

ILLINOIS POLLUTION CONTROL BOARD

August 4, 2005

ST. FRANCIS PET CREMATORY &)	
KENNELS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 06-13
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On July 29, 2005, St. Francis Pet Crematory & Kennels, Inc., d/b/a Clean Earth Pet Systems (St. Francis) timely filed a petition asking the Board to review a July 1, 2005 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.206(a). The Agency denied St. Francis' application to modify its existing permit that allows it to transfer, store, and incinerate animal carcasses. The Agency denial stated that the existing 1999 siting approval from Winnebago County did not cover the requested modification to allow St. Francis to also accept veterinary medical waste, including sharps, regulated as "potentially infectious medical waste" (PIMW). This denial regarded St. Francis' animal carcass and veterinary waste incineration facility at 3255 Gleasman Road, Rockford, Winnebago County.

St. Francis appeals on the grounds that having obtained pollution control facility citing approval for incineration of animal carcasses, no additional siting approval was needed for incineration of PIMW. St. Francis' petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

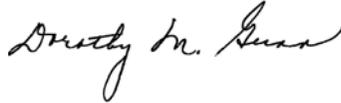
St. Francis has the burden of proof. 415 ILCS 5/40(a)(1) (2004); *see also* 35 Ill. Adm. Code 105.112(a). Hearings "will be based exclusively on the record before the Agency at the time the permit or decision was issued." 35 Ill. Adm. Code 105.214(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2004)), which only St. Francis may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, St. Francis "may deem the permit issued." 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is November 26, 2005 (the 120th day after July 29, 2005). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for November 17, 2005.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by August 28, 2005, which is 30 days after St. Francis filed the petition. 35 Ill. Adm. Code 105.212(a). If the Agency wishes to seek additional time to file the

record, it must file a request for extension before the date on which the record is due to be filed. 35 Ill. Adm. Code 105.116. The record must comply with the content requirements of 35 Ill. Adm. Code 105.212(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 4, 2005, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board