

ILLINOIS POLLUTION CONTROL BOARD

November 5, 2008

IN THE MATTER OF:)
)
PETITION OF CABOT CORPORATION) AS 07-6
FOR AN ADJUSTED STANDARD FROM 35) (Adjusted Standard - Land)
ILL. ADM. CODE PART 738.SUBPART B)

ORDER OF THE BOARD (by N.J. Melas):

On October 19, 2008, Cabot Corporation (Cabot) filed a motion to amend (Mot.) its May 29, 2007 Petition for Reissuance of Adjusted Standard. The Illinois Environmental Protection Agency has filed no response.

Cabot seeks a reissuance of a previous adjusted standard applicable to Cabot's inorganic chemical manufacturing facility, where Cabot manufactures fumed silica dioxide (SiO₂), in Tuscola, Douglas County (Tuscola facility). Petition of the Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 738, Subpart B, AS 96-3 (Mar. 7, 1996); *see also* Petition of the Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 738, Subpart B, AS 92-8 (Sept. 7, 1995). Cabot's previous adjusted standard allowed Cabot to dispose of leachate, purge water, and other restricted wastes into three wells (Wells #1, #2, and #3) at the Tuscola facility.

Cabot reports that this proceeding has been stayed through February 9, 2009. Cabot has requested and sought stays from the Board and hearing officer to allow time for the United States Environmental Protection Agency (U.S. EPA) to rule on a similar "no migration" exemption petition made under federal law. Mot. at 2. Cabot states that:

On October 1, 2008, Cabot sent the U.S. EPA a response to a Notice of Deficiency ("NOD") with respect to its petition for exemption from the land disposal restrictions. See attached CD-Rom. The response updates the original petition. The purpose of this Motion is to allow Cabot to file the response to the NOD with the Board in order for the Board to be able to make its determination in this matter based on the same information as the U.S. EPA. No substantive change in the relief requested by the May 29, 2007 Petition is sought. *Id.*

The Board grants Cabot's motion, accepting the amended petition. But, the Board reiterates that, given the stay in this proceeding and to conserve its own scarce resources, the Board will continue to reserve its own determination on the technical sufficiency of this amended petition under Section 28.1 of the Environmental Protection Act, 415 ILCS 5/28/1 (2006), and 35 Ill. Adm. Code 104.406 until after expiration of the stay in this proceeding. *See* Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B, AS 07-6, slip op. at 2 (Aug. 9, 2007).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 5, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board