

**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 for Reconsideration**.

**DATED:** November 1, 2010

**CABOT CORPORATION**

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

Eric E. Boyd (6194309)  
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

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274

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**CERTIFICATE OF SERVICE**

I, Eric E. Boyd, hereby certify that on November 1 2010, I caused a copy of Cabot Corporation's **Motion for Reconsideration** 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  
1021 North Grand Avenue East  
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By: /s/Eric E. Boyd  
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**MOTION FOR RECONSIDERATION**

Cabot Corporation (“Cabot”), through its attorneys, Seyfarth Shaw LLP, and pursuant to 35 Ill. Admin. Code §§ 101.500, 101.520, and 101.902, moves the Board to reconsider a portion of its Opinion and Order dated October 7, 2010. In support of this motion, Cabot states:

1. Cabot filed its 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. On June 1, 2010, at 75 Fed. Reg. 30392, the U.S. EPA granted Cabot a Federal exemption subject to conditions similar to the adjusted standard relief Cabot requested from the Board.

3. On October 7, 2010, the Board entered an Opinion and Order granting Cabot’s Petition for Adjusted Standard and granting the exemption requested by Cabot. The Board noted, among other things, that:

The Board reiterates “that because the Illinois UIC-program is identical-in-substance with the federal UIC program, it is intended to be no more (or less) stringent than the federal program.” *Id.* at 7, citing AS 92-8. As in AS 92-8 and AS 96-3, the Board again finds “that withholding the exemption that Cabot here seeks would cause a more stringent State law to apply to Cabot, in contradiction to this stringency principle.” *See* AS 92-8, slip op at 6 (Feb. 17, 1994) and AS 96-3, slip op. at 6 (Mar. 7, 1996).

Opinion and Order at Pages 11 and 12.

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4. The Board's Opinion and Order also listed conditions contained in the U.S. EPA approval of the exemption contained in the June 1, 2010 Federal Register. Condition 7 of the U.S. EPA approval stated:

This exemption is approved for the 21-year model injection period, which ends on December 31, 2027. Cabot Corporation may petition [U.S.] EPA for a reissuance of the exemption beyond that date, provided that a new and complete petition and no-migration demonstration is received at [U.S.] EPA, Region 5, by July 1, 2027.

Opinion and Order at Page 13 (emphasis added).

5. Despite the Board's intention to incorporate the U.S. EPA's identical conditions in the Board's Order, Paragraph 2 of the Board's Order, contrary to Paragraph 7 of the U.S. EPA's approval, states as follows:

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, 2017.

Opinion and Order at Page 15 (emphasis added).

6. Based on the above, it appears that Paragraph 2 of the Board's Order contains a typographical error which should read July 1, 2027 instead of July 1, 2017.

7. Cabot hereby requests that the Board revise Condition 2 of the October 7, 2010 Order to state that a new petition needs to be submitted by July 1, 2027 rather than by July 1, 2017.

8. On October 19, 2010 and October 29, 2010, one of the attorneys for Cabot, Eric Boyd, spoke with the attorney for the IEPA, Kyle Davis, about this Motion. Mr. Davis indicated that the IEPA has no objection to this Motion.

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WHEREFORE, Cabot Corporation respectfully requests that the Board revise Condition 2 of its Opinion and Order in this matter dated October 7, 2010 to indicate that a Petition for Reissuance must be filed by July 1, 2027 rather than by July 1, 2017.

**DATED:** November 1, 2010

Respectfully submitted,

**CABOT CORPORATION**

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

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

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