

ILLINOIS POLLUTION CONTROL BOARD
February 4, 1982

MERCY HOSPITAL AND MEDICAL CENTER,)
)
) Petitioner,)
)
) v.) PCB 81-206
)
) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the December 30, 1981 petition for variance filed by Mercy Hospital and Medical Center (Mercy) to allow for landfill disposal of "hazardous" (infectious) hospital waste. Mercy seeks, for itself only, an extension of the variance from Rules 902 and 903 of Chapter 9: Special Waste Hauling granted to it and several other hospitals in PCB 80-218 (December 19, 1980), which record is incorporated herein. On January 21, 1982 the Illinois Environmental Protection Agency (Agency) filed its Recommendation that variance be granted until May 15, 1982 as Mercy requested. Hearing was waived and none has been held.

Mercy Hospital and Medical Center is a 526 bed, 42 bassinet general acute-care hospital operating on the near south side of the City of Chicago. Since PCB 80-218, and the subsequent adoption of final rules concerning "hazardous (infectious) hospital waste", Mercy has estimated that it generates a total of 88.45 pounds of such waste daily, some of which is generated in each area of the hospital in which patient care is rendered.

Mercy's chosen method of reaching long-term compliance has been installation of a solid waste heat recovery incinerator on its own premises. On January 17, 1981 it ordered such a system, to cost \$530,000. However, Mercy has been informed by the vendor, Basic Environmental Engineering Co., that the equipment will not be fabricated until February, 1982, as equipment redesign was necessary to fit the confines of the specified location for the incinerator. Mercy anticipates that the incinerator will be installed in April, 1982 and "on-line" by May 15, 1982.

Mercy accordingly seeks variance until that time to allow for landfill disposal of its waste by Ace Disposal Co. of Calumet, as has been Mercy's custom.

Mercy states that it currently has no sterilization equipment which could be used to render its volume of waste innocuous. While it implies that such equipment could be rented "or otherwise obtained", it believes that to require expenditures for such interim compliance equipment is unreasonable.

Mercy has spent, or committed itself to spend, in excess of \$40,000 in consultant's fees to arrive at the incinerator choice in January, 1981, \$7,000 for design of a hydraulic loader in August, 1981, and \$5,000 for chemical treatment equipment ordered in October 8, 1981. In light of these costs and of the \$530,000 cost of the incinerator itself, and its expeditious pursuit of compliance during the variance period, Mercy maintains that denial of continued variance would impose an arbitrary or unreasonable hardship.

The Agency agrees that Mercy has been diligent. It further notes that "the environmental harm resulting from the disposition of wastes at a sanitary landfill for the time requested is minimal."

The Board finds that denial of variance would impose an arbitrary or unreasonable hardship, particularly in that the compliance delay is the result of factors beyond Mercy's control. Variance will be conditioned, as previously, on proper bagging and containment of the waste, and its disposal by an authorized landfill. The variance will not expire until July 1, 1982, so as to allow a cushion for vendor delays or startup difficulties.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

1. Petitioner, Mercy Hospital and Medical Center (Mercy) is hereby granted variance from Rules 902 and 903 of Chapter 9: Special Waste until July 1, 1982 subject to the following conditions:

a) Mercy shall suitably bag and/or contain its hazardous (infectious) hospital waste so as to prevent the spread of the waste's infectious agents before it is transported to and disposed of in an authorized landfill.

b) Mercy's hazardous hospital waste is hereby authorized to be accepted and disposed of by any landfill having all necessary permits for disposal of such waste.

c) Mercy shall install and employ its proposed incineration system as expeditiously as is practicable.

2. Within forty-five days of the date of this Order, petitioner shall execute and forward to the Illinois Environmental Protection Agency, Enforcement Programs, 2200 Churchill Road,

Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of certificate shall be as follows:

CERTIFICATE

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 81-206, dated _____, understand and accept said Order realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent


Title

Date

IT IS SO ORDERED.

Board Member I. Goodman abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 4th day of February, 1982 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board