

ILLINOIS POLLUTION CONTROL BOARD
July 24, 1975

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.) PCB 75-77
)
 JOHN T. CARROLL, JR. d/b/a St.)
 FRANCIS PET CREMATORIUM and)
 CARROLL'S COCKER KENNELS,)
)
 Respondent.)

JEFFREY HERDEN, Assistant Attorney General for Complainant
JAMES DOLAN, appeared for Respondent

OPINION AND ORDER OF THE BOARD (by Mr. Henss):

The Attorney General filed a Complaint, in the name of The People of the State of Illinois, alleging that Respondent, the operator of a pet crematorium in Wood Dale, DuPage County, Illinois, emitted odors which caused air pollution in violation of Section 9(a) of the Environmental Protection Act.

At the public hearing the parties submitted a Stipulation and Proposed Settlement which the Board is asked to approve. This Stipulation shows that Carroll has operated a 150 lbs./hr. incinerator since 1971 for the purpose of cremating dogs and other small animals. This incinerator is operated on 2 to 5 days per week.

On several occasions the incinerator has emitted smoke and odors which unreasonably interfered with the enjoyment of life and property of residents in the area of the crematorium. The emissions were not continuous and Carroll took corrective action to halt the emissions as soon as he noticed them. A temperature recording device has now been installed to insure that the proper temperature is attained in the incinerator before incineration commences.

If the Board approves the proposed settlement, Carroll agrees to raise the stack height, allow only qualified operators to use the incinerator and will control the hours, the load and the temperature in use of the incinerator.

In addition to the above items, Carroll agrees to apply for and obtain an operating permit from the Environmental Protection Agency, such application to be made within 30 days of the date of the Stipulation and Proposed Settlement (June 5, 1975). Carroll agrees to post a \$3,000 performance bond to assure compliance with the above conditions. The parties agree that no monetary penalty should be imposed in settlement of this matter.

The air pollution violations appear to have been sporadic. None of the neighbors objected to the proposed settlement conditions. The Settlement will require some expenditure of funds and we see no need for the additional financial burden of a monetary penalty. We note that there has been a substantial delay in obtaining an operating permit. Further delay will not be acceptable.

The Board has considered the Settlement in light of the requirements of Section 33(c) of the Act and approves it.

This Opinion constitutes the findings of fact and conclusions of law of the Pollution Control Board.

ORDER

It is the order of the Pollution Control Board that:

John T. Carroll, Jr. is found to have operated an incinerator in Wood Dale, Illinois in such manner as to cause air pollution in violation of Section 9(a) of the Environmental Protection Act. Respondent shall comply with the following requirements:

1. The incinerator stack shall be raised to a height of 40' above grade.
2. The incinerator shall be operated between 8:00 a.m. and 5:00 p.m. only, exclusive of preheating and cooling periods. The incinerator shall operate a maximum of five days per week and shall not operate on Sunday.
3. Loading to the incinerator shall be a maximum of 150 lbs./hr.
4. The incinerator shall be equipped with a smoke opacity indication device with a warning system which notifies the operator when opacity has reached 30%.
5. No plastic bags shall be incinerated at any time.

6. Animals shall not be frozen when charged to the incinerator.
7. No animals shall be charged into the incinerator until the secondary chamber temperature has reached a minimum of 1400° F., and the temperature shall not fall below that minimum throughout the incinerator operations.
8. The incinerator premises, recording tapes and control devices shall be available for unannounced inspection by representatives of the Attorney General and the Illinois Environmental Protection Agency at any reasonable time, when Mr. John T. Carroll, Jr. is present.
9. The manufacturer's operating instructions incorporated by reference in the Stipulation, shall be followed. They shall be posted in a location near the incinerator so that any operator may readily see the instructions and follow them. A copy of these additional operating instructions shall also be posted.
10. Mr. John T. Carroll, Jr. shall be the sole operator of the incinerator, except in emergencies when another qualified operator may be used.
11. The facility shall be available for inspection upon completion of the programs outlined above.
12. Respondent shall apply for and obtain an operating permit from the Environmental Protection Agency of the State of Illinois. The application for permit shall be filed within 15 days of this Order.
13. Respondent shall, within 30 days after the date of this Order, post a bond in the amount of \$3,000 in a form acceptable to the Environmental Control Division of the Illinois Attorney General to assure compliance with the above conditions. The bond shall have a duration of one year and shall be mailed to: Fiscal Services Division, Illinois EPA, 2200 Churchill Drive, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted the 24th day of July, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board