

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 07 - 06
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 Cabot Corporation's **Motion to Extend Stay of Proceedings on Cabot Corporation's Petition for Reissuance of Adjusted Standard.**

DATED: January 7, 2010

CABOT CORPORATION

By/s/Eric E. Boyd
One of Its Attorneys

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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
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Carol Webb
Hearing Officer
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PETITION OF CABOT CORPORATION) (Adjusted Standard)
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35 Ill. Adm. Code Part 738, Subpart B)

**MOTION TO EXTEND STAY OF PROCEEDINGS ON CABOT CORPORATION'S
PETITION FOR REISSUANCE 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 May 29, 2007 Petition for Reissuance of Adjusted Standard ("May 29, 2007 Petition"). In support of this motion, Cabot states:

1. Cabot filed the May 29, 2007 Petition seeking reissuance of its adjusted standard from the Illinois state underground injection control ("UIC") regulations for Wells Nos. 2 and 3 at its Tuscola, Illinois facility ("Facility").
2. Also on May 29, 2007, Cabot filed a Motion to Stay Proceedings. The Motion to Stay requested that the Board stay further action on the Petition until the U.S. EPA takes final action on a similar petition Cabot filed with the U.S. EPA. The motion explained that staying the proceeding until the U.S. EPA takes action, "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." May 29, 2007 Motion to Stay, at Par. 9.

3. On August 9, 2007, the Board entered an order staying this proceeding until February 9, 2008. The August 9, 2007 Order explained that the parties may request an extension of the initial stay and the time for the Agency to file its recommendation by asking the Hearing Officer.

4. On February 7, 2008, the Hearing Officer granted a motion to extend the stay. The Hearing Officer Order extended the stay until August 9, 2008, and the deadline for the Agency's recommendation until September 23, 2008.

5. On July 22, 2008, the Hearing Officer granted another motion to extend the stay. The Hearing Officer Order extended the stay until February 9, 2009, and the deadline for the Agency's recommendation until March 26, 2009.

6. On October 9, 2008, Cabot filed a Motion to Amend the Petition to add information that Cabot had previously submitted to the U.S. EPA in response to a Notice of Deficiency with respect to the petition pending before the U.S. EPA. On November 5, 2008, the Board granted the Motion to Amend and accepted the amended petition. The Board also reiterated that it would take no action on the Petition until after the U.S. EPA acts and the stay is lifted.

7. On February 2, 2009, the Hearing Officer granted another motion to extend the stay. The Hearing Officer Order extended the stay until August 9, 2009, and the deadline for the Agency's recommendation until September 23, 2009.

8. On July 20, 2009, the Hearing Officer granted another motion to extend the stay. The Hearing Officer Order extended the stay until February 5, 2010, and the deadline for the Agency's recommendation until March 22, 2010.

9. The U.S. EPA recently proposed to approve Cabot's exemption request. *See* <http://www.epa.gov/region5/water/uic/uicpub.htm#landban> . The proposal requested public comments by February 1, 2010. Cabot representatives expect that the U.S. EPA will take final

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action approving the demonstration and the petition within the next six months.

10. As a result, Cabot requests that the stay be extended for an additional six months, or until August 9, 2010, and the deadline for the Agency's recommendation be extended until September 23, 2010.

11. The attorney for Cabot, Eric E. Boyd, spoke to the attorney for the IEPA, Kyle Nash Davis, about this Motion. Mr. Davis indicated that the IEPA has no objection to this Motion.

WHEREFORE, Cabot Corporation respectfully requests that the Board stay all proceedings on the May 29, 2007 Petition until August 9, 2010 and extend the time by which the Agency must file its recommendation until September 23, 2010.

DATED: January 7, 2010

Respectfully submitted,

CABOT CORPORATION

By /s/ Eric E. Boyd
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Eric E. Boyd, hereby certify that on January 7, 2010, I caused a copy of Cabot Corporation's **Motion to Extend Stay of Proceedings on Cabot Corporation's Petition for Reissuance of Adjusted Standard** to be served upon the parties listed below via First Class U.S. Mail:

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

Carol Webb
Hearing Officer
Illinois Pollution Control Board
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