

ILLINOIS POLLUTION CONTROL BOARD
August 13, 1992

IN THE MATTER OF:)
)
PETITION OF CABOT) AS 92-8
CORPORATION FOR AN ADJUSTED) (Adjusted Standard)
STANDARD FROM 35 ILL. ADM.) (Also see R92-16)
CODE 738.SUBPART B)

ORDER OF THE BOARD (by J. Anderson):

On August 3, 1992, Cabot Corporation (Cabot), requested a site-specific "no migration exemption" from the underground injection control (UIC) land disposal prohibitions in 35 Ill. Adm. Code 738.Subpart B. USEPA has granted an exemption from the federal UIC rules. Cabot asks that the Board either grant a State exemption by way of adopting a site-specific identical in substance rule pursuant to Section 13(c) of the Act, or, alternatively, by granting an adjusted standard pursuant to Section 28.1 of the Act. The Board initially docketed the petition as a regulatory petition, R92-16, which was dismissed this same day. For the reasons set forth in that dismissal order, this matter will proceed as an adjusted standard.

40 CFR 148 and 35 Ill. Adm. Code 738 prohibit the disposal of certain hazardous waste in UIC wells. 40 CFR 148.20 et seq. establishes a procedure for obtaining a "no migration exemption" from the prohibition on injection. The Board adopted identical in substance rules in R89-2. 35 Ill. Adm. Code 738.120 et seq. provides for the use of "adjusted standards" pursuant to Section 28.1 of the Act for granting "exemptions" at the State level.

This matter concerns two UIC wells owned by Cab-O-Sil Division, Cabot Corporation, located at Tuscola, in Douglas County. These are described as Wells No. 1 and 2.

USEPA proposed exemptions for these wells at 55 Fed. Reg. 34739, August 24, 1990. USEPA published a notice of exemption for Well No. 2 at 55 Fed. Reg. 49340, November 27, 1990, and for Well No. 1 at 56 Fed. Reg. 5826, February 13, 1991.

The Board accepts the petition as an adjusted standard petition, but asks for more information. Will Cabot clarify the USEPA exemption language, which appears to be ambiguous in at least three respects? First, although the discussion in the USEPA notice of proposed exemption identifies the wastestreams which may be injected pursuant to the exemptions, the exemptions themselves are not specific. Second, although the USEPA exemptions are conditioned on concentrations found in "Table 8-6 in the petition document", that Table is not reproduced in any of the material before the Board. Third, the exemption for Well No.

0135-0403

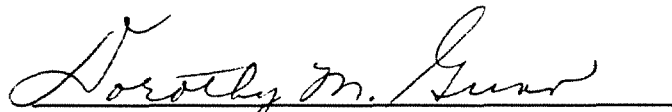
1 is specifically conditioned on testing which was to have been done in 1991, subject to approval by USEPA, Region V. Has this testing been done?

In addition, the petition generally references the voluminous petition filed with USEPA. The amended petition should specifically address the information requested in 35 Ill. Adm. Code 106.Subpart G and 738.Subpart B, the latter of which is nearly identical to the USEPA petition contents. The petitioner is granted leave to give summary responses, with references to the appropriate portions of the USEPA petition, only one copy of which needs to be filed with the Clerk.

Within 45 days after the date of this order, Cabot is directed to file an amended petition for adjusted standard, curing the above deficiencies, or this petition will be subject to dismissal. We note that the amended petition must be accompanied by the filing fee.

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 13th day of August, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0135-0404