

ILLINOIS POLLUTION CONTROL BOARD
December 17, 1981

CHICAGO HOSPITAL COUNCIL,)
)
) Petitioner,)
)
) v.) PCB 81-160
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

There continue to be problems with this amended petition, filed December 4, 1981. First, hearing is neither waived nor requested as required by Procedural Rule 401(b). If it were the Council's intent to waive hearing, the petition would still be deficient and could not be submitted to the Agency for a Recommendation, as the information contained in the petition is not accompanied by affidavits from each hospital attesting to the truth of the facts alleged.

In addition, much of the information contained in the affidavit is supplied in the form of answers to a questionnaire prepared by the Council. While the questionnaire (and accompanying "guidelines for completing question 3") should have elicited the information required by the Board, many of the hospitals have responded incompletely, if at all. As to such hospitals, the Board has received little or no information concerning the hospital's efforts towards achieving full compliance during the past year, details concerning the costs and other hardship immediate compliance would impose, a description of how the hospital has been disposing of its "hazardous hospital waste" for the past year, or the hospital's proposed method for disposing of that waste during the course of the variance period.

More specifically, even viewing this petition with a "charitable" eye, of the 31 hospitals responding, only 15 have provided sufficient information to allow the Agency to develop a Recommendation: Burg, Grant, Highland Park, Reese, Northwestern, Rush, Swedish Covenant, Weiss, Good Samaritan, Marionjoy, Norwegian-American, Oak Park, St. Anne's, University of Chicago, and Martha Washington. (While not all of the latter 7 have provided information as detailed as the first 8, based on these hospitals own declared beliefs and/or the substance of their answers, an Agency determination could possibly be made that variance is unnecessary because compliance has been achieved.)


While the Board could delay resolution of this matter by requiring the filing of yet another amended petition, the Board declines to do so. In recognition of the deficiencies in this petition, the need for an expeditious decision in this matter, as well as the public and legislative interest in the proper disposal of "hazardous (infectious) hospital waste", pursuant to Section 37(a) of the Act, the Board in its discretion concludes that a hearing would be advisable.

At hearing, each hospital shall introduce into the record information in support of its variance request, including but not limited to the information suggested as necessary in this Order. In its final Order, the Board will grant or deny variance to each individual hospital, and impose any necessary individual conditions, based on the information contained in the petition, the hearing record, and the Agency Recommendation.

Decision in this matter is due March 4, 1981, 13 of the 90 days for decision having elapsed. Accordingly, hearing shall be scheduled in 15 days and held within 45 days of the date of this Order. The Board reminds petitioner that, pursuant to Procedural Rule 412, it is petitioners' obligation, at its own cost, to furnish the Board with hearing transcripts within 15 days after completion of hearing, and that delay in filing of transcripts constitutes a waiver of the 90-day decision period.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of December, 1981 by a vote of 4-0.



 Christan L. Moffett, Clerk
 Illinois Pollution Control Board