

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 LIFT THE STAY OF PROCEEDINGS, SUPPLEMENT THE RECORD,
AND REQUEST A DECISION**

Cabot Corporation (“Cabot”), through its attorneys, Seyfarth Shaw LLP, and pursuant to 35 Ill. Admin. Code §§ 101.500, moves the Board to lift the current stay of proceedings, supplement the record in this matter, and issue a decision. In support of this motion, Cabot states as follows:

1. On September 16, 2011, Cabot filed a Petition with the Board seeking modification of its adjusted standard from the Illinois state underground injection control (“UIC”) regulations for Wells Nos. 2 and 3 at its Tuscola, Illinois facility.
2. At the same time, Cabot filed a Motion to Stay Proceedings. The Motion to Stay requested that the Board stay further action on Cabot’s Petition until the U.S. EPA took final action on a similar petition under the federal program. The Motion to Stay explained that staying the proceeding until the U.S. EPA took 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.” September 16, 2011 Motion to Stay, at Par. 7.
3. On November 17, 2011 the Board entered an order staying this proceeding until May 10, 2012.
4. On March 9, 2012, the U.S. EPA issued its approval of Cabot’s petition under the

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federal hazardous waste disposal injection regulations (hereafter "U.S. EPA Notice") (see attached).

5. Now that the U.S. EPA has approved Cabot's petition, Cabot requests that the Board lift the stay and proceed to a decision in this matter. Cabot asks that the Board's Order lifting the stay provide the IEPA forty-five (45) days to file its Recommendation and Cabot fourteen (14) days thereafter to file its Response (if necessary).

6. Cabot also requests leave to supplement the record in this matter with the attached copy of the U.S. EPA Notice.

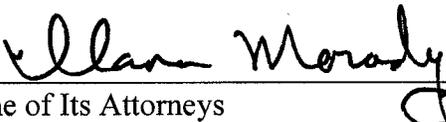
7. Cabot has not requested a hearing in this matter.

WHEREFORE, Cabot Corporation requests that the Board lift the stay, supplement the record with the U.S. EPA's Notice, and proceed to a decision in this matter.

DATED: March 15, 2012

Respectfully submitted,

CABOT CORPORATION

By 
One of Its Attorneys

Eric E. Boyd (6194309)
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SEYFARTH SHAW LLP
131 South Dearborn Street
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

WU-16J

CERTIFIED MAIL 7009 1680 0000 7670 8074
RETURN RECEIPT REQUESTED

Ms. Amy Clyde
Cabot Corporation
700 E. US Highway 36
Tuscola, Illinois 61953

Subject: Revision of the Exemption from the Land Disposal Restrictions for Cabot Corporation Wells at the Tuscola, Illinois Facility

Dear Ms. Clyde:

We have received your letter requesting a change of the maximum limits for temperature and pH of Cabot's injected waste stream. We have determined that these changes will not invalidate the demonstration of no migration and are therefore considered to be a nonsubstantive revision of the exemption. To satisfy Condition 5 of the exemption which states: "The concentrations of constituents of the injected waste will not exceed the amounts listed in Table 1-1 in the petition document," we will replace Table 1-1 containing the original limits with Table 1-1a containing the new pH and temperature limits in the administrative record for this exemption.

If you have any questions or comments concerning this matter, please feel free to contact Dana Rzeznik of my staff, at (312) 353-6492 or via email at rzeznik.dana@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca L. Harvey".

Rebecca L. Harvey
Chief, UIC Branch

cc: Kelly Huser, IEPA

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NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

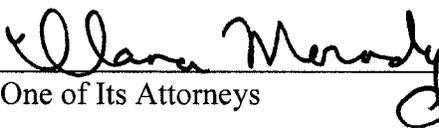
PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the following documents:

- Motion to Lift the Stay of Proceedings, Supplement the Record, and Request a Decision.
- Certificate of Service.

DATED: March 15, 2012

Respectfully submitted,

CABOT CORPORATION

By 
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
Springfield, Illinois 62794-9276

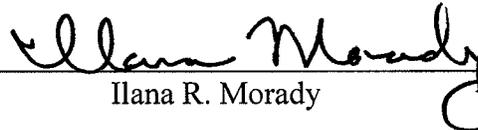
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CERTIFICATE OF SERVICE

I, Ilana R. Morady, hereby certify that on March 15, 2012 I caused a copy of Cabot Corporation's *Motion to Lift the Stay of Proceedings, Supplement the Record, and Request a Decision* 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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