ILLINOIS POLLUTION CONTROL BOARD May 18, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 03-183 (Enforcement - Air)
PASSAVANT AREA HOSPITAL, an Illinois)	(Emoreement - An)
not-for-profit corporation,)	
Respondent.)	

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

On November 26, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a second supplemental and amended complaint against Passavant Area Hospital (Passavant). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Passavant violated Sections 9(a), 9(b), and 39.5(6)(a) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(b), and 39.5(6)(a) (2004)). The People further allege that Passavant violated 35 Ill. Adm. Code 201.141; 219.125(b); 229.146; 229.148; 229.152(a); 229.166(a); 229.170(a); 229.182(a)(3), (a)(7), and (g); 254.203, and 254.204. The People further allege that Passavant violated the following conditions of Clean Air Act Permit Program (CAAPP) permit 0090039: 5.6.1; 5.6.2(a); 7.1.6(a); 7.1.8; 7.1.9(g) and (i); 7.1.10(a), (d), and (d)(iv); 7.1.11(b) and (a)(iii); 9.7; and 9.8.

The People allege that Passavant violated these provisions by operating an emission source in excess of the limits set by permit and regulation, by allowing the operation of the source by operators that were not properly certified, by operating an emission source without engaging in required monitoring and testing and without maintaining required records, and by installing and modifying an air pollution control device without obtaining a construction permit. The complaint concerns Passavant's medical/infectious waste incinerator facility at 1600 West Walnut Street, Jacksonville, Morgan County.

On May 4, 2006, the People and Passavant 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Passavant admits the alleged violations. Passavant has committed to permanently cease operation of its hospital/medical/infectious waste incinerator (HMIWI) and to either remove it or render it inoperable. In addition, Passavant shall continue to take necessary actions to dispose of all hospital/medical/infectious waste.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request 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' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2004); 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, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 18, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board