

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 12-1
PETITION OF CABOT CORPORATION) (Adjusted Standard)
FOR AN ADJUSTED STANDARD FROM)
35 Ill. Adm. Code Part 738, Subpart B)

NOTICE OF FILING

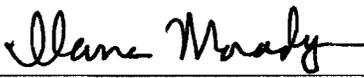
TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the following documents:

- Petition to Modify Condition of Adjusted Standard.
- Appearance of Eric E. Boyd.
- Appearance of Ilana R. Morady.
- Motion to Stay Proceedings on Cabot Corporation's Petition to Modify Conditions of Adjusted Standard.
- Motion for Incorporation of Documents.
- Certificate of Service.

DATED: September 16, 2011

CABOT CORPORATION

By: 
One of Its Attorneys

Eric E. Boyd (6194309)
Ilana R. Morady (6302567)
SEYFARTH SHAW LLP
131 South Dearborn Street
Chicago, Illinois 60603
Tel. (312) 460-5000
Fax: (312) 460-7000

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SERVICE LIST

Illinois Pollution Control Board
Attention: Clerk
100 W. Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

Illinois Environmental Protection Agency
Division of Legal Counsel
Attention: Kyle Nash Davis, Esq.
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

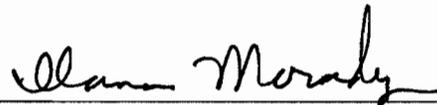
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CERTIFICATE OF SERVICE

I, Ilana R. Morady, hereby certify that on September 16, 2011 I caused a copy of Cabot Corporation's *Petition to Modify Condition of Adjusted Standard; Appearance of Eric E. Boyd; Appearance of Ilana R. Morady; Motion to Stay Proceedings on Cabot Corporation's Petition to Modify Condition of Adjusted Standard*; and *Motion for Incorporation of Documents* to be served upon the parties listed below via First Class U.S. Mail:

Illinois Pollution Control Board
Attention: Clerk
100 W. Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

Illinois Environmental Protection Agency
Division of Legal Counsel
Attention: Kyle Nash Davis, Esq.
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276



Ilana R. Morady

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 12-1
PETITION OF CABOT CORPORATION) (Adjusted Standard)
FOR AN ADJUSTED STANDARD FROM)
35 Ill. Adm. Code Part 738, Subpart B)

PETITION TO MODIFY CONDITION OF ADJUSTED STANDARD

Cabot Corporation (“Cabot”), the Petitioner, through its attorneys, Seyfarth Shaw LLP, and pursuant to 35 Ill. Adm. Code, Part 738, Subpart C (particularly Section 738.120(e)) and 35 Ill. Adm. Code, Part 104, Subpart D, requests that the Illinois Pollution Control Board (“Board”) modify a condition of an adjusted standard from the requirements of 35 Ill. Adm. Code, Part 738, Subpart B for underground injection control (“UIC”) Wells Nos. 2 and 3 located at its Tuscola, Illinois facility (the “Facility”). In particular, Cabot seeks to change limits on two parameters in Condition 4.E of the Adjusted Standard issued by the Board on November 18, 2010 in AS 07-6, as more fully described herein. In support of this Petition, Cabot states as follows:

I. BACKGROUND

Facility and Process Description

1. The Facility manufactures fumed metal oxides, including fumed silica (SiO₂). The manufactured products contain unique properties making them important additives in a diverse variety of products from paints and printing inks to pharmaceuticals and cosmetics.
2. The fumed metal oxide manufacturing process involves the hydrolysis of a blend of chlorosilanes, silicon tetrachloride, methyl trichlorosilane, trichlorosilane, and

aluminum trichloride. The Facility also operates several other related operations where fumed metal oxides are treated to produce specific products.

Nature of The Facility (35 Ill. Adm. Code § 104.406(d))

3. The Facility is located approximately three miles west of Tuscola on Route 36 in Douglas County, Illinois. The Facility occupies approximately 92 acres of land.
4. In operation since 1958, the Facility currently employs approximately 167 people.

Waste Identification and Characteristics (35 Ill. Adm. Code § 104.406(d))

5. The Facility generates a number of waste streams, some of which are disposed of on-site in UIC wells. A portion of the waste that Cabot disposes in its UIC wells is restricted waste under the Resource Conservation and Recovery Act ("RCRA"). See 40 CFR Part 148, Subpart B and 35 Ill. Adm. Code Part 738, Subpart B.
6. Waste streams injected in the UIC wells include acidic waste water from air pollution control scrubbers, stack drains, fan drains, other equipment drains and washdown (D002); unsold by-product HCL (D002); surface water drainage, seepage, multi-source leachate from the leachate collection system, and groundwater and leachate purged from on-site monitoring wells (F039); and spent acetone from the QC laboratory (F003). Approximately 277,000 gallons of waste per day is injected into the UIC wells.

The Facility's UIC Wells (35 Ill. Adm. Code § 104.406(d))

7. Presently, Cabot injects hazardous waste into Wells Nos. 2 and 3 pursuant to an UIC permit from the Illinois Environmental Protection Agency ("IEPA"), effective October 18, 2001. Cabot filed an application to renew the permit on March 15, 2011, and the application is currently pending.

Illinois' Hazardous Waste Injection Restrictions (35 Ill. Adm. Code §§ 104.406(a)-(b))

8. The Board's regulations specifically prohibit the underground injection of certain restricted hazardous wastes. *See* 35 Ill. Adm. Code Part 738, Subpart B.
9. The Board's UIC regulations were adopted pursuant to the "identical-in-substance" rulemaking mechanism to implement an UIC program for Illinois. The prohibitions relating to spent solvents (F003), 35 Ill. Adm. Code § 738.110(a), and liquid corrosive wastes (D002), 35 Ill. Adm. Code § 738.116(c)(2), were adopted in R89-2. 14 Ill. Reg. 3089 (March 2, 1990), *effective* February 20, 1990. The prohibition relating to multi-source leachate (F039), 35 Ill. Adm. Code § 738.116(c)(1), was adopted in R90-14. 15 Ill. Reg. 11425 (August 9, 1991), *effective* July 24, 1991.

Prior Federal and State Hazardous Waste Injection Approval

10. Cabot previously received federal and state approval to inject restricted hazardous waste into the Facility's UIC wells. U.S. EPA granted Cabot a "no-migration exemption" for Well Nos. 2 and 3 pursuant to 40 CFR Part 148, Subpart C on June 1, 2010. *See* 75 Fed. Reg. 30393 (June 1, 2010). The Board issued Cabot an Adjusted Standard from the requirements of 35 Ill. Adm. Code Part 738, Subpart B for Wells Nos. 2 and 3 on November 18, 2010. *See* the Board's November 18, 2010 Order in AS 07-6, a copy of which is attached as **Exhibit A**.

II. PETITION TO MODIFY

Description of Proposed Adjusted Standard (Ill. Adm. Code § 104.406(f))

11. Pursuant to 35 Ill. Adm. Code Section 738.120(e), Cabot seeks to modify the Adjusted Standard granted by the Board under AS 07-6 on November 18, 2010.

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Specifically, Cabot requests that the Board modify Condition 4.E of the Adjusted Standard in the following ways: (1) Cabot seeks to modify the pH parameter for injected waste from 7 to 9; (2) Cabot seeks to modify the maximum temperature parameter for injected waste from 95°F to 120°F.

Level of Justification Necessary to Obtain An Exemption from the Waste Injection Prohibition (35 Ill. Adm. Code § 104.406(c))

12. 35 Ill. Adm. Code Section 738.120(e) provides that the Board will modify any condition of an adjusted standard if the petitioner complies with subsections (a), (b), and (c) of Section 738.120. The Board previously determined that Cabot complied with these and other subsections of Section 738.120 when it granted Cabot's 2007 Petition for Reissuance of Adjusted Standard ("Board Petition"). See **Exhibit A**. The modifications to Condition 4.E that Cabot now seeks do not affect the demonstration previously made: "that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous." 35 Ill. Adm. Code § 738.120(a). To support this modification, Cabot relies on its September 9, 2011 petition to U.S. EPA regarding the requested modification, a copy of which is attached as **Exhibit B**.

Justification for Proposed Adjusted Standard and Supporting Documents (35 Ill. Adm. Code §§ 104.406(h),(k))

13. To justify the petition in matter AS 07-6, Cabot relied upon the document entitled "2007 Petition for Renewal of Exemption from the Land Disposal Restrictions" ("2007 U.S. EPA Petition"). Cabot today requests that the Board incorporate the 2007 U.S. EPA Petition into the instant Petition as **Exhibit C**. See Cabot's Motion for Incorporation of Documents, filed herewith.

14. Cabot also provided a quality assurance and control plan (“Plan”) to U.S. EPA in conjunction with the 2007 U.S. EPA Petition. The Plan addresses all aspects of the federal demonstration. Cabot today requests that the Board incorporate the Plan into the instant Petition as **Exhibit D**. See Cabot’s Motion for Incorporation of Documents, filed herewith.

15. The Board previously incorporated the 2007 U.S. EPA Petition and the Plan into Cabot’s 2007 Petition for Reissuance of Adjusted Standard (“2007 Board Petition”). See the Board’s June 21, 2007 Order in AS 07-6.

16. The information contained in **Exhibits B, C, and D** satisfy all requirements set forth in 35 Ill. Adm. Code Part 738, Subpart C. This petition, therefore, meets the demonstration required by 35 Ill. Adm. Code § 738.120(a)(1)(A).

The Petition is Consistent With Federal Law (35 Ill. Adm. Code § 104.406(i))

17. The Illinois state UIC program is identical-in-substance to the federal UIC program. For that reason, the Illinois UIC program “is intended to be no more (or less) stringent than the federal program.” (Board’s October 7, 2010 Order at 9) (*quoting* AS 92-8, slip op. at 7 (Feb. 17, 1994).

18. Accordingly, if U.S. EPA grants Cabot a modification of the pH and temperature parameters of its “no-migration exemption” under federal law, the Board should do the same.

19. Cabot has petitioned the U.S. EPA for a modification of the exemption it granted Cabot on June 1, 2010. See **Exhibit B**. Cabot requests that the Board, the IEPA and the U.S. EPA work together to minimize procedural redundancies in the modification process. Cabot has separately filed a “Motion to Stay Proceeding” requesting that the

Board stay its decision on the instant Petition until U.S. EPA acts on Cabot's current petition to the U.S. EPA. *See* Cabot's Motion to Stay Proceedings, filed herewith.

Inapplicable and Overly Burdensome Information

20. Certain information discussed in 35 Ill. Adm. Code Part 104, Subpart D, including the information required by Section 104.406, Subparagraphs (e) and (g), is inapplicable and unduly burdensome. Cabot, therefore, has not submitted such information at this time. *See* 35 Ill. Adm. Code § 104.406 (providing the petitioner with the option of withholding inapplicable information). Cabot previously omitted this information in its 2007 Board Petition in AS 07-6. The Board did not find information Cabot omitted to be necessary and granted the Petition. Should additional information assist the Board to reach a favorable resolution in the instant proceeding, however, Cabot will provide the additional requested information at a later date.

Proposed Language for Reissuance of Adjusted Standard (35 Ill. Adm. Code § 104.406(f))

21. Cabot proposes that the Board adopt the following language in its Order granting Cabot's Petition:

Cabot Corporation is hereby granted a modification of the pH and maximum temperature parameters of Condition 4.E of the adjusted standard from the requirements of 35 Ill. Adm. Code Part 738, Subpart B, for the underground injection control Wells Nos. 2 and 3 at its Tuscola, Illinois facility. Specifically, Cabot is hereby granted a modification of the pH parameter from 7 to 9, and a modification of the temperature parameter from 95° to 120°.

No Hearing Requested (35 Ill. Adm. Code § 104.406(j))

22. Cabot does not request a hearing in this proceeding.

Certification of an Authorized Representative (35 Ill. Adm. Code § 738.122(a)(4))

23. The certification of Carl Troike, the Facility's General Manager, is attached as

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Exhibit E and incorporated herein by reference.

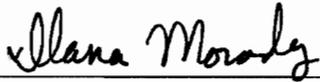
CONCLUSION

24. Cabot Corporation respectfully requests that the Board modify the pH and temperature parameters of Condition 4.E of the Adjusted Standard granted on November 18, 2010 in AS 07-6.

DATED: September 16, 2011

Respectfully submitted,

CABOT CORPORATION

By: 
One of Its Attorneys

Eric E. Boyd (6194309)
Ilana R. Morady (6302567)
SEYFARTH SHAW LLP
131 South Dearborn Street
Chicago, Illinois 60603
Tel. (312) 460-5000
Fax: (312) 460-7000

Exhibit A

ILLINOIS POLLUTION CONTROL BOARD
November 18, 2010

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

ORDER OF THE BOARD (by C.K. Zalewski):

In an October 7, 2010 opinion and order, the Board granted the petition for reissuance of a previous adjusted standard (AS 96-3) filed by Cabot Corporation (Cabot) for its inorganic chemical manufacturing facility, located in Tuscola, Douglas County (Tuscola facility). Cabot manufactures fumed silica dioxide (SiO₂) in its Tuscola facility. The Board granted relief for 21 years, subject to conditions, from the restrictions on underground injection of hazardous wastes codified at 35 Ill. Adm. Code 738.Subpart B to allow Cabot to inject the specified hazardous wastes into Wells #2 and #3 through December 31, 2027. The Board noted that it was granting relief similar to that granted by the United States Environmental Protection Agency (USEPA) as a “federal exemption” allowing concerning underground injection of prohibited wastes at 40 CFR 148.Subpart C. *See* 75 Fed. Reg. 30392 (June 1, 2010). Among other conditions, both the Board and USEPA orders require Cabot to file any petition for extension or reissuance of the relief granted no later than six months before the expiration of the relief, to allow for timely processing of the request.

On November 1, 2010, Cabot filed a motion for reconsideration (Mot.) of the Board’s opinion and order. Cabot seeks correction of a typographical error in condition 2, sentence 2, of the order that would have required Cabot to file a Petition for Reissuance by July 1, 2017, rather than by July 1, 2027. Mot. at 2. The motion recites that the respondent has no objection to this technical correction.

The motion for reconsideration and correction of the typographical error in condition 2, sentence 2, of the order is granted. For the convenience of the parties, the corrected order in its entirety is set out below. For clarity, the October 7, 2010 effective date of the grant of relief is added to condition 1, sentence 2, of the order.

1. The Board grants Cabot Corporation an adjusted standard from the requirements of 35 Ill. Adm. Code 738.110(a) and 738.116 (c)(1) and (c)(2) for the underground injection control Wells # 2 and #3 at its Tuscola facility. Effective October 7, 2010, this adjusted standard from the prohibitions of 35 Ill. Adm. Code 738.110(a) and 738.116 (c)(1) and (c)(2) allows the underground injection disposal of wastes denoted by the waste codes D002, F003, and F039.

2. This adjusted standard terminates on December 31, 2027, the end of the 21-year modeled injection period. Cabot Corporation may petition the Board for reissuance of the adjusted standard beyond that date, provided a new and complete petition and no-migration demonstration is filed with the Board by July 1, 2027;
3. The Board grants this adjusted standard consistent with the USEPA federal exemption approval published at 75 Fed. Reg. 30392-30393 (June 1, 2010).
4. The Board grants this adjusted standard subject to the following conditions. Non-compliance with any of these conditions is grounds for termination of the adjusted standard:
 - A. All regulatory requirements in 35 Ill. Adm. Code 738.123 and 738.124 are incorporated by reference;
 - B. The adjusted standard applies to two existing injection wells, Well #2 and Well #3 located at the Cabot Corporation facility at 700 E. U.S. Highway 36, in the City of Tuscola in Douglas County, Illinois;
 - C. Injection is limited to that part of Upper Franconia, Potosi, Eminence and Oneota formations at depths between 4,442 and 5,400 feet;
 - D. Only wastes denoted by the waste codes D002, F003 and F039 may be injected;
 - E. The concentrations of constituents of the injected waste may not exceed the amounts listed in Table 1-1 below;

Table 1-1
Waste Parameters Limits

Parameters	EPA Code Hazardous Waste	Maximum Permit Limit	Minimum
Hydrochloric Acid	D002	5.5%	
pH	D002	7	
Temperature	--	95°F	32°F
Specific Gravity	--	1.034	
Acetone	F003	47,000 mg/l	
Tetrachloroethylene	F039	1.66 mg/l	
Trichloroethylene	F039	1.66 mg/l	
1,1 Dichloroethylene	F039	2.33 mg/l	
1,2 Dichloroethylene	F039	0.33 mg/l	
Phenol	F039	12,000mg/l	
Methylene Chloride	F039	59 mg/l	
1,1 Dichloroethane	F039	0.33 mg/l	

1,2 Dichloroethane	F039	1.66 mg/l	
Trans 1,2 Dichloroethene	F039	16.5 mg/l	
Cis 1,2 Dichloroethene	F039	11.5 mg/l	
1,1,1 Trichloroethane	F039	33 mg/l	
1,1,2 Trichloroethane	F039	1.66 mg/l	
Vinyl Chloride	F039	0.66 mg/l	
Chloroethane	F039	3.33 mg/l	
Chloroform	F039	0.33 mg/l	
Ethylbenzene	F039	116.5 mg/l	
Xylene (Total)	F039	333.5 mg/l	
Toluene	F039	33 mg/l	
1,1,1,2 Tetrachloroethane	F039	0.33 mg/l	
1,1,2,2 Tetrachloroethane	F039	0.33 mg/l	
Cyanide (Total)	F039	33 mg/l	
Barium	F039	333 mg/l	
Cadmium	F039	1.66 mg/l	
Chromium	F039	16.5 mg/l	

- F. The volume of wastes injected in any month through the wells may not exceed 17,280,000 gallons;
- G. Beginning January 7, 2011, or such other date agreed upon by the IEPA and Cabot, Cabot Corporation shall quarterly submit to Illinois Environmental Protection Agency (IEPA) a report containing a fluid analysis of the injected waste which shall indicate the chemical and physical properties upon which the no-migration petition was based, including the physical and chemical properties listed in Conditions 5 and 6 of this exemption approval;
- H. Beginning January 7, 2011, or such other date agreed upon by the IEPA and Cabot, Cabot Corporation shall annually submit to IEPA a report containing the results of a bottom hole pressure survey (fall-off test) performed on Well #2 and Well #3 (alternating years). The survey shall be performed after shutting in the well for a period of time sufficient to allow the pressure in the injection interval to reach equilibrium, in accordance with 35 Ill. Adm. Code 730.168(e)(1). The annual report shall include a comparison of reservoir parameters determined from the fall-off test with parameters used in the approved no-migration petition;
- I. Cabot Corporation shall fully comply with all requirements set forth in Underground Injection Control Permit UIC-011-CC issued by the Illinois Environmental Protection Agency. Cabot must expeditiously apply to the IEPA to modify its current UIC Permit No. UIC-011-CC to reflect USEPA's approval cited in 75 Fed. Reg. 30392-30393 (June 1, 2010) and this adjusted standard;

- J. Reports or other communications required by this adjusted standard must be addressed the IEPA at the address below:

Illinois Environmental Protection Agency

1021 North Grand Avenue East

P.O. Box 19276

Springfield, IL 62794-9276

- K. As provided in 35 Ill. Adm. Code 738.123(b), whenever the Board determines that the basis for approval of a petition may no longer be valid, the Board will require a new demonstration in accordance with 35 Ill. Adm. Code 738.120.
- L. In any action under subsection 35 Ill. Adm. Code 738.124(a)(1), if the Board finds a violation of the Act or Board regulations, the Board may terminate any adjusted standard granted under Section 738.120 as provided by Section 738.124.

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) (2008); *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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 18, 2010, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board

Exhibit B



September 9, 2011

Rebecca Harvey, Chief
Underground Injection Control Branch (WU-16J)
U.S. Environmental Protection Agency - Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3590

RE: Modification of Exemption from Hazardous Waste Disposal Injection Restrictions
Cabot Corporation
Tuscola, Illinois
UIC Permit UIC-011-CC

Dear Ms. Harvey:

Cabot Corporation is requesting that the United States Environmental Protection Agency (USEPA) issue a modification to the Hazardous Waste Disposal Injection Restriction Exemption last reissued to the Tuscola, IL facility on June 1, 2010. The modification is necessary to incorporate new permit limits that Cabot has requested in its Underground Injection Control (UIC) Permit application that is pending approval by the Illinois Environmental Protection Agency (IEPA).

The only requested change to the *Approval of a Petition for Exemption from Hazardous Waste Disposal Injection Restrictions to Cabot Corporation Tuscola, IL* issued on June 1, 2010 is Condition 5, which states that "The concentrations of constituents of the injected waste will not exceed the amounts listed in Table 1-1 in the petition document". In support of this request, Cabot is submitting the attached revised table, entitled "Table 1-1a" to replace the Table 1-1 submitted on March 8, 2007. The newly requested waste parameter limits are indicated on the revised table.

Cabot has requested these new permit limits as part of a permit renewal application to IEPA, including a maximum pH limit of 9 and a maximum temperature limit of 120° F for the waste injected. These requested waste constituent limit changes do not affect the modeling assumptions that were included in the March 8, 2007 *Petition for Renewal of Exemption from the Land Disposal Restrictions* document and subsequent responses to EPA's Notices of Deficiency. In addition, the fiberglass injection tubing in each well has sufficient expansion capacity and an operational temperature rating 90° F higher than the requested temperature limit. Independent evaluation of each well's materials of construction by Sandia Technologies, LLC as part of the

UIC permit renewal application submitted to IEPA on March 15, 2011 indicates that the requested temperature limit is appropriate for the wells at the Cabot facility.

The changes are being requested to facilitate future waste reduction efforts at the Cabot facility and to reduce operating challenges during the heat of summer. The increased pH limits will allow Cabot flexibility in attempting removal of acidic waste streams while continuing to inject the current non-acidic waste streams. In addition, certain waste streams have a higher temperature, preventing removal of cooler waste streams that help maintain the injected waste below the current permit limit. With the current 95° F temperature limit, summer operation is challenging to manage at times when the ambient temperatures exceed this operating limit. Given that the new limits will not have a negative impact on the wells or affect the modeling provided in support of the last renewal of Cabot's exemption from the land disposal restrictions, the flexibility provided by these new limits will help Cabot with long term waste reduction efforts.

Cabot respectfully requests your review and approval of the proposed modification. EPA approval is necessary for the IEPA to proceed with approval of the requested permit limit changes. If you have any questions or require additional information, please contact our Environmental Manager, Amy Clyde, at 217-253-5591.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Respectfully yours,



Carl Troike
Facility General Manager

Attachment: Table 1-1a

**Table 1-1a
IEPA UIC Permit Waste Parameters Limits**

Parameters	EPA Code Hazardous Waste	Maximum Permit Limit	Minimum
Hydrochloric Acid	D002	5.5%	
pH	D002	9	
Temperature	--	120°F	32°F
Specific Gravity	--	1.034	
Acetone	F039	47,000 mg/l	
Tetrachloroethylene	F039	1.66 mg/l	
Trichloroethylene	F039	1.66 mg/l	
1,1 Dichloroethylene	F039	2.33 mg/l	
1,2 Dichloroethylene	F039	0.33 mg/l	
Phenol	F039	12,000 mg/l	
Methylene Chloride	F039	59 mg/l	
1,1 Dichloroethane	F039	0.33 mg/l	
1,2 Dichloroethane	F039	1.66 mg/l	
Trans 1,2 Dichloroethene	F039	16.5 mg/l	
Cis 1,2 Dichloroethene	F039	11.5 mg/l	
1,1,1 Trichloroethane	F039	33 mg/l	
1,1,2 Trichloroethane	F039	1.66 mg/l	
Vinyl Chloride	F039	0.66 mg/l	
Chloroethane	F039	3.33 mg/l	
Chloroform	F039	0.33 mg/l	
Ethylbenzene	F039	116.5 mg/l	
Xylene (Total)	F039	333.5 mg/l	
Toluene	F039	33 mg/l	
1,1,1,2 Tetrachloroethane	F039	0.33 mg/l	
1,1,2,2 Tetrachloroethane	F039	0.33 mg/l	
Cyanide (Total)	F039	33 mg/l	
Barium	F039	333 mg/l	
Cadmium	F039	1.66 mg/l	
Chromium	F039	16.5 mg/l	

Exhibit C

***See Cabot Corporation's
Motion for Incorporation of Documents
filed herewith***

Exhibit D

***See Cabot Corporation's
Motion for Incorporation of Documents
filed herewith***

Exhibit E

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
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35 Ill. Admin. Code Part 738, Subpart B)

**CERTIFICATION OF PETITION FOR REISSUANCE
OF ADJUSTED STANDARD**

I, Carl Troike Facility General Manager
Name Title

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this Petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.


Signature

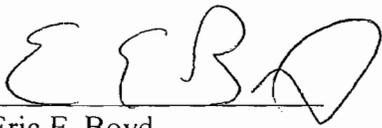
9-15-11
Date

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APPEARANCE OF ERIC E. BOYD

I hereby file my appearance in this proceeding on behalf of Cabot Corporation.

By: 
Eric E. Boyd

Eric E. Boyd (6194309)
Ilana R. Morady (6302567)
SEYFARTH SHAW LLP
131 South Dearborn Street
Chicago, Illinois 60603
Tel. (312) 460-5000
Fax: (312) 460-7000

DATED: September 16, 2011

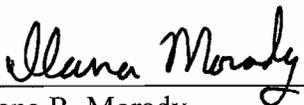
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APPEARANCE OF ILANA R. MORADY

I hereby file my appearance in this proceeding on behalf of Cabot Corporation.

By: 
Ilana R. Morady

Eric E. Boyd (6194309)
Ilana R. Morady (6302567)
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Fax: (312) 460-7000

DATED: September 16, 2011

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 12-1
PETITION OF CABOT CORPORATION) (Adjusted Standard)
FOR AN ADJUSTED STANDARD FROM)
35 Ill. Adm. Code Part 738, Subpart B)

**MOTION TO STAY PROCEEDINGS ON CABOT CORPORATION'S PETITION TO
MODIFY CONDITION OF ADJUSTED STANDARD**

Cabot Corporation ("Cabot"), through its attorneys, Seyfarth Shaw LLP, and pursuant to 35 Ill. Admin. Code §§ 101.500 and 100.514, moves to stay proceedings on its September 16, 2011 Petition to Modify Condition of Adjusted Standard ("September 16, 2011 Petition"). In support of this motion, Cabot states:

1. Cabot filed the September 16, 2011 Petition seeking to modify Condition 4.E of its adjusted standard from the requirements of 35 Ill. Admin. Code Part 738, Subpart B for Wells Nos. 2 and 3 at its Tuscola, Illinois facility ("Facility").
2. On September 9, 2011, Cabot submitted a letter to the U.S. EPA regarding the modification it seeks. This letter, titled "Modification of Exemption from Hazardous Waste Disposal Injection Restriction," (attached to the September 16, 2011 Petition as Exhibit B) seeks a modification of Condition 5 of the Facility's "no-migration exemption" from the federal hazardous waste disposal injection regulations (set forth at 40 C.F.R. Part 148).
3. The U.S. EPA Petition demonstrates that the requested modification (to allow waste into Wells Nos. 2 and 3 at a pH of 9 and maximum temperature of 120°), will be protective of human health and the environment for as long as the waste remains hazardous.
4. The Illinois state UIC regulations are identical-in-substance to their federal counterparts;

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thus, the justification for modification under the state and federal regulations is the same.

5. The Board previously granted Cabot's "Petition for Reissuance of Adjusted Standard" from the Illinois state UIC regulations on November 18, 2010 under Docket AS 07-6 (hereafter "Board's November 18, 2010 Order").

6. In AS 07-6, the Board reiterated that denying the proposed adjusted standard where U.S. EPA had found that Cabot made all requisite demonstrations under the federal UIC regulations "would cause a more stringent State law to apply to Cabot, in contradistinction to the stringency principle." (Board's October 7, 2010 Order at 12). Previously, in AS 92-8, the Board also granted Cabot an adjusted standard, using the aforesaid language in support of its decision.

7. Consequently, staying the Board's decision on Cabot's September 16, 2011 Petition until U.S. EPA takes action on the 2011 U.S. EPA Petition will assist the Board in making the appropriate determination and ensure that the Board does not apply more stringent law to Cabot than is warranted under the circumstances.

8. The Board's consideration of Cabot's Petition is not a decision deadline proceeding requiring waiver of any decision deadline.

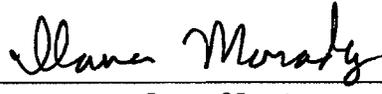
WHEREFORE, Cabot Corporation respectfully requests that, with the exception of proceedings related to Cabot's "Motion for Incorporation of Documents," the Board stay all proceedings on the September 16, 2011 Petition (including, but not limited to, the date by which the Illinois Environmental Protection Agency must file its recommendation pursuant to 35 Ill. Admin. Code § 104.416) until U.S. EPA reaches a decision on Cabot's 2011 U.S. EPA Petition.

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Respectfully submitted,

CABOT CORPORATION

By: 
One of Its Attorneys

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MOTION FOR INCORPORATION OF DOCUMENTS

The Petitioner, Cabot Corporation (“Cabot”), through its attorneys, Seyfarth Shaw LLP, and pursuant to 35 Ill. Admin. Code § 101.306(a), moves to have the Board incorporate certain documents from a prior docket that are authentic, credible, and relevant to this proceeding. In support of this motion, Cabot states as follows:

1. On September 16, 2011, Cabot filed a Petition to Modify Condition of Adjusted Standard (“September 16, 2011 Petition”) from 35 Ill. Admin Code, Part 738, Subpart B for underground injection control (“UIC”) Wells Nos. 2 and 3 at its Tuscola, Illinois facility (“Facility”).
2. Any person may request that the Board incorporate into a proceeding materials from the record of another Board docket provided such materials are “authentic, credible, and relevant to the proceeding.” 35 Ill. Admin. Code § 101.306(a).
3. In support of its September 16, 2011 Petition, Cabot wishes to rely upon the document entitled “2007 Petition for Renewal of Exemption from the Land Disposal Restrictions” it filed with U.S. EPA on March 8, 2007 (the “2007 U.S. EPA Petition”) and the Quality Assurance Quality Control Plan (“Plan”) it filed with the 2007 U.S. EPA Petition.
4. The Board previously accepted the U.S. EPA Petition and the Plan as **Exhibit C**

and **Exhibit D** respectively in AS 07-6. See the Board's June 21, 2010 Order.

5. The 2007 U.S. EPA Petition and Plan are authentic, credible and relevant to the September 16, 2011 Petition.

6. Because the 2007 U.S. EPA Petition and the Plan together consist of 5 binders of information, much of which includes over-sized documents and color illustrations, Cabot requests relief from the requirement that it file four copies of these documents with the Board. Cabot previously filed four copies of the 2007 U.S. EPA Petition and the Plan with the Board in docket AS 07-6.

7. Accordingly, Cabot requests that (1) the Board incorporate **Exhibit C** and **Exhibit D** in docket AS 07-06 as **Exhibit C** and **Exhibit D** respectively to Cabot's September 16, 2011 Petition; and (2) the Board grant relief to Cabot from the requirement to file four copies of **Exhibit C** and **Exhibit D** with the Board.

WHEREFORE, Cabot Corporation respectfully requests that (1) the Board incorporate **Exhibit C** and **Exhibit D** from docket AS 07-06 as **Exhibit C** and **Exhibit D** respectively to Cabot's September 16, 2011 Petition; and (2) that the Board grant relief to Cabot from the requirement to file four copies of **Exhibit C** and **Exhibit D** with the Board.

DATED: September 16, 2011

Respectfully submitted,

CABOT CORPORATION

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One of Its Attorneys

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