

ILLINOIS POLLUTION CONTROL BOARD

January 10, 2008

IN THE MATTER OF:)
)
PETITION OF BIOMEDICAL) AS 08-6
TECHNOLOGY SOLUTIONS INC. FOR AN) (Adjusted Standard – PIMW)
ADJUSTED STANDARD FROM 35 ILL.)
ADM. CODE 1422)

ORDER OF THE BOARD (by N.J. Melas):

On November 28, 2007, Biomedical Technology Solutions, Inc. (BMTS) filed a petition for a statewide adjusted standard from the testing requirements for units treating potentially infectious medical waste (PIMW) at 35 Ill. Adm. Code 1422. Appendix A, Table B. BMTS requests an adjusted standard to use a different indicator organism to demonstrate effective sterilization than any of those specified in the rule.

BMTS has waived hearing on the petition, and the Board has received no requests for a public hearing on the petition, due to be filed on or before December 27, 2007. *See* 35 Ill. Adm. Code 104.420. The Illinois Environmental Protection Agency (Agency) timely filed a Recommendation on December 28, 2007 and its Amended Recommendation on December 31, 2007 as required by 35. Ill. Adm. Code 104.416(a)). The Agency recommends grant of the adjusted standard.

By order of December 20, 2007, the Board requested BMTS to file an amended petition by January 5, 2008 to clarify whether the substitute indicator organism is better referred to as *Bacillus subtilis* var. *niger* (ATCC 9372) or *Bacillus atrophaeus* (ATCC 9372). BTMS responded that *Bacillus atrophaeus* (ATCC 9372) is the preferred reference in an amended petition filed January 7, 2008. The amended petition was accompanied by a motion for leave to file *instanter*, which the Board grants.

In the December 20, 2007 order, the Board also extended the time for the filing of the Agency's Recommendation until January 19, 2008. As no hearing has been requested, the Board intends to issue its final opinion and order based on the timely filed pleadings of BTMS and the Agency. The Board will issue its final order as expeditiously as practicable, consistent with workload and resource constraints.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board