

ILLINOIS POLLUTION CONTROL BOARD
July 25, 2013

JOHNSON-PATE PORK, INC. – AFTON)	
TOWNSHIP (Property Identification Number)	
11-13-300-011),)	
)	
Petitioner,)	
)	
v.)	PCB 13-73
)	(Tax Certification - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On June 26, 2013, the Illinois Environmental Protection Agency (Agency) filed a recommendation on whether the Board should certify certain facilities of Johnson-Pate Pork, Inc. (petitioner) as “pollution control facilities” for preferential tax treatment under the Property Tax Code. *See* 35 ILCS 200/11-5 *et seq.* (2010); 35 Ill. Adm. Code 125. Petitioner’s water pollution control facilities are located at 10483 McGirr Road, Watertown, DeKalb County. The Agency’s June 26, 2013 recommendation recommended that the Board issue a tax certificate for petitioner’s manure pits.


On July 16, 2013, the Agency, in a letter to the Board, withdrew its June 26, 2013 recommendation that the Board issue a tax certificate for petitioner’s facility. The Agency gave no reason for withdrawing its recommendation. The Board accepts the Agency’s withdrawal and dismisses the docket¹.

¹ The Board notes that on July 17, 2017, the Agency filed a tax certification to replace a portion of this proceeding. *See Johnson-Pate Pork, Inc. v. IEPA, PCB 14-7.*

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) (2010); *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 then 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, John Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 25, 2013, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault", enclosed in a thin black rectangular border.

John T. Therriault, Clerk
Illinois Pollution Control Board