundwater.</b> <b>Topsoil removed from affected area, stored and protected on site for use in final site reclamation.</b> <b>Surface site drainage control is established to capture all site runoff and directed to an NPDES sediment pond-NPDES Permit No. IL0061727.</b>		

Sec. E	(1) Nature of Contaminants or Pollutants		
			Material Retained, Captured or Recovered
	Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
	Coarse refuse	rock, shale, sulfate iron pyrite, clays	Permanent disposal of described materials
	Fine refuse	sulfates, iron pyrite, clays	Permanent disposal of described materials
	(2) Point(s) of Waste Water Discharge		
			Plans and Specifications Attached
			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	(3)	Are contaminants (or residues) collected by the control facility?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	(4)	Date installation completed <u>1998</u> status of installation on date of application <u>operating</u>	
ACCOUNTING DATA	(5) a.	FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 283,200.00
	b.	NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$ 283,200.00
	c.	PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$ N/A
	d.	PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$ N/A
	e.	PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	%

Sec. F	The following information is submitted in accordance with the Illinois Property Tax Code, as amended, and to the best of my knowledge, is true and correct. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.		
	 Signature	General Manager _____ Title	

INSTRUCTIONS	Sec. G INSTRUCTIONS FOR COMPILING AND FILING APPLICATION			
	General: Separate applications must be completed for each control facility claimed. Do not mix types (water and air). Where both air and water operations are related, file two applications. If attachments are needed, record them consecutively on an index sheet.			
	Sec. A	Information refers to applicant as listed in the tax records and the person to be contacted for further details or for inspection of facilities. Define facility location by street address or legal description. A plat map location is required for facilities located outside of municipal boundaries. The property identification number is required.		
	Sec. B	Self-explanatory. Submit copies of all permits issued by local pollution control agencies. (e.g. MSD Construction Permit)		
	Sec. C	Refers to manufacturing processes or materials on which pollution control facility is used.		
	Sec. D	Narrative description of the pollution control facility, indicating that its primary purpose is to eliminate, prevent or reduce pollution. State the type of control facility. State permit number, date, and agency issuing permit. A narrative description and a process flow diagram describing the <u>pollution control facility</u> . Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an <u>average</u> analysis of the influent and effluent of the control facility stating the collection efficiency.		
	Sec. E	List air contaminants, or water pollution substances released as effluents to the manufacturing processes. List also the final disposal of any contaminants removed from the manufacturing processes. Item (1) - Refers to pollutants and contaminants removed from the process by the pollution control facility. Item (2) - Refers to water pollution but can apply to water-carried wastes from air pollution control facilities. Submit drawings, which clearly show (a) Point(s) of discharge to receiving stream, and (b) Sewers and process piping to and from the control facility. Item (3) - If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value in dollars reclaimed by sale or reuse of the collected substances. State the cost of reclamation and related expense. Item (4) - State the date which the pollution control facility was first placed in service and operated. If not, explain. Item (5) - This information is essential to the certification and assessment actions. This accounting data must be completed to activate project review prior to certification by this Agency.		
	Sec. F	Self-explanatory. Signature must be a corporate authorized signature.		
		Submit to:	Attention:	Attention:
		Illinois EPA P.O. Box 19276 Springfield, IL 62794-9276	Thomas McSwiggin Permit Section Division of Water Pollution Control	Donald E. Sutton Permit Section Division of Air Pollution Control



**Eldorado Locker Company**

U.S. Route 45 South - P.O. Box 88

(618) 273-9056

Home: (618) 962-3121

BOB & JUDY STEINBROOK

Eldorado, Illinois 62930



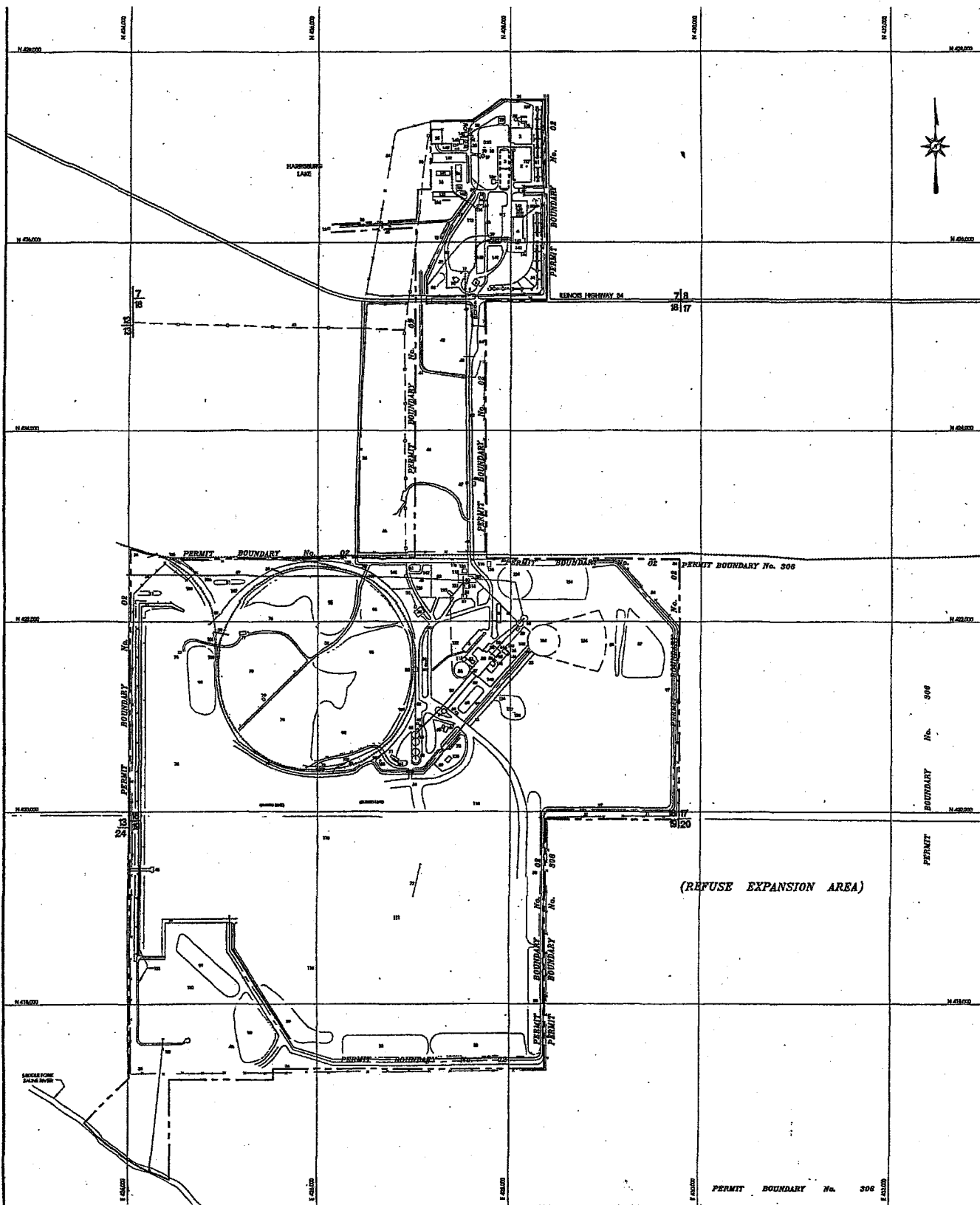
**TATES BLUE FLAME GAS, INC.**

BULK & BOTTLE GAS  
SPACE & WATER HEATERS  
GRAIN DRYING & HOME HEATING

DALE TATE: (618) 268-4548

BUSINESS PHONE: (618) 268-4600  
P.O. BOX 36 — GALATIA, ILLINOIS 62935





## GALATIA MINE - Surface Site Facilities



**THE AMERICAN COAL COMPANY**  
PO BOX 804777 • HARREBURG, LA 70044

REVISIONS			REVISIONS		
No.	Date	By	No.	Date	By
11	4/16/98	KH	1	9/18/93	KH
12	2/22/99	KH	2	7/28/94	KH
13	8/4/99	KH	3	9/19/94	KH
14	7/26/00	KH	4	9/21/95	KH
16	8/25/00	KH	5	9/28/95	KH
16			6	12/22/95	KH
17			7	10/23/96	KH
18			8	1/7/97	KH
19			9	7/24/97	KH
20			10	4/8/98	KH

Prepared by <b>Gerald DeLoach</b>	Date <b>8/11/99</b>
Checked by <b>Kimmy Pitt</b>	Revised Date <b>2/19/99</b>
Approved by <b>Gerald DeLoach</b>	Scale <b>1"=500'</b>
Drawn by <b>Tom Denton</b>	Sheet <b>1 of 1</b>

ACAD File Name  
C:\mmpa\1\permits\site facilities\gm-s-173.dwg  
Drawing No.  
**GM-S-173**

- LEGEND**
- 1. VENTILATION FAN
  - 2. OFFICE AND WAREHOUSE
  - 3. PARKING
  - 4. MAIN GATE
  - 5. GRAVEL ROADS
  - 6. WFP & WAREHOUSE
  - 7. GASOLINE STORAGE & DISPENSER
  - 8. SCREW MOUNT BARGE
  - 9. SCREW MOUNT BARGE STRUCTURE
  - 10. TEMPORARY BARGE HOUSE
  - 11. BARGE
  - 12. MOTOR CONTROL CENTER FOR HARREBURG LOCK RAMP
  - 13. HARREBURG LOCK RAMP
  - 14. POTABLE WATER STORAGE/TREATMENT PLANT
  - 15. POTABLE WATER STORAGE
  - 16. WAREHOUSE STORAGE
  - 17. WASTE WATER STORAGE
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