

ILLINOIS POLLUTION CONTROL BOARD  
September 23, 1983

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 81-116  
 )  
VICTORY MEMORIAL HOSPITAL )  
ASSOCIATION, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a September 1, 1983 motion for modification of the Board's February 10, 1983 Order as modified by Order of June 2, 1983. Victory Memorial Hospital requests the period of time prior to which the cease and desist order becomes effective be extended by an additional 60 days.

The Board notes that such request, having been filed after the period allowed for motions to modify (35 Ill. Adm. Code 103.240), should be in the form of a variance petition. However, there is some indication that the compliance mechanism suggested by consultants (an ice cooling system) is in the nature of newly discovered evidence such that relief can be granted by way of a motion under 35 Ill. Adm. Code 103.241. Further, if a variance mechanism were used, compliance would probably be attained prior to a decision on the variance petition.

The Board again notes that it was aware at the time it entered its original Order that the period allowed to attain compliance was short. However, it did so in an attempt to assure compliance at the earliest possible date. The Hospital has, apparently, been proceeding expeditiously toward compliance, but has discovered that an additional 60 days will be required. The Board notes that the record failed to support any particular compliance mechanism and that considerable time has been required to identify available compliance options.

The motion is granted, and the Hospital is hereby given an additional 60 days to cease and desist from further violations. The Board reiterates, however, that compliance is expected to be attained as expeditiously as possible.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 22<sup>nd</sup> day of September, 1983 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board