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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

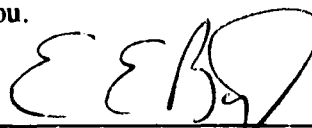
RECEIVED  
CLERK'S OFFICE  
JAN 23 1996  
STATE OF ILLINOIS  
POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
)  
CABOT CORPORATION PETITION ) AS 96-3  
FOR AN ADJUSTED STANDARD ) (Adjusted Standard)  
FROM 35 ILL. ADMIN. CODE )  
PART 738, SUBPART B )

**NOTICE OF FILING**

**TO: See Attached Service List**

PLEASE TAKE NOTICE that on January 23, 1996, we have filed with the Office of the Clerk of the Illinois Pollution Control Board (the "Board") an original and nine (9) copies of Cabot Corporation's **Motion For Leave To Supplement The Record And To Request a Decision**, a copy of which is hereby served upon you.



\_\_\_\_\_  
One of the Attorneys for Cabot Corporation

Dixie L. Laswell  
Eric E. Boyd  
SEYFARTH, SHAW, FAIRWEATHER & GERALDSON  
55 East Monroe Street - Suite 4200  
Chicago, Illinois 60603-5803  
(312) 346-8000

Dated: January 23, 1996

**THIS FILING IS MADE ON RECYCLED PAPER**

**CERTIFICATE OF SERVICE**

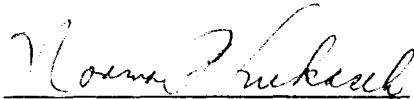
The undersigned, being first duly sworn, on oath deposes and says that she caused copies of the attached **NOTICE OF FILING** and **MOTION FOR LEAVE TO SUPPLEMENT THE RECORD AND TO REQUEST A DECISION**, of Cabot Corporation to be served on:

(See Attached Service List)

by depositing same in the U.S. Mail at 55 East Monroe Street, Chicago, Illinois 60603, first class postage prepaid on January 23, 1996.



**SUBSCRIBED AND SWORN TO**  
before me this 23rd day of January, 1996.

  
Notary Public

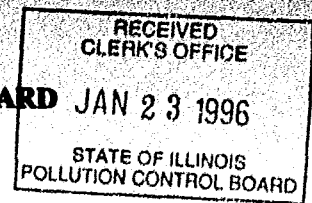
**OFFICIAL SEAL**  
**NORMA P. LUKACEK**  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES

**CABOT CORPORATION**  
**AS 96-3**

**Daniel P. Merriman**  
**Illinois Environmental Protection Agency**  
**Division of Legal Counsel**  
**2200 Churchill Road**  
**Springfield, Illinois 62794-9276**

**William Denham**  
**Department of Energy and Natural Resources**  
**324 West Adams Street**  
**Springfield, Illinois 62706**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**



IN THE MATTER OF: )  
)  
CABOT CORPORATION PETITION ) AS 96-3  
FOR AN ADJUSTED STANDARD FROM ) (Adjusted Standard)  
35 ILL. ADM. CODE PART 738, )  
SUBPART B )  
)

**MOTION FOR LEAVE TO SUPPLEMENT  
THE RECORD AND TO REQUEST A DECISION**

NOW COMES Cabot Corporation (hereinafter, "Cabot"), by and through its attorneys, Seyfarth, Shaw, Fairweather & Geraldson, and pursuant to 35 Ill. Admin. Code § 103.140, moves the Board for leave to supplement the record in this matter and to request a decision, and in support thereof states as follows:

1. On August 17, 1995, Cabot filed with the Board a Petition For Modification And Reissuance Of An Adjusted Standard From The Land Disposal Prohibitions of 35 Ill. Admin. Part 738, Subpart B (the "Petition").<sup>1</sup> Cabot submitted a similar Petition for Reissuance with the U.S. EPA on the same day.

2. On December 5, 1995, Cabot filed a Motion for Expedited Consideration with the Board. The motion explained that the U.S. EPA had issued a Notice of Intent to Reissue Cabot an Exemption from the Land Disposal Restrictions. Cabot asked the Board to expedite its consideration so that it would be in a position to act on Cabot's Petition at the same time as or soon after the U.S. EPA took final action.

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<sup>1</sup> Although the Petition was originally filed under Docket AS 92-8, the docket in which the Board had earlier granted Cabot an adjusted standard from the requirements of 35 Ill. Adm. Code Part 738, Subpart B, the Board opened this docket in an order dated September 7, 1995.

3. In an Order dated January 18, 1996, the Board granted Cabot's Motion for Expedited Consideration, and explained that it would accommodate Cabot's Motion as much as practicable given the Board's time and resources.

4. The U.S. EPA has issued a Notice of Reissuance of Exemption from Land Disposal Restrictions to Cabot (hereafter "Notice") (see attached). The U.S. EPA's action is effective as of January 22, 1996. Cabot requests leave to supplement the record in this matter with the attached copy of the U.S. EPA's Notice.

5. Now that the U.S. EPA has taken final action, Cabot requests that the Board act on the Petition. Cabot asks that the Board approve Cabot's Petition at its meeting scheduled for February 1, 1996.

WHEREFORE, Cabot respectfully requests that the Board grant Cabot leave to supplement the Petition for Modification and Reissuance with the U.S. EPA's Notice of Reissuance of Exemptions from Land Disposal Restrictions, and that the Board take final action to approve the Petition for Modification and Reissuance at its meeting scheduled for February 1, 1996.

Respectfully submitted,

CABOT CORPORATION

By: \_\_\_\_\_

One of Its Attorneys

Dixie L. Laswell  
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Chicago, Illinois 60603-5803  
(312) 346-8000  
Dated: January 23, 1996

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****Underground Injection Control Program****Hazardous Waste Disposal Injection Restrictions****Petition for Exemption - Class I Hazardous Waste Injection****Cab-O-Sil Division, Cabot Corporation, Tuscola, Illinois****AGENCY: United States Environmental Protection Agency (USEPA)****ACTION: Notice of Reissuance of Exemption from Land Disposal Restrictions**

**SUMMARY:** Notice is hereby given by the USEPA that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) has been reissued to Cab-O-Sil Division, Cabot Corporation (Cabot), of Tuscola, Illinois, for continued use of Wells No. 1 and 2 and addition of Well No. 3 to inject enumerated restricted wastes into geological reservoirs. As required by 40 CFR Part 148, Cabot has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the initiation of underground injection by Cabot of specific restricted hazardous wastes, including hydrochloric acid and wastewaters contaminated with hydrochloric acid which are hazardous because they are corrosive (Waste Code D002), a multi-source leachate (Waste Code F039) contaminated with small amounts of 1,1-dichloroethylene, 1,2-dichloroethylene, methylene chloride, phenol, tetrachloroethylene, and trichloroethylene from a closed waste storage impoundment, and low concentrations of residual, spent acetone (Waste Code F003) rinsed from laboratory glassware cleaned with solvent, into a Class I hazardous waste injection well, specifically identified as Well No. 3, at the Tuscola facility. The reissuance also incorporates conclusions based on

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geological data gathered during construction of that well and contained in the petition for reissuance dated August 16, 1995, into the Administrative Record of the decision to grant Cabot Corporation an exemption from the Land Disposal Restrictions. This decision constitutes a final USEPA action for which there is no administrative appeal.

BACKGROUND: Cabot submitted a petition on April 14, 1988, requesting exemption for its two injection wells, Well No. 1 and Well No. 2, located near Tuscola, Illinois, from the land disposal restrictions for corrosive hazardous wastes (Waste Code D002) which became effective on August 8, 1990. After reviewing the petition and additional submissions of information, the USEPA determined that the geological setting at the site as well as the construction and operation of Well No. 2 is adequate to prevent fluid migration out of the injection zone within 10,000 years, as required under 40 CFR Part 148. A three-month extension of the facility's ban date was required because the requirements for finalizing the decision to grant an exemption could not be completed before the ban date. The exemption for Well No. 2 was issued on November 6, 1990.

Because of problems which included loss of mechanical integrity of Well No. 1 at the time the exemption was granted, it was not included in the exemption. The well was repaired, and mechanical integrity tests, demonstrations showing an absence of leaks in the tubing and casings or cement seal at the top of the injection zone, were completed on November 21, 1990. The results were submitted on December 17, 1990. The demonstrations of mechanical integrity were accepted and Cabot's exemption was extended to include operation of Well No. 1 on February 4, 1991. On August 18, 1994, Cabot requested addition of

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Waste Code F039, multi-source leachate recovered as purge water from on-site monitoring wells, to the list of exempted wastes. This petition was reviewed and determined to be nonsubstantive, and the change requested was acknowledged on November 4, 1994.

Because of problems of capacity to inject the entire waste stream through Well No. 1. at times when Well No. 2 is unavailable and concerns about the maintenance of mechanical integrity of Well No. 1, Cabot petitioned for reissuance of the exemption to include newly drilled Well No. 3 and to add information which confirms the conservative nature of the parameter values used to simulate waste migration through the 10,000 year post closure period.

The USEPA reviewed information concerning the mechanical integrity of each well, evaluated the conclusions and data on which they are based, and has determined that conclusions are based on valid interpretations of measured data and show that the model used to simulate waste migration is conservative and meets all requirements specified in 40 CFR Part 148.

A Federal Register notice describing the basis of the decision was published on November 28, 1995, at 60 FR 58623 et seq. A public notice of the proposed decision was published in local papers on December 5, 1995, pursuant to 40 CFR 124.10. A public hearing was tentatively scheduled, but not held due to lack of public interest in the decision. The public comment period expired on January 19, 1996. Two comment letters were received, and after considering all comments, the USEPA has determined that its reasons for granting the exemption as set forth in the proposed decision remain valid; accordingly, the exemption is reissued with specific conditions listed in this notice. A responsiveness summary has been prepared for distribution to all commentors.



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**CONDITIONS:** For this exemption to be effective, Cabot must meet the following conditions:

- (1) The monthly average injection rate must not exceed 400 gallons per minute;
- (2) The concentrations of the constituents included in the injected leachate will not exceed the amounts listed as proposed maximum allowable concentrations in Table 2-6 in the 1988 petition document;
- (3) Direct injection shall occur only into the Franconia, Potosi, and Fairbance Dolomites and the Guntar Sandstone;
- (4) The injection zone shall consist of the Franconia, Potosi, Fairbance, and Onota Dolomites and the Guntar Sandstone, found between the 5,400 and 4,442 foot depths in Cabot's Well No. 2; and
- (5) Cabot must be in full compliance with all conditions of its permits and other conditions relating to the exemption found in 40 CFR Parts 148.23 and 148.24.

**DATE:** This action is effective as of JAN 22 1996

**FOR FURTHER INFORMATION CONTACT:** Harlan Garrish, Lead Petition Reviewer, USEPA, Region 5, telephone (312) 886-2939. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative Record.

*Rebecca J. Harney*  
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**Jo Lynn Traub**  
Director, Water Division