

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1976

HILLMAN MEMORIAL HOSPITAL,)
)
 Petitioner,)
)
)
 v.) PCB 75-500
)
)
ENVIRONMENTAL PROTECTION)
AGENCY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board upon Hillman Memorial Hospital's (Hillman) December 29, 1975, Petition for Variance from the Air Regulations. The Board finds that said petition fails to provide the information which is necessary in order to enable the Board to render a reasonable judgment as to the merits of the petition. More specifically, the petition fails to conform to Procedural Rule 401 in that it fails to provide the following information:

- (i) specific identification of the particular provisions of the Environmental Protection Act or regulations from which the variance is sought;
- (ii) the quantity and type of raw materials processed, and a description of the particular process or activity in which the raw materials are used;
- (iii) an estimate of the quantity and type of contaminants discharged;
- (iv) data showing the nature and extent of the present failure to meet the particular provisions from which the variance is sought;
- (v) a description of existing and proposed equipment for the control of discharges;
- (vi) a time schedule for bringing the activity into compliance;
- (vii) a detailed description of the program to be undertaken to achieve compliance, including a time schedule of all

phases involved from initiation to completion and the estimated costs involved;

(viii) an explanation of why petitioner believes the program proposed will achieve compliance.

(ix) details as to past efforts to achieve compliance and results achieved.

(b) a concise statement of why the petitioner believes that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship, including a description of the costs that compliance would impose on the petitioner and others, information as to the feasibility of alternatives available to abate the violations and their costs.

(c) the injury that the grant of the variance would impose on the public including the effect that continued discharge of contaminants will have upon the air, water or land.

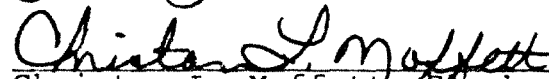
(d) If the petitioner seeks a delay in complying, a statement of the reasons for such delay.

(e) A clear statement of the precise extent of the relief sought.

The petition is also inadequate in that it fails to include information pertaining to the criteria required by Train v. NRD, Inc., 43 USLW 4467 (Supreme Court No. 73-1742, April 16, 1975). Petitioner must show: 1) Whether the ambient air quality of the area affected by the variance meets the national ambient air quality standards; 2) If the ambient air quality does not meet those standards, whether the granting of the variance would contribute to the area's failure to meet said standards; and 3) If the ambient air quality does not meet said standards, whether the variance would cause the ambient air quality to fail to meet said standards.

It is the Order of the Board that Hillman supply the Board with the aforementioned information within 45 days of this Order. The ninety day decision period shall commence upon the receipt by the Board of Hillman's Amended Petition. Failure to timely file said petition shall cause this matter to be dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 8th day of January, 1976 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board