

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1981

MERCY HOSPITAL, et al.,)
)
) Petitioner,)
))
) v.) PCB 80-218
))
) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
))
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On November 26, 1980, petitioners filed a petition for variance from Section 21(h) of the Environmental Protection Act, which prohibits deposit of hazardous hospital waste. Section 37 of the Environmental Protection Act mandates the Board to hold a hearing on the petition if written objections are received within 21 days. As no such objections had been received on the 23rd day, December 19, 1980, the Board decided the matter without hearing based on the information contained in the petition and the Recommendation filed by the Illinois Environmental Protection Agency (Agency) supporting variance. The Board retained jurisdiction in this matter.


However, on December 22, 1980, the Board learned that the notice of the petition required by Section 37 to be published by the Agency, stated that objections could be filed through December 24, 1980. The Board received 5 objections between December 22-24, 1980 concerning hospitals located in Champaign, Clay, DeKalb, and Kane Counties.

In fairness to these objectors, the Board, on its own motion, is exercising its retained jurisdiction. Pursuant to its general powers and Procedural Rule 334(a), the Board hereby authorizes hearings at which these objectors may be heard. Hearing Officers shall be designated within 7 days of the date of this Order. The designated Hearing Officers shall set hearings within 20 days of the date of this Order, such hearings to be held within 60 days of the date of this Order after notice is given pursuant to Procedural Rule 307. As is the usual practice in variance hearings, the Hearing Officer shall receive the information outlined in Procedural Rule 401(a). Upon completion of these hearings, the Board shall modify its Order of December 19, 1980, which continues in full force and effect, if and as necessary.

On December 31, 1980 objector Jill Zwick filed a Procedural Rule 333 motion to vacate the Order of December 19, 1980. The Board hereby denies this motion, as a non-party lacks standing to make such a motion under Rule 333.

IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 8th day of January, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board