

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

SEP. 15 2005

STATE OF ILLINOIS
Pollution Control Board

ST. FRANCIS PET CREMATORY &)
KENNELS, INC., an Illinois Corporation,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 06-13
(Permit Appeal)

NOTICE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

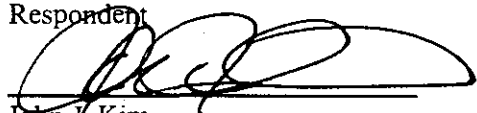
Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Ann T. Dempsey
Oliver, Close, Worden,
Winkler & Greenwald LLC
124 North Water Street, Suite 300
P.O. Box 4749
Rockford, IL 61110-4749

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board an APPEARANCE, MOTION FOR LEAVE TO SUPPLEMENT ADMINISTRATIVE RECORD, and ADMINISTRATIVE RECORD INDEX AND SUPPLEMENT, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent


John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: September 14, 2005

BEFORE THE POLLUTION CONTROL BOARD
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Petitioner,)	
v.)	PCB No. 06-13
ILLINOIS ENVIRONMENTAL)	(Permit Appeal)
PROTECTION AGENCY,)	
Respondent.)	

APPEARANCE

The undersigned, as one of its attorneys, hereby enters his Appearance on behalf of the Respondent, the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim

Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
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v.)	PCB No. 06-13
ILLINOIS ENVIRONMENTAL)	(Permit Appeal)
PROTECTION AGENCY,)	
Respondent.)	

MOTION FOR LEAVE TO SUPPLEMENT ADMINISTRATIVE RECORD

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.508 and 105.212, hereby requests that the Illinois Pollution Control Board ("Board") grant leave to file a supplement to the Administrative Record filed previously. In support of this motion, the Illinois EPA states as follows:

1. On August 31, 2005, the Illinois EPA mailed for filing the Administrative Record in this proceeding.
2. Through the course of recent file review and conversations with counsel for the Petitioner, the undersigned attorney for the Illinois EPA discovered certain documents that were not included in the Administrative Record but likely should have been. All the documents are already in the possession of the Petitioner.
3. The inclusion of these documents should be allowed to complete the Administrative Record before the Board and to allow the parties the ability to raise and argue all relevant issues.
4. The omission of these documents was due to an oversight in the Illinois EPA's preparation of the Administrative Record. There was no bad faith associated with the failure to include these documents with the Administrative Record, and this motion (and the documents

that would comprise the Supplement to the Administrative Record) is being filed immediately after the discovery and preparation of the otherwise excluded documents.

5. This motion does not in any way affect the pending motion for protective order now being considered by the Hearing Officer or the Board. That motion, and the arguments therein, should be considered on its own merits.

WHEREFORE, for the reasons stated herein, the Illinois EPA respectfully requests that the Board grant leave to file a supplement to the Administrative Record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: September 14, 2005

This filing submitted on recycled paper.

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ST. FRANCIS PET CREMATORY &)	
KENNELS, INC., an Illinois Corporation,)	
Petitioner,)	
v.)	PCB No. 06-13
ILLINOIS ENVIRONMENTAL)	(Permit Appeal)
PROTECTION AGENCY,)	
Respondent.)	

ADMINISTRATIVE RECORD INDEX AND SUPPLEMENT

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and hereby files this Index and Supplement of the Administrative Record of the Illinois EPA's decision in this matter. An original and requisite number of copies of this Index and Supplement are herewith filed with the Illinois Pollution Control Board, the assigned Hearing Officer, and the Petitioner.

Index of Administrative Record and Supplement

Document description	Page #(s)
Illinois EPA final decision denying permit modification dated 7/1/05	1-3
Reviewer notes of B. Albarracin (undated)	4-8
Correspondence/Supplement to permit application from Ann Dempsey to Beverly Albarracin dated 6/2/05	9-57
[Included in above] Certification of Siting Approval (LPC PA8 form)	[18]
[Included in above] Illinois EPA final decision approving an operating permit dated 12/6/99	[19-27]
Illinois EPA tracking sheet	58
Permit application for modification of permit submitted by Petitioner received by Illinois EPA 1/3/05	59-193
[Included in above] Joint Construction and Operating Permit issued by Illinois EPA to Petitioner dated 11/20/98	[104-106]
Supplement to Administrative Record	
Document description	Page #(s)
Illinois EPA final decision granting development permit to Petitioner dated 6/11/99	194-202
Illinois EPA tracking sheet	203
Correspondence from Ann Dempsey to Beverly Albarracin dated 7/22/02	204

Document description	Page #(s)
Illinois EPA final decision granting supplemental permit to Petitioner dated 10/28/02	205-212
Correspondence from Ann Dempsey to Beverly Albarracin dated 11/8/02	213
Correspondence from Joyce Munie (Illinois EPA) to Ann Dempsey dated 1/3/03	214
Memorandum from Bill Ingersoll to Beverly Albarracin dated 3/8/03	215-220
[Included in above] Correspondence from Ann Dempsey to Beverly Albarracin dated 1/30/03	[218-220]
Correspondence from Michael Nechvatal to Ann Dempsey dated 6/23/03	221-222

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



John J. Kim

Assistant Counsel

Special Assistant Attorney General

Division of Legal Counsel

1021 North Grand Avenue, East

P.O. Box 19276

Springfield, Illinois 62794-9276

217/782-5544

217/782-9143 (TDD)

Dated: September 14, 2005



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/524-3300

June 11, 1999

CERTIFIED MAIL

P 344 301 935

P 344 301 936

OWNER:

Thomas G. Carroll
700 Nicholas Boulevard
Suite 200
Elk Grove Village, Illinois 60007

OPERATOR:

Thomas G. Carroll
St. Francis Pet Crematory & Kennels, Inc.
3255 Gleasman Road
Rockton, Illinois 61072

Re: 2010355020 - Winnebago County
St. Francis Pet Crematory
Permit No. 1999-125-DE
Log No. 1999-125
Permit File

Gentlemen:

Permit is hereby granted to St. Francis Pet Crematory & Kennels, Inc. to develop a solid waste management site to store, transfer, and incinerate animal carcasses, in accordance with the application of March 31, 1999, received by the Illinois Environmental Protection Agency (Illinois EPA) on April 1, 1999 consisting of the property described in Attachment A, all in accordance with the application and plans prepared by Quentin H. Davis, P.E. The portion of the application to develop a facility to treat potentially infectious medical waste (PIMW) has been withdrawn, as requested in your letter dated May 19, 1999. Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency, Division of Land Pollution Control by the permit number(s) and log number(s) designated in the heading above.

The permit is issued subject to the standard conditions attached hereto and incorporated herein by reference, and further subject to the following special conditions. In case of conflict between the application and plans submitted and these special conditions, the special conditions of this permit shall govern:

1. This permit is for development only. No waste may be received at the site until such time as an Operating Permit is issued by the Illinois EPA Bureau of Land.

RELEASABLE

DEC 22 2000

REVIEWER MD

2. The Applicant must notify the Agency in writing that the development of the site has been completed in accordance with the development permit before a pre-operation site inspection can be conducted or an Operating Permit issued. All construction test results and reports shall be submitted with the application for Operating Permit.
3. This permit allows St. Francis Pet Crematory & Kennels, Inc. to develop a storage, transfer and incineration facility for solid wastes or special wastes consisting only of animal carcasses. No garbage, other solid wastes, potentially infectious wastes, or RCRA hazardous wastes can be accepted at this facility.
4. The Permittee is authorized to construct the following units, all in accordance with the approved application:
 - a. Two (2) walk-in freezers, each 27' x 27' x 10', to be used to store animal carcasses prior to processing in the cremation chambers;
 - b. Two (2) exterior stationary refrigerated trailers, each 6' x 40' x 10', to provide extra temporary storage of animal carcasses;
 - c. Two (2) combustion chambers, Model G-50-P, each with a permitted capacity of 4000 pounds per batch, two batches per day;
 - d. One (1) combustion chamber, Model G-20-P, with a permitted capacity of 1500 pounds per batch, two batches per day;
 - e. One (1) gas-powered generator area, as described in the permit application; and
 - f. Ash storage area, approximately 30' x 30', to store containers of ash until removed for proper disposal.
5. The facility may operate from 6:00 a.m. to 6:00 p.m. Monday through Saturday.
6. Adequate lighting shall be provided when the facility is operated outside of daylight hours.
7. The facility must operate in accordance with the procedures in the approved application.
8. The Permittee must provide adequate employee training to operate all equipment before employees are left unsupervised.
9. After obtaining an Operating Permit, the Permittee may accept waste at the facility during periods of curtailed facility operations under the following conditions:

- a. During the first 14 days of curtailed operations, waste may be accepted normally;
 - b. After 14 days:
 - i. If one or more of the incinerators are in service, no more than one-half the amount of the permitted capacity identified in Condition #4 above for the operating incinerator(s) may be accepted unless the excess amount can be processed or stored on site;
 - ii. If all three incinerators are out of service, no waste may be accepted until at least one incinerator is placed back in service.
 - c. Notwithstanding the above, the Permittee may accept waste for additional periods during extended curtailed facility operations caused by unusual circumstances only as approved in writing by the Illinois EPA.
10. A copy of all records and reports required by this permit shall be maintained in the facility's operating record. The operating record shall be made available to the Illinois EPA upon request. All information shall be maintained in the record for a period of at least three years beyond the date of the report.
 11. The following information shall be included in the operating record and recorded daily:
 - a. the amount of waste received;
 - b. the amount of waste rejected;
 - c. the amount of bottom and fly ash removed; and
 - d. name and address of each receiving facility that accepted the rejected waste and the ash.
 12. The contingency plan must be submitted to all local emergency response units, including the police department, fire department, ambulance service, and hospital, within 30 days of the date of issuance of this permit.
 13. On an annual basis, the Permittee shall familiarize all local emergency response units with the contingency plan and document the date, time and contents of meetings held to comply with these requirements.
 14. The Permittee shall notify the Illinois EPA of any changes from the information submitted to the Illinois EPA in its application for a Development permit for this site. The Permittee shall notify the Illinois EPA of any changes in the names or addresses of both beneficial and legal titleholders to the herein-permitted site. Such notification shall be made in writing within fifteen (15) days of such change and shall include the name or names of any parties in interest and the address of their place of abode; or, if a corporation, the name and address of

its registered agent. Any modification to the facility shall be the subject of an application for a supplemental permit for this facility.

15. This permit is issued with the expressed understanding that no process discharge to Waters of the State or to a sanitary sewer will occur from this facility, except as authorized by a permit from the Bureau of Water (BOW).
16. The incinerator ash from waste incineration shall be disposed of only in a properly permitted landfill.
17. Fire safety equipment, including fire extinguishers, shall be maintained in accordance with recommended practice.
18. A vector control specialist shall inspect the facility at least quarterly. If necessary, vector control measures shall be taken. The results of these inspections shall be maintained as part of the facility operating record and shall be made available to the Illinois EPA upon written or verbal request.
19. The facility shall perform routine housekeeping. Routine housekeeping measures at a minimum shall include:
 - a. Inspection and maintenance of the equipment in accordance with the manufacturer's recommendations;
 - b. Periodic sweeping and cleaning of unloading area, incinerator loading area, generator area and ash storage area;
 - c. Daily janitorial cleaning of administrative offices, sanitary and employee facilities;
 - d. Daily cleaning of any area as needed with mop and pail using bleach or iodine solution;
 - e. Daily inspection and cleanup of yard area from spillage, litter, and other foreign materials;
 - f. Weekly cleaning and inspection of maintenance areas for orderliness and safety compliance with industrial standards;
 - g. Weekly fire and safety inspections.

The time and date of each inspection shall be maintained in the operating record.

20. The facility shall be maintained and operated to prevent nuisance odors and litter outside the building. Any litter present outside of the building shall be collected daily.
21. Any modification to the facility shall be the subject of an application for supplemental permit for site modification submitted to the Illinois EPA.
22. The Permittee shall notify the Illinois EPA's Bureau of Land in writing of its intent to close at least 45 days prior to the date closure is expected to begin. Along with this notification, the Permittee shall submit the procedure and sampling and analysis plan to be used in demonstrating the area has been properly decontaminated. This plan shall be approved by the Illinois EPA's Bureau of Land in writing prior to being implemented.
23. The operator shall notify the Illinois EPA within 30 days after receiving the final volume of waste.
24. The operator shall initiate implementation of the closure plan within 30 days after the site receives its final volume of waste.
25. The operator shall not file any application to modify the closure plan less than 180 days prior to receipt of the final volume of waste.
26. Upon completion of closure activities, the operator will notify the Illinois EPA that the site has been closed in accordance with the approved closure plan utilizing the Illinois EPA's "Affidavit for Certification of Completion of Closure of Non-Hazardous Waste Facilities."
27. This permit is subject to review and modification by the Illinois EPA as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.

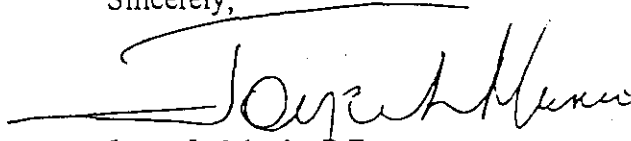
The original and two (2) copies of all certifications, logs, or reports and three (3) copies of groundwater monitoring chemical analysis forms which are required to be submitted to the Illinois EPA by the Permittee should be mailed to the following address:

Illinois Environmental Protection Agency
Planning and Reporting Section
Division of Land Pollution Control -- #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Work required by this permit, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This permit does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Within 35 days after the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

Sincerely,



Joyce L. Munie, P.E.
Manager, Permit Section
Bureau of Land

JLM:BA\mls\992132S.WPD

cc: Quentin H. Davis, P.E.
Ann Dempsey

Attachment

bcc: Bureau File
Rockford Region
Joyce Munie
Bev Albarracin

STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

July 1, 1979

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

These standard conditions shall apply to all permits which the Agency issues for construction or development projects which require permits under the Division of Water Pollution Control, Air Pollution Control, Public Water Supplies, and Land and Noise Pollution Control. Special conditions may also be imposed by the separate divisions in addition to these standard conditions.

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire two years after date of issuance unless construction or development on this project has started on or prior to that date.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentation of credentials:
 - a. to enter at reasonable times the permittee's premises where actual or potential effluent, emissions or noise sources are located or where any activity is to be conducted pursuant to this permit.
 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit.
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit.
 - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants.

- e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
- a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
 - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the Agency before the facility or equipment covered by this permit is placed into operation.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Agency may file a complaint with the Board for modification, suspension or revocation of a permit:
- a. upon discovery that the permit application contained misrepresentations, misinformation or false statements or that all relevant facts were not disclosed; or
 - b. upon finding that any standard or special conditions have been violated; or
 - c. upon any violation of the Environmental Protection Act or any Rule or Regulation effective thereunder as a result of the construction or development authorized by this permit.

TA:bjh\98311S.WPD

Attachment A

2010355020 -- Winnebago County
St. Francis Pet Crematory
Permit No. 1999-125-DE
Log No. 1999-125
Permit File

Legal Description of Site:

Part of the Southeast Quarter (1/4) of Section 3, Township 45 North, Range 1 East of the Third Principal Meridian, described as follows: Beginning at a point in the South line of said Section 1331.2 feet West of the Southeast corner thereof; thence West along said South line 330 feet; thence North 0 degrees 05' East 660 feet; thence East parallel with the South line of said Section 330 feet; thence South 0 degrees 05' East 660 feet to the place of beginning; situated in the County of Winnebago and State of Illinois; commonly known as 3255 Gleasman Road, Rockton, Illinois 61072.

BA\mls\992132S.WPD

STATE PERMIT LOG NO. : 1999-125

NAME : ST FRANCIS PET CREMATORY

OWNER : THOMAS G. CARROLL

STATUS : I

SITE NO. : 2010355020

COUNTY : WINNEBAGO

CITY : ROCKTON

PERMIT TYPE : DE

NOTS DUE DATE: 99/05/16

REVIEWER : BGA

SR : 90

GA-REQ'D : NA

FACILITY TYPE : STPR

COMPLETENESS : 99/05/16

GAU-REV :

RP : 90

WASTE TYPE : NH

RECEIVED : 99/04/01

DUE: 99/06/30

MAILED : 99/06/11

REVIEW TIME : 71

WAIVER :

FINAL ACTION : ISSUED

PSRP : 79

PRP : 79

NOTIFY IHPA: Y

CLOSURE PLAN SUBM'T:

FINAN. ASSUR. SUBM'T:

REG. POLL. CONTROL:

SITING APP'D: Y

NOTIFY APC:

NOTIFY PWS:

NOTIFY WPC:

CROPA:

NOTIFY ENF: Y

NOTIFY CMS: Y

NOTIFY LOCAL OFFICIALS: Y

NOTIFY FOS: Y

NOTIFY DOT :

NOTIFY AGRI: Y

NOTIFY ISGS:

NOTIFY CONSER.: Y

NOTIFY DELEGATED COUNTY:

NOTIFY DENR: Y

PRE-OP MEMO SENT:

COMMENTS:

813 COMPLETENESS REVIEW

A.	LOG IN PROCESS	_____	: (5) :	PERMIT EXPIRATION:
B.	TO GAU REVIEWER	_____	: (5)	
C.	GAU REVIEW	_____	: (7)	
D.	GAU MEMO TO SW	_____	: (2)	
E.	TO SW REVIEWER	_____	: (5)	
F.	SW REVIEW	_____	: (7)	
G.	SW MANAGER REVIEW	_____	: (2)	
H.	JOINT DECISION	_____	: (2)	
I.	COMPLETENESS LTR SENT	_____	: (7)	
J.	GAU & SW	_____	: (TECH. MTG.)	
K.	DRAFT	_____	:	
L.	REVIEW MGR	_____	:	

807/832 COMPLETENESS REVIEW

i.	OWNER'S SIGNATURE	Y	N	
ii.	OPERATOR'S SIGNATURE	Y	N	
iii.	P.E.'S SIGNATURE	Y	N	NA
iv.	SITING OBTAINED	Y	N	NA
v.	CORRECT FORMS UTILIZED	Y	N	WHAT FORMS MISSING?
vi.	COMPLETE	Y	N	IF NO SEND LETTER BY 30TH DAY!

NOTICE OF TECHNICAL STATUS (NOTS) CALL

CONTACTED:

ACTUAL DATE CONTACTED:

ITEMS DISCUSSED:

OLIVER, CLOSE, WORDEN, WINKLER & GREENWALD

LAWYERS

Suite 300 Waterside Center
124 North Water Street
ROCKFORD, ILLINOIS 61107-3974

Mailing Address

Post Office Box 4749
ROCKFORD, ILLINOIS 61110-4749
(815) 968-7591 Fax (815) 968-7507

Robert J. Oliver*
Curtis D. Worden*
Karl F. Winkler
Thomas E. Greenwald*
John Rearden, Jr.*
Ann T. Dempsey*
Timothy A. Miller*
Debra A. Delia

Of Counsel
Henry J. Close*

*Admitted to Practice
in Illinois and Wisconsin

*Admitted to Practice
in Illinois, New York
and Wisconsin

July 22, 2002

Sent Via U.S. Mail and
Facsimile 217-524-3291

Ms. Beverly Albarracin
Illinois Environmental Protection Agency
2200 Churchill Rd.
Springfield, IL 62794-9276

RE: St. Francis Pet Crematory & Kennels, Inc.
Site No. 2010355020 - Winnebago County
Permit No. 1999-125-DE

Dear Ms. Albarracin:

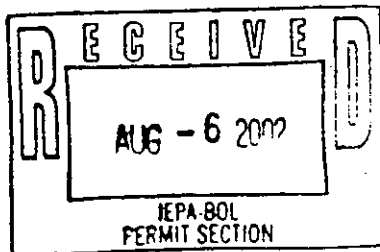
In confirmation of our July 18, 2002 telephone conference, St. Francis Pet Crematory & Kennels, Inc. intends to file an Application for Modification to the permit issued regarding the above referenced site. St. Francis intends to install additional incineration machinery as indicated on the original site plan.

Based on our telephone conversation, it is my understanding that the incineration equipment may be delivered but may not be operational until and unless a modification permit is issued. Thank you for your clarification regarding this matter.

Very truly yours,

OLIVER, CLOSE, WORDEN,
WINKLER & GREENWALD

Ann T. Dempsey



ATD:rlb

cc: Mr. Thomas G. Carroll

RELEASEABLE

AUG 10 2002

REVIEWER MD



Bureau
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1101 NORTH GRAND AVENUE EAST, P.O. BOX 19174, SPRINGFIELD, ILLINOIS 62794-0174
JAMES R. THOMPSON CENTER, 120 WEST RANDOLPH, SUITE 11-000, CHICAGO, ILLINOIS 60601

GEORGE H. RYAN, GOVERNOR

RENÉE CARRANZA, DIRECTOR

217/524-3300

October 28, 2002

Certified Mail

7001 2510 0002 5277 2421

7001 2510 0002 5277 2438

OWNER:

Thomas G. Carroll
700 Nicholas Boulevard
Suite 200
Elk Grove Village, Illinois 60007

OPERATOR:

Thomas G. Carroll
St. Francis Pet Crematory & Kennels, Inc.
3255 Gleasman Road
Rockford, Illinois 61101

Re: 2010355020 -- Winnebago County
St. Francis Pet Crematory
Permit No. 1999-125-DE/OP
Supplemental Permit No. 2002-232-SP
Log No. 2002-232
Permit File

Gentlemen:

Supplemental permit is hereby granted to St. Francis Pet Crematory & Kennels, Inc. as owner and operator to modify the operation of the solid waste management facility to store, transfer, and incinerate animal carcasses, consisting of the property described in Attachment A, in accordance with the applications and plans prepared and submitted by Quentin H. Davis, P.E., dated July 30, 2002, and received by the Illinois Environmental Protection Agency (Illinois EPA) on July 31, 2002. Final plans, specifications, application and supporting documents, as submitted and approved, shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency, Division of Land Pollution Control by the permit number(s) and log number(s) designated in the heading above.

The application approved by this permit consists of the following documents:

<u>DOCUMENT</u>	<u>DATED</u>	<u>DATE RECEIVED</u>
Original Application Log No. 2002-232	July 30, 2002	July 31, 2002

Specifically, Supplemental Permit No. 2002-232-SP approves: 1) the modification of Special Condition No. 2 to allow the addition of two incinerators, one Model G-20-P and one Model G-50-P in accordance with the Plan Sheet found in Exhibit B of this submission; 2) the modification of Special Condition No. 2 to change the number of exterior stationary refrigerated tractor trailers from eight (8) to two (2); 3) the modification of Special Condition No. 2 to add eight (8) exterior mobile refrigerated tractor trailers for extra temporary storage of carcasses; 4) the modification of Special Condition No. 9 to add "the amount of waste incinerated, in pounds" so that the requirements of the operating record are clarified; 5) the modification of

Attachment A to reflect a change of address from 3255 Gleasman Road, Rockton, Illinois to 3255 Gleasman Road, Rockford, Illinois.

Condition in Supplemental Permit No. 1999-406-SP	Condition in Supplemental Permit No. 2002-232-SP	Modification
2(b)	2(b)	Change exterior stationary refrigerated trailers from eight (8) to two (2)
NA	2(c)	Add eight (8) exterior mobile refrigerated trailers
2(c)	2(d)	Add an incinerator Model G-50-P. for a total of three (3)
2(d)	2(e)	Add an incinerator Model G-20-P. for a total of two (2)
NA	9(c)	Add the phrase "the amount of waste incinerated, in pounds" to clarify the operating requirements
Attachment A	Attachment A	Changed the Town in the address from Rockton to Rockford

Except for the differences described above, the special conditions of this permit letter are identical to the special conditions of supplemental permit No. 1999-406-SP, issued December 6, 1999.

The permit is issued subject to the standard conditions attached hereto and incorporated herein by reference, and further subject to the following special conditions. In case of conflict between the permit application and these conditions (both standard and special), the conditions of this permit shall govern:

1. This permit allows St. Francis Pet Crematory & Kennels, Inc. to operate a storage, transfer and incineration facility for solid wastes or special wastes consisting only of animal carcasses, no garbage, other solid wastes, potentially infectious medical wastes, or RCRA hazardous wastes can be accepted at this facility.
2. The Permittee is authorized to operate the following units, all in accordance with the approved application:
 - a. Two (2) walk-in freezers, each 27' x 27' x 10', to be used to store animal carcasses prior to processing in the cremation chambers;

- b. Two (2) exterior stationary refrigerated trailers, each 6' x 40' x 10', to provide extra temporary storage of animal carcasses;
 - c. Eight (8) exterior mobile refrigerated trailers, each 6' x 40' x 10', to provide extra temporary storage of animal carcasses;
 - d. Three (3) combustion chambers, Model G-50-P, each with a permitted capacity of 4000 pounds per batch, two batches per day;
 - e. Two (2) combustion chambers, Model G-20-P, with a permitted capacity of 1500 pounds per batch, two batches per day;
 - f. One (1) gas-powered generator area, as described in the Supplemental Permit application; and
 - g. Ash storage area, approximately 30' x 30', to store containers of ash until removed for proper disposal.
- 3. The Permittee may operate from 6:00 a.m. to 6:00 p.m. Monday through Saturday. However, the Permittee may conduct monitoring, inspections, and cleanup outside of the designated operating hours.
 - 4. Adequate lighting shall be provided when the facility is operated outside of daylight hours.
 - 5. The facility must operate in accordance with the procedures in the approved application.
 - 6. The Permittee must provide adequate employee training to operate all equipment before employees are left unsupervised.
 - 7. The Permittee may accept waste at the facility during periods of curtailed facility operations under the following conditions:
 - a. During the first 14 days of curtailed operations, waste may be accepted normally;
 - b. After 14 days:
 - i. If one or more of the incinerators are in service, no more than one-half the amount of the permitted capacity identified in Condition #2 above for the operating incinerator(s) may be accepted unless the excess amount can be processed or stored on site;

- ii. If all five incinerators are out of service, no waste may be accepted until at least one incinerator is placed back in service.
 - c. Notwithstanding the above, the Permittee may accept waste for additional periods during extended curtailed facility operations caused by unusual circumstances only as approved in writing by the Illinois EPA.
- 8. A copy of all records and reports required by this permit shall be maintained in the facility's operating record. The operating record shall be made available to the Illinois EPA upon request. All information shall be maintained in the record for a period of at least three years beyond the date of the report.
- 9. The following information shall be included in the operating record and recorded daily:
 - a. the amount of waste received;
 - b. the amount of waste rejected;
 - c. the amount of waste incinerated, in pounds;
 - d. the amount of bottom and fly ash removed; and
 - e. name and address of each receiving facility that accepted the rejected waste and the ash.
- 10. The contingency plan must be submitted to all local emergency response units, including the police department, fire department, ambulance service, and hospital, within 30 days of the date of issuance of this permit.
- 11. On an annual basis, the Permittee shall familiarize all local emergency response units with the contingency plan and document the date, time and contents of meetings held to comply with these requirements.
- 12. The Permittee shall notify the Illinois EPA of any changes from the information submitted to the Illinois EPA in its application for a Development permit for this site. The Permittee shall notify the Illinois EPA of any changes in the names or addresses of both beneficial and legal titleholders to the herein-permitted site. Such notification shall be made in writing within fifteen (15) days of such change and shall include the name or names of any parties in interest and the address of their place of abode; or, if a corporation, the name and address of its registered agent. Any modification to the facility shall be the subject of an application for a supplemental permit for this facility.
- 13. This permit is issued with the expressed understanding that no process discharge to Waters of the State or to a sanitary sewer will occur from this facility, except as authorized by a permit from the Bureau of Water (BOW).

14. This permit is issued with the expressed understanding that no emissions will be generated by this facility, except as authorized by a permit from the Bureau of Air (BOA).
15. The incinerator ash from waste incineration shall be disposed of only in a properly permitted landfill.
16. Fire safety equipment, including fire extinguishers, shall be maintained in accordance with recommended practice.
17. A vector control specialist shall inspect the facility at least quarterly. If necessary, vector control measures shall be taken. The results of these inspections shall be maintained as part of the facility operating record and shall be made available to the Illinois EPA upon written or verbal request.
18. The facility shall perform routine housekeeping. Routine housekeeping measures at a minimum shall include:
 - a. Inspection and maintenance of the equipment in accordance with the manufacturer's recommendations;
 - b. Periodic sweeping and cleaning of unloading area, incinerator loading area, generator area and ash storage area;
 - c. Daily janitorial cleaning of administrative offices, sanitary and employee facilities;
 - d. Daily cleaning of any area as needed with mop and pail using bleach or iodine solution;
 - e. Daily inspection and cleanup of yard area from spillage, litter, and other foreign materials;
 - f. Weekly cleaning and inspection of maintenance areas for orderliness and safety compliance with industrial standards;
 - g. Weekly fire and safety inspections.

The time and date of each inspection shall be maintained in the operating record.

19. The facility shall be maintained and operated to prevent nuisance odors and litter outside the building. Any litter present outside of the building shall be collected daily.
20. Any modification to the facility shall be the subject of an application for supplemental permit for site modification submitted to the Illinois EPA.

21. The Permittee shall notify the Illinois EPA's Bureau of Land in writing of its intent to close at least 45 days prior to the date closure is expected to begin. Along with this notification, the Permittee shall submit the procedure and sampling and analysis plan to be used in demonstrating the area has been properly decontaminated. This plan shall be approved by the Illinois EPA's Bureau of Land in writing prior to being implemented.
22. The operator shall notify the Illinois EPA within 30 days after receiving the final volume of waste.
23. The operator shall initiate implementation of the closure plan within 30 days after the site receives its final volume of waste.
24. The operator shall not file any application to modify the closure plan less than 180 days prior to receipt of the final volume of waste.
25. Upon completion of closure activities, the operator will notify the Illinois EPA that the site has been closed in accordance with the approved closure plan utilizing the Illinois EPA's "Affidavit for Certification of Completion of Closure of Non-Hazardous Waste Facilities."
26. This permit is subject to review and modification by the Illinois EPA as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.

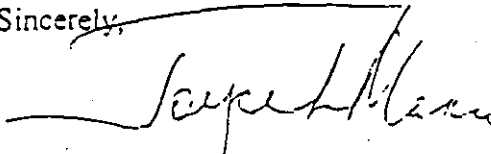
The original and two (2) copies of all certifications, logs, or reports and three (3) copies of groundwater monitoring chemical analysis forms which are required to be submitted to the Illinois EPA by the Permittee should be mailed to the following address:

Illinois Environmental Protection Agency
Planning and Reporting Section
Division of Land Pollution Control -- #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Work required by this permit, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This permit does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Within 35 days after the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

Sincerely,



Joyce L. Munie, P.E.
Manager, Permit Section
Bureau of Land

^{AD}
JLM:BGA:bjh 2002692s.doc

cc: Quentin H. Davis, P.E.
Ann T. Dempsey

Attachment

bcc: Bureau File
Rockford Region
Bill Ingersoll
Ted Dragovich
Randy Solomon
Hope Wright
Beverly Albarracin

Attachment A

2010355020 -- Winnebago County
St. Francis Pet Crematory
Permit No. 1999-125-DE
Log No. 2002-232
Permit File

Legal Description of Site:

Part of the Southeast Quarter (1/4) of Section 3, Township 45 North, Range 1 East of the Third Principal Meridian, described as follows: Beginning at a point in the South line of said Section 1331.2 feet West of the Southeast corner thereof; thence West along said South line 330 feet; thence North 0 degrees 05' East 660 feet; thence East parallel with the South line of said Section 330 feet; thence South 0 degrees 05' East 660 feet to the place of beginning; situated in the County of Winnebago and State of Illinois; commonly known as 3255 Gleason Road, Rockford, Illinois 61072.

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OLIVER, CLOSE, WORDEN, WINKLER & GREENWALD
LAWYERS

Suite 300 Waterside Center
124 North Water Street
ROCKFORD, ILLINOIS 61107-3974

Mailing Address
Post Office Box 4749
ROCKFORD, ILLINOIS 61110-4749
(815) 968-7591 Fax (815) 968-7507

Robert J. Oliver*
Curtis D. Worden*
Karl F. Winkler
Thomas E. Greenwald*
John Rearden, Jr.*
Ann T. Dempsey*
Timothy A. Miller*
Debra A. Delia

David J. Turiciano*
Of Counsel
Henry J. Close*
*Admitted to Practice
in Illinois and Wisconsin
*Admitted to Practice
in Illinois, New York
and Wisconsin

November 8, 2002

Sent Via U.S. Mail and
Facsimile 217-524-3291

Ms. Beverly Albarracin
Illinois Environmental Protection Agency
Bureau of Land
1021 N. Grand Ave. East
Springfield, IL 62702

RE: St. Francis Pet Crematory & Kennels, Inc.
Site No. 2010355020 - Winnebago County
Permit No. 1999-125-DE/OP


Dear Ms. Albarracin:

Thank you for taking the time to discuss the IEPA interpretation of Potentially Infectious Medical Waste (PIMW) under the Illinois Administrative Code. Specifically, I would like to confirm that animals with chronic wasting disease (CWD), transmissible spongiform encephalopathy (TSE) or similar diseases are not considered PIMW under the Illinois Administrative Code and a PIMW permit is not required for the disposition of such diseased animals.

If this letter does not accurately reflect the IEPA interpretation of Section 1420.102 of Title 35 of the Illinois Administrative Code, please notify me immediately. Thank you for your consideration.

Very truly yours.

OLIVER, CLOSE, WORDEN,
WINKLER & GREENWALD


Ann T. Dempsey

ATD:rlb
cc: Mr. Thomas G. Carroll

RECEIVED

NOV 14 2002

IEPA-BOL
PERMIT SECTION



Bureau
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

11021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

GEORGE H. RYAN, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/524-3300

January 3, 2003

Ann T. Dempsey
Oliver, Close, Worden, Winkler & Greenwald
Suite 300 Waterside Center
124 North Water Street
Rockford, Illinois 61107-3974

Re: 2010355020 - Winnebago County
St. Francis Pet Crematory
Log No. PS02-191
Permit File


Dear Ms. Dempsey:

Thank you for your letter of November 8, 2002, in which you request confirmation that animals with Chronic Waste Disease (CWD), Transmissible Spongiform Encephalopathy (TSE) or similar diseases are not considered to be potentially infectious medical waste (PIMW).

The definition of potentially infectious medical waste states that: "PIMW means the following types of waste generated in connection with the diagnosis, treatment (i.e., provision of medical services), or immunization of human beings or animals; research pertaining to the provision of medical services; or the provision or testing of biologicals." The carcasses of animals which might have the diseases you mention do not fall under this definition, unless the carcasses were generated under one of the scenarios described above.

I hope this satisfies your inquiry. If you have further questions, please do not hesitate to contact Beverly Albarracin at 217/524-3289.

Sincerely,


Joyce L. Munie, P.E.
Manager, Permit Section
Bureau of Land

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RELEASABLE

JAN 28 2003

REVIEWER MM

bcc: Bureau File
Rockford
Paul Purseglove
Ted Dragovich
Lorraine Robinson
Beverly Albarracin



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

MEMORANDUM

DATE: March 8, 2003

TO: Bev Albarracin, BOL/Permit Section

FROM: Bill Ingersoll, DLC *BI*

SUBJECT: 2010355020 - Winnebago County
St. Francis Pet Crematory
Permit No. 1999-125-DE/OP
Log No. PS03-010
Permit File

I have been assigned to provide legal support regarding the response for the above Permit Section correspondence. This matter involves a January 30, 2003 letter (copy attached) from St. Francis's attorney, Ms. Ann Dempsey. This letter appears to be a follow-up to a telephone conference between you and Ms. Dempsey. Ms. Dempsey presents three questions, and you have provided me with a draft response to the letter (copy of e-mail and draft letter attached). I include below the questions followed by my comments and recommendations for each.

1. *I would like to confirm that veterinary medical waste as defined herein, is not Potentially Infectious Medical Waste (PIMW).*

Your proposed response appropriately includes many qualifications because of the broad range of items that would fall within the PIMW definition. In addition, you properly advised that the obligation to determine the status of the waste belongs on the generator. However, I do not believe that a receiving facility can avoid responsibility by relying on incorrect waste determinations by a generator. If St. Francis wishes to receive all the nonhazardous items on its list, it will need to be authorized to receive PIMW. You correctly point out that it is possible that some of the wastes could be hazardous. That may not be relevant to the inquiry as discussed more fully below.

RELEASE

MAR 10 2003

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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Memo to Bev Albarracin

Re: 2010355020

PS03-010

March 8, 2003

Page 2

2. *Is local siting approval required prior to filing an application for treatment at the above referenced facility?*

This inquiry requires a comparison of the proposed waste management activity with the currently permitted activity (copy of permit attached) and applying the provisions in Section 3.32(b)(3) of the Act. That section says that "a new pollution control facility is . . . (c) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste." St. Francis desires to modify its permit to allow the treatment of veterinary medical waste including: gauze, needles, gloves, masks, gowns, tissue, blood, glass, medicines, and tape. Since it is clear that St. Francis does not wish to become a hazardous waste facility, I will, for this analysis, assume that hazardous wastes will be not be accepted. The obligation on the generators and St. Francis to prevent acceptance of hazardous waste would continue as before.

Ms. Dempsey contends that since Section 3.32(b)(3) of the Act does not mention treatment, then the proposed activity would not be an expansion. While she is correct so far as the word "treatment" goes, I believe that it ignores that any management of the described wastes would by necessity include storage (even if brief). The analysis should go further, especially as to the term "special waste." I believe that the dispositive issue is whether St. Francis is asking to receive special waste for the first time.

The current permit authorizes (Special Condition 1) the storage, transfer and incineration of "solid wastes or *special wastes* consisting only of animal carcasses" (Emphasis added). Special Condition 1 then goes on to prohibit the acceptance of garbage, other solid wastes, PIMW or hazardous wastes. Apparently, members of the Permit Section believe that animal carcasses received for disposal are not special wastes. That may be correct, although I believe the Permit Section states that conclusion too broadly. Their conclusion is likely affected by the understanding that the animal carcasses are not manifested, and special waste requires manifests. To determine that euthanized animals from veterinary clinics were special wastes would cause great enforcement problems since it is believed that the veterinary clinics do not use manifests. Enforcing against everyone in that group would prove an undesirable nightmare. Given that the Permit Section believes that animal carcasses are generally not special wastes, the Permit Section apparently contemplated that some animal carcasses may be special wastes and authorized St. Francis to accept those as well as the others. Of course, that assumed all the requirements that go along with receiving special wastes would apply when receiving such wastes. That is a compliance issue rather than an issue of what is in the Permit.

Memo to Bev Albarracin
Re: 2010355020
PS03-010
March 8, 2003
Page 3

My conclusion is that St. Francis is already permitted to receive special wastes, and therefore, a request to receive additional types of special waste would not constitute a request to receive any special waste for the first time. This is so even though the animal carcasses typically received by St. Francis are only regulated as solid wastes. The question is not what St. Francis accepts, but what it is permitted to accept.

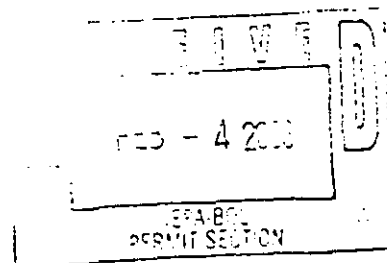
3. *Is a supplemental application to allow for treatment of waste exempt from local zoning?*

I am somewhat in concurrence with your proposed response to this question. However, I suggest revising the last sentence because it implies a conclusion that may not be accurate – i.e., that local siting is necessary. I think the general rule in Section 39(c) is that one must comply with local zoning rules independently of a permit. The provision to not mandate compliance with zoning for a permit going through local siting is an exception to the general rule, probably because the local siting process is actually more rigorous than the zoning process.

cc: BOL Records Unit (w/ attachments)
Joyce Munie (w/ attachments)
Mike Nechvatal (w/ attachments)
Scott Phillips (w/ attachments)
Chuck Grigalauski, FOS/DesPlaines (w/ attachments)
Lorraine Robinson (w/ attachments) re: Assignment 1930

logged in 2/5/03
DBFC -
Rev. - BGA
DLC - yeOLIVER, CLOSE, WORDEN, WINKLER & GREENWALD
LAWYERSSuite 300 Waterside Center
124 North Water Street
ROCKFORD, ILLINOIS 61107-3974Robert J. Oliver*
Curtis D. Worden*
Karl F. Winkler
Thomas E. Greenwald*
John Rearden, Jr.*
Ann T. Dempsey*
Timothy A. Miller*
Debra A. DeliaMailing Address
Post Office Box 4749
ROCKFORD, ILLINOIS 61110-4749
(815) 968-7591 Fax (815) 968-7507David J. Turiciano*
Of Counsel
Henry J. Close*
*Admitted to Practice
in Illinois and Wisconsin
*Admitted to Practice
in Illinois, New York
and Wisconsin

January 30, 2003

Sent Via U.S. Mail and
Facsimile 217-524-3291Ms. Beverly Albarracin
Illinois Environmental Protection Agency
Bureau of Land
1021 N. Grand Ave. East
Springfield, IL 62702Re: St. Francis Pet Crematory & Kennels, Inc.
Site No. 2010355020 - Winnebago County
Permit No. 1999-125-DE/OP
Log No. PS02-122

Dear Beverly:

In confirmation of our recent telephone conference, I am seeking clarification and interpretation from your office regarding the permit requirements under 415 ILCS 5/39. The above referenced facility is seeking to increase services to existing clients by providing for treatment of veterinary medical waste. Veterinary medical waste includes the following: gauze, needles, gloves, masks, gowns, tissue, blood, glass, medicines, and tape generated in connection with providing veterinarian services.

The local siting approval for the above referenced facility included the following activities: waste storage, waste disposal, waste transfer station, and waste incinerator. See Exhibit A attached hereto. At the time of the application, waste treatment services for veterinarians was not contemplated.

I am seeking clarification and a response on the following issues:

1. I would like to confirm that veterinary medical waste as defined herein, is not Potentially Infectious Medical Waste (PIMW).

We are not aware that any veterinarians are performing experiments or tests on animals with agents that are infectious to humans. Upon information and belief, all veterinary medical waste is generated in the care and treatment of animals by veterinarians.

2. Is local siting approval is required prior to filing an application for treatment at the above referenced facility?

Ms. Beverly Albarracin
January 30, 2003
Page 2

Local siting approval is required for a new pollution control facility. Pursuant 415 ILCS 5/3.32(b), a new pollution control facility is:

- (1) a pollution control facility initially permitted for development of construction after July 1, 1981; or
- (2) the area of expansion beyond the boundary of a currently permitted pollution facility; or
- (3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

Since the request to perform treatment at this facility is not an expansion beyond the boundary of a currently permitted pollution control facility nor is the currently permitted facility requesting to store, dispose of, transfer or incinerate, for the first time, it appears that local siting review is not required.

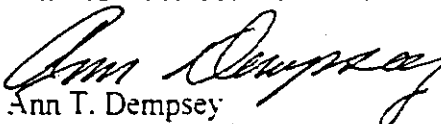
3. **Is a supplemental application to allow for treatment of waste exempt from local zoning?**

Pursuant to 415 ILCS 5/39(b), an application of a pollution control facility for treatment is not exempt from local zoning requirements except for new pollution control facilities governed by Section 39.2. If the expansion of services to include treatment is not considered a "new pollution control facility," it would seem that we are subject to local zoning approval from Winnebago County. However, if the expansion of the facility to include treatment services is considered a "new pollution control facility" under Section 3.32, it would seem that local siting approval is required but not local zoning approval. The case law I reviewed did not provide any clarification on this issue.

The next deadline for filing an application for either local siting approval or local zoning approval in Winnebago County is **February 3, 2003**. If you could please clarify these questions by Friday, January 31, 2003, it would be greatly appreciated and we would be able to meet our next deadline for filing the appropriate application for local approval. Thank you again for your consideration and attention to this matter.

Very truly yours,

OLIVER, CLOSE, WORDEN,
WINKLER & GREENWALD


Ann T. Dempsey

cc: Mr. Thomas G. Carroll



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276

Mary A. Gade, Director

CERTIFICATION OF SITING APPROVAL (LPC-PA8)

Name of Applicant: St. Francis Pet Crematory & Kennels, Inc.
Address of Applicant: 3255 Gleasman Road
Name of Site: St. Francis Pet Crematory
Site Information: Nearest City: Rockford County: Winnebago

- On January 14, 1999, the County Board of Winnebago County (governing body of county or municipality) approved the site location suitability of St. Francis Pet Crematory & Kennels, Inc. (name of site) as a new pollution control facility in accordance with Section 39.2 of the Illinois Environmental Protection Act, Ill. Rev. Stat., ch. 111 1/2, Section 1039.2.
- The facility was approved for the following activities:
waste storage (X), landfill (), waste disposal (X), waste transfer station (X),
waste treatment (), waste incinerator (X).
- Attached to this certification is a true and correct statement of the legal description of the site as it was approved by the aforementioned local governing body. See Exhibit A attached.
- Attached to this certification is a true and accurate statement of conditions, if any, under which the approval was provided. (Note: These conditions are provided for information only to the IEPA. The IEPA is not obligated to monitor or enforce local conditions.) None
- The undersigned has been authorized by the County Board of Winnebago County (governing body of county or municipality) to execute this certification on behalf of Winnebago County (county or municipality).

NAME: Kristine Cohen

TITLE: Chairman

SUBSCRIBED AND SWORN TO BEFORE ME
this 28 day of January, 19 99

Serina L. Cardenas
Notary Public



IEPA EOL
PERMIT SECTION

EXHIBIT A



Beverly Allmar
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/524-3300

June 23, 2003

Ann T. Dempsey
Oliver, Close, Worden, Winkler & Greenwald
124 North Water Street
Suite 300 Waterside Center
Rockford, Illinois 61107-3974

Re: 2010355020 -- Winnebago County
St. Francis Pet Crematory
Permit No. 1999-125-DE/OP
Log No. PS03-010
Permit File

Dear Ms. Dempsey:

Thank you for your letter of January 30, 2003, in which you request clarification and response on several issues. You stated that St. Francis Pet Crematory (St. Francis) would like to begin treating veterinary medical waste, including gauze, needles, gloves, masks, gowns, tissue, blood, glass, medicines, and tape generated in connection with providing veterinary services. You included a copy of the local siting approval for St. Francis, which approved the facility for waste storage, waste disposal, waste transfer station, and waste incinerator. Your letter states that waste treatment services for veterinarians was not contemplated at the time of local siting application. Your questions and the responses from the Illinois Environmental Protection Agency (Illinois EPA) are as follows:

1. *I would like to confirm that veterinary medical waste as defined herein, is not Potentially Infectious Medical Waste (PIMW).*

"Potentially Infectious Medical Waste" or "PIMW" is defined in 35 Illinois Administrative Code 1420.102 as: "... waste generated in connection with the diagnosis, treatment, (i.e., provision of medical services), or immunization of human beings or animals; research pertaining to the provision of medical services; or the provision or testing of biologicals." The definition goes on to describe seven categories of PIMW, including Used Sharps, Animal Waste, and Unused Sharps. There are instances where veterinary waste would fall under the definition of PIMW, instances where it would meet the definition of Hazardous Waste in 35 Ill. Adm. Code 721.103, and instances where it would be solid waste. Each individual generator is responsible for determining the status of the waste. In addition, the facility which receives the waste is responsible for verifying the classification of the waste.

ROCKFORD - 4300 North Main Street, Rockford, IL 61103 - 815-987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-3300
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - 309-693-3463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-3462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - 217-278-3827
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - 618-993-7222

2. *Is local siting approval required prior to filing an application for treatment at the above referenced facility?*

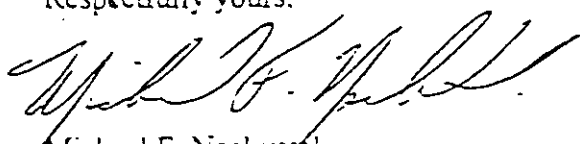
A review of your siting certification (LPC-PA8) indicates that on January 14, 1999, St. Francis Pet Crematory & Kennels, Inc. was granted siting for waste storage, waste disposal, waste transfer station, and waste incinerator only; waste treatment was not granted. As you are aware, the definition of "pollution control facility" found in Section 3.330 of the Illinois Environmental Protection Act (Act) includes waste storage, waste disposal, waste transfer, waste treatment, waste incineration, and landfilling; however, the definition "new pollution control facility" found in Section 3.330(b) of the Act includes waste storage, waste disposal, waste transfer, or waste incineration. "Waste treatment" was not included as a "new" pollution control facility. Whether this omission was intentional or not is unclear, however, it does leave room for interpretation regarding the intent of this Section. The more conservative approach to your problem would be for you to obtain new local siting approval which includes waste treatment, so that there is no question that you are within the legal requirements. Alternatively, you may want to get an interpretation on this issue from the Illinois Pollution Control Board.

3. *Is a supplemental application to allow for treatment of waste exempt from local zoning?*

In accordance with Section 39(c) of the Act, "...except for new pollution control facilities as governed by Section 39.2, . . . , the granting of a permit under this Act shall not relieve the applicant from securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility." Therefore, compliance with local zoning is generally necessary, except for those activities requiring local siting approval.

I hope this satisfies your inquiry. Please contact Beverly Albarracin at 217/524-3289 if you have further questions.

Respectfully yours,



Michael F. Nechvatal
Manager, Division of Land Pollution Control

MFN:BGJ:bjh/032051s.doc

bcc: Bureau File
Rockford Region
DLC - Lorraine Robinson
FOS - Paul Purseglove
Ted Dragovich
Mike Nechvatal
Beverly Albarracin

CERTIFICATE OF SERVICE

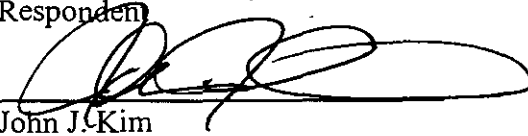
I, the undersigned attorney at law, hereby certify that on September 14, 2005, I served true and correct copies of an APPEARANCE, MOTION FOR LEAVE TO SUPPLEMENT ADMINISTRATIVE RECORD, and ADMINISTRATIVE RECORD INDEX AND SUPPLEMENT, by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. Mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Ann T. Dempsey
Oliver, Close, Worden,
Winkler & Greenwald LLC
124 North Water Street, Suite 300
P.O. Box 4749
Rockford, IL 61110-4749

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)