

ILLINOIS POLLUTION CONTROL BOARD  
October 18, 2007

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 07-28  
) (Enforcement - Land)  
PROVENA HOSPITALS, d/b/a PROVENA )  
UNITED SAMARITANS MEDICAL )  
CENTER, an Illinois not-for-profit )  
corporation, and RESURRECTION )  
CATHOLIC CEMETERY ASSOCIATION )  
OF DANVILLE, ILLINOIS, an Illinois not- )  
for-profit corporation, )  
)  
Respondents. )

ORDER OF THE BOARD (by A.S. Moore):

On October 24, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Provena Hospitals, d/b/a Provena United Samaritans Medical Center (Provena), and Resurrection Catholic Cemetery Association of Danville, Illinois (Resurrection) (collectively, respondents). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204.

The People allege that respondents violated Sections 56.1(A)(a), 56.1(A)(b), 56.1(A)(d), 56.1(A)(h), and 56.1(A)(i) of the Environmental Protection Act (Act) (415 ILCS 5/56.1(A)(a), 56.1(A)(b), 56.1(A)(d), 56.1(A)(h), and 56.1(A)(i) (2006)) and Section 1420.104 of the Board's biological materials regulations (35 Ill. Adm. Code 1420.104). The People further allege that respondents violated these provisions by causing or allowing the disposal of potentially infectious medical waste (PIMW) consisting of human pathological wastes and body parts at the cemetery. The People further allege that respondents violated these provisions by causing or allowing the delivery or transfer of PIMW for transport without strict compliance with Board regulations, without a permit issued by the Illinois Environmental Protection Agency, and without a completed PIMW manifest. The People further allege that respondents violated these provisions by causing or allowing the transport of PIMW without a completed PIMW manifest and without payment of the fee required by the Act. The complaint concerns Provena's operation of a hospital at 812 North Logan Avenue, Danville, Vermilion County. The complaint also concerns Resurrection's operation of a cemetery at 818 Wendt Street, Danville, Vermilion County.

On October 10, 2007, the People and one of the two respondents, Provena, filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2006)). This filing is

authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Provena does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$70,000.

On October 16, 2007, the People and the other respondent, Resurrection, filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Resurrection does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$30,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulations, proposed settlements, and requests for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' requests for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 18, 2007, by a vote of 4-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board