

ILLINOIS POLLUTION CONTROL BOARD
August 6, 1987

THE UNIVERSITY OF ILLINOIS)
AT CHICAGO,)
)
Petitioner,)
)
v.) PCB 87-117
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On August 5, 1987, the University of Illinois at Chicago (UIC) filed a petition for variance from 35 Ill. Adm. Code 809.903 to allow it to sterilize hazardous (infectious) hospital waste by means of hypochlorite sterilization, rather than sterilization by use of an autoclave or ethylene oxide unit as provided in the rule.

While UIC has requested hearing, the Board finds that the present petition is too inadequate to be scheduled for hearing.

- 1) The Board believes that UIC has misconceived the purposes of a variance under the Act. Variances are granted to allow a source time to come into compliance with rules as written, the length of the variance being limited to five years. This petition does not contain a compliance plan, or specify the length of time for which variance is requested. It would appear that UIC seeks authorization to use its proposed alternative sterilization method for the indefinite future. If so, the proper procedural mechanism by which to seek this relief is a petition for rule change pursuant to 35 Ill. Adm. Code 102.101. et seq. The Board would additionally note, however, that in some instances persons have filed petitions for variance simultaneously with petitions for rule change, the petition for rule change being the "compliance plan" in the variance proceeding. In such cases the variance petition requests relief for five years or until such earlier time as the Board takes final action on the petition for rule change. The Board has, on some occasions, granted variance relief of this type.
- 2) One element of the petition's hardship allegations involves allegations concerning relative costs, but many of these allegations are not supported by data.

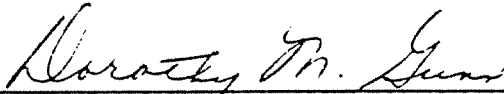
- 3) Use of the proposed sterilization system would modify UIC's wastewater discharge and air emissions, and UIC states that it is currently negotiating with various permitting authorities concerning the acceptability of these discharges and emissions. Any additional information which UIC possesses in this regard should be provided to the Board to buttress UIC's allegations concerning environmental effect.
- 4) The petition's caption should conform to that above.

If an amended petition curing the above deficiencies is not filed within 45 days of the date of this Order, this petition will be subject to dismissal.

IT IS SO ORDERED.

J. D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 14 day of August, 1987, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board