

ILLINOIS POLLUTION CONTROL BOARD
September 7, 1995

IN THE MATTER OF:)
) AS 92-8
CABOT CORPORATION PETITION) AS 96-3
FOR AN ADJUSTED STANDARD FROM) (Not Consolidated)
35 ILL. ADM. CODE 738.SUBPART B) (Adjusted Standard - UIC)

ORDER OF THE BOARD (by R.C. Flemal):

This matter is before the Board on a Petition for Modification and Reissuance of Adjusted Standard, and Motion for Stay filed by Cabot Corporation (Cabot) on August 17, 1995.

Cabot requests that the Board modify and reissue an adjusted standard from the underground injection control (UIC) disposal prohibitions in 35 Ill. Adm. Code 738.Subpart B for certain restricted hazardous wastes disposed at Cabot's Tuscola, Illinois, facility. The referenced adjusted standard is AS 92-8, granted by the Board on February 17, 1994.

In AS 92-8 the Board granted Cabot an adjusted standard from the requirements of 35 Ill. Adm. Code 738.Subpart B for the UIC Wells Nos. 1 and 2. That adjusted standard constituted an exemption from the prohibitions of Subpart B such as to allow the underground injection disposal of wastes classified as acidic water (D002), by-product hydrochloric acid (D002), spent acetone (F003), and multi-source leachate (F039). That adjusted standard was subject to several conditions.

In the instant filing Cabot requests (1) modification of the exemption granted in AS 92-8 to clarify what restricted waste Cabot may dispose in its UIC wells (specifically leachate and purge water); and (2) "reissuance" of the exemption granted in AS 92-8 to allow Cabot to begin injection of restricted waste in a new UIC Well No. 3. Cabot intends to replace UIC Well No. 1 with No. 3.

The Board finds this petition for adjusted standard is sufficiently different from the adjusted standard granted in AS 92-8 to require opening a new docket. For example UIC Well No. 3 was never considered in granting AS 92-8. In addition, the general procedures that govern an adjusted standard proceeding, found at Section 28.1 of the Act and at 35 Ill. Adm. Code Part 106, require the petitioner to publish a notice of the adjusted standard proceeding in a newspaper of general circulation in the area likely to be affected. This notice gives the public an opportunity to request a public hearing if they so desire. Opening a new docket will avoid any unnecessary complications with the notice provisions in the Board's procedural rules (ie: whether the notice in AS 92-8 is sufficient to satisfy the requirements and intent of 35 Ill. Adm. Code 106.711).

As a result, the Board will not accept Cabot's Petition for Modification and Reissuance of Adjusted Standard within docket AS 92-8. Instead, the Board will docket this filing under a new number, AS 96-3.

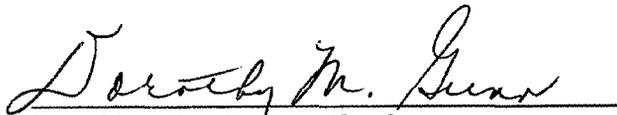
However the petition as filed is insufficient. Cabot has not provided the Board with the required narrative description of the proposed adjusted standard or proposed language for the Board order which would impose the standard. (35 Ill. Adm. Code 106.705(f).) Cabot must submit this language and any other information necessary to meet the requirements of Section 106.705 of the Board's procedural rules not contained in the new docket. The Board notes that under a new docket number, any information which Cabot intended to rely upon from AS 92-8 must be filed in accordance with the Board's incorporation procedures. (35 Ill. Adm. Code 106.708 and 101.106.) Finally, Cabot must submit the requisite \$75 dollar filing fee. (35 Ill. Adm. Code 101.120.)

All required information must be filed with the Board no later than October 23, 1995 or this docket will be closed.

Cabot's Motion for Stay requests that the Board stay final action on the Petition for Reissuance until action has been taken by the United States Environmental Protection Agency. Given the Board's action above, the Board reserves ruling on this motion until the petition is complete.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of September, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board