

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)

Adjusted Standard Petition of)
Cabot Corporation,)
from 35 Ill. Adm. Code 738, Subpart B.)

AS 07-006
(Adjusted Standard)

NOTICE

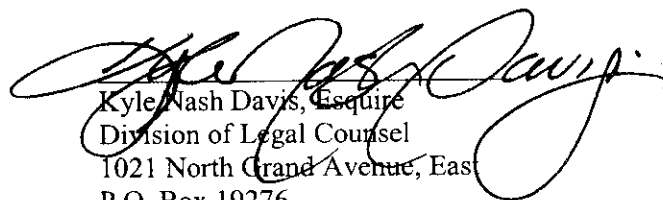
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Seyfarth Shaw LLP
Attn: Eric E. Boyd, Esq.
131 South Dearborn Street
Chicago, Illinois 60603

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a **MOTION FOR EXTENSION OF TIME TO FILE THE RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, a copy of which are herewith served upon you.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent**



Kyle Nash Davis, Esquire
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

Dated: June 28, 2007

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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STATE OF ILLINOIS
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IN THE MATTER OF:)
)
Adjusted Standard Petition of) AS 07-006
Cabot Corporation,) (Adjusted Standard)
from 35 Ill. Adm. Code 738, Subpart B.)

**MOTION FOR EXTENSION OF TIME TO FILE A RECOMMENDATION
TO PETITION FOR ADJUSTED STANDARD**

NOW COMES the ENVIRONMENTAL PROTECTION AGENCY of the State of Illinois ("Illinois EPA"), by its counsel, Kyle Nash Davis, and, pursuant to 35 Ill. Adm. Code 101.500 (2006), hereby submits this **Motion for Extension of Time to file a Recommendation** to the **Petition For Adjusted Standard** ("Petition") filed by the Petitioner, **CABOT CORPORATION** ("Cabot/Petitioner"). In support of this motion, Respondent states as follows:

1. On May 29, 2007, Petitioner filed its Petition seeking issuance of an Adjusted Standard similar to the Adjusted Standard granted by the Board on February 17, 1994, in AS 92-8.
2. On May 29, 2007, Petitioner filed a Motion to Stay Proceedings On Cabot Corporation's Petition For Reissuance of Adjusted Standard ("Motion for Stay").
3. Petitioner offers in its Motion for Stay that, on March 8, 2006, a "2007 Petition for Renewal of Exemption from Land Disposal Restrictions" was filed with the United States Environmental Protection Agency ("U.S. EPA"). (Motion for Stay pg. 1, par. 4)

4. Petitioner's Motion for Stay requests that "... the Board stay all proceedings on the May 29, 2007, 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 2007 Petition for Renewal of Exemption from the Land Disposal Restrictions." (Motion for Stay pg. 3)
5. The Board's procedural rule at 35 of the Ill. Adm. Code 104.416 requires the Respondent to file a recommendation with the Board within forty-five (45) days following the filing of the Petition, or where a hearing has been scheduled, at least thirty (30) days before such hearing, whichever is earlier.
6. Since no hearing is set, the Respondent must file a Recommendation on or before July 13, 2007.
7. The Respondent is interested in U.S. EPA's consideration and ultimate ruling on Petitioner's 2007 Petition for Renewal of Exemption from the Land Disposal Restrictions since the regulations Petitioner seeks relief from are included in both State and federal regulations. As such, if an extension of time to file a Recommendation is granted, Respondent would take the opportunity to review U.S. EPA's ruling prior to the filing of a Recommendation in the matter filed before the Board.
8. This Motion is not filed to unduly delay these proceedings and will not prejudice the Petitioner since Petitioner seeks a Stay of the Board's consideration of the Petition pending U.S. EPA's review of the Petition filed before them.

WHEREFORE, Respondent respectfully requests that the Board grant this Motion for Extension of Time to File a Recommendation as set forth within 35 Ill. Adm. Code 104.416, and requests that the Board allow the Respondent to file a Recommendation forty-five (45) days following the Board's decision on the Motion to Stay or, if Petitioner's Motion for Stay is granted, forty-five (45) days following the Board's lifting of Stay in this matter, whichever is later.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent**

By: 

Kyle Nash Davis, Esquire
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois
62794-9276
(217) 782-5544

Dated: June 28, 2007

This filing submitted on recycled paper.

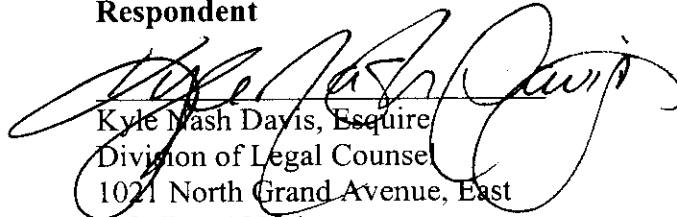
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 28, 2007, I served a true and correct copy of a **MOTION FOR EXTENSION OF TIME TO FILE RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, by placing a true and correct copy in a properly sealed and addressed envelope and by depositing said sealed envelope in a U.S. mail drop box located within Springfield, Illinois, with sufficient Certified Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Seyfarth Shaw LLP
Attn: Eric E. Boyd, Esq.
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