

ILLINOIS POLLUTION CONTROL BOARD
December 19, 1980

MERCY HOSPITAL AND MEDICAL CENTER)
AND THE ILLINOIS HOSPITAL ASSOCIATION,)
)
Petitioners,)
)
v.) PCB 80-218
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

On November 26, 1980 Mercy Hospital and Medical Center and the Illinois Hospital Association, on behalf of its 275 members, filed a petition for a two-year variance from Section 21(h) of the Environmental Protection Act (Act). On December 19, 1980, the Environmental Protection Agency (Agency) filed a recommendation in support of this petition, subject to certain conditions.

On December 18, 1980, the Board adopted emergency rules implementing Section 21(h), which prohibits the deposit of hazardous hospital waste in any landfill on and after January 1, 1981. The Board will therefore construe this petition as also seeking variance from Rules 902 and 903 of Chapter 9, which will be effective January 1, 1981.

The Agency correctly notes that this petition does not fully describe the facts and circumstances of each petitioner herein. It does provide the full facts and circumstances concerning Mercy Hospital, and alleges that the other petitioners are similarly situated.

The Board finds that the facts, as alleged in the petition, indicate that immediate compliance would impose an arbitrary and unreasonable hardship on the petitioners. The Board agrees with the Agency's observation that, absent relief, "Petitioners may be forced to store hazardous hospital wastes until an alternative is reasonably feasible, and such storage activity could result in an environmental problem ..."

The information currently before the Board does not support grant of a two-year variance. In order to forestall a public health emergency, the Board will grant a one-year variance to commence January 1, 1981 to petitioner Mercy Hospital and the 275 other petitioners named herein on Exhibit A. The Board, on its own motion, is joining into this action 18 other hospitals within the State of Illinois who are not members of the Illinois Hospital Association.

Within 150 days of the date of this Order, each hospital shall submit a compliance plan to the Agency. Each will also be required to submit a certificate of acceptance of this variance and its terms.

During the term of this variance, hazardous hospital waste may be disposed of in any landfill which may accept such waste, providing that it is suitably bagged and otherwise contained so as to prevent the spread of its infectious agents. In no event, shall this variance be construed as authorizing petitioners to relax the level of control presently required for such wastes.

ORDER

1. The hospital listed in Attachment A are hereby joined as petitioners in this action.

2. Variance from Rules 902 and 903 of Chapter 9, Special Waste is hereby granted to all petitioners listed in attachments A and B until January 1, 1982 subject to the following conditions:

- (a) Hazardous hospital waste must be suitably bagged or contained so as to prevent the spread of its infectious agents before it is transported to or disposed of in any landfill.
- (b) Within 150 days of the date of this Order, each petitioner shall submit to the Agency a program (with increments of progress) for bringing its disposal operations into compliance with hazardous hospital waste disposal standards.

3. Consistent with the terms of this order, any landfill operator who may now accept hazardous hospital waste is hereby authorized to continue to accept and dispose of such waste generated by any hospital listed on attachments A and B until January 1, 1982.

4. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency Kathy Engleson, 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:

CERTIFICATION

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 80-218, dated _____, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By

Title

Date

5. The Board will retain jurisdiction in this matter.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 19th day of December, 1980 by a vote of 5-0.

Christan L. Moffett *sw*
Christan L. Moffett, Clerk
Illinois Pollution Control Board