

ILLINOIS POLLUTION CONTROL BOARD
June 15, 2006

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

OPINION AND 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 limits set by permit and regulation, by allowing 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Jacksonville Journal-Courier* on May 6, 2006. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Passavant's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2004)). The People and Passavant have satisfied Section 103.302. 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. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

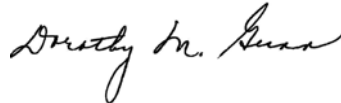
ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Passavant must permanently cease operation of its hospital/medical/infectious waste incinerator by either removing it or rendering it inoperable. In addition, Passavant must continue to take necessary actions to dispose of all hospital/medical/infectious waste.
3. Passavant must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 15, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board