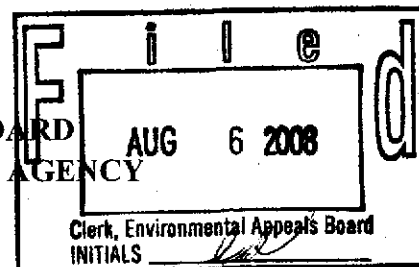


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
The Dow Chemical Company,)
Hanging Rock Plant) RCRA Appeal No. 06-01
)
Permit No. OHD 039-128-913)
)

ORDER SCHEDULING TELECONFERENCE

The appeal in this case was filed in June 2006. Seven motions for extension of stay later, the parties now request an eighth – until November 21, 2008. The permitting authority, Region 5, has yet to file its response to the petition.

As recently as their status reports of June 2, 2008, and July 31, 2008, following the Environmental Appeals Boards' ("Board") grant of numerous extensions of time, the parties represent that "agreement on all substantive issues" has been reached. But the predictions of the parties on June 2, 2008, that all steps necessary to "implement" the settlement would be complete by September 30, 2008, will evidently not materialize. Thus, an additional nearly two months extension is sought.

Before ruling on the current motion for extension of stay, the Board will hold a teleconference to better understand the parties' representations. In particular, the Board would like the parties to focus on the following questions: (1) why the state of Ohio now has to issue

clean closure certifications when it does not plan "to issue a state BIF permit;" (2) why, after the Region "acknowledges that the facility is no longer subject to the BIF portion of the federal permit," Americas Styrenics must be invited to "submit a proposed permit modification to terminate the BIF portion," before withdrawing the petition. Finally, the Board would like the parties to explain what other portions of the BIF permit will remain in operation after completion of the "comparable fuels demonstration," and whether they relate to any of the issues raised on appeal.

Accordingly, the parties are hereby requested to participate in a conference beginning at 11:00 a.m. EST on Tuesday, August 12, 2008. The participants should notify the Clerk of the Board of a contact phone number by no later than Friday, August 8, 2008. The Clerk of the Board can be reached at (202) 233-0122. The Clerk of the Board will initiate the conference call.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: Charles J. Sheehan
Charles J. Sheehan
Environmental Appeals Judge

Dated: August 6, 2008

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Scheduling Status Conference in the matter of The Dow Chemical Company, Hanging Rock Plant, RCRA Appeal No. 06-01, were sent to the following persons in the manner indicated:

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Dated: **AUG - 6 2008**


Annette Duncan
Secretary