

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	
)	
WASTE HAULING LANDFILL, INC., JERRY)	PCB No. 10-9
CAMFIELD, A. E. STALEY MANUFACTURING)	(Enforcement – Land, Cost
CO., ARCHER DANIELS MIDLAND, INC.,)	Recovery)
ARAMARK UNIFORM SERVICES, INC., BELL)	
SPORTS, INC., BORDEN CHEMICAL CO.,)	
BRIDGESTONE/FIRESTONE, INC., CLIMATE)	
CONTROL, INC., CATERPILLAR INC., COMBE)	
LABORATORIES, INC., GENERAL ELECTRIC)	
RAILCAR SERVICES CORPORATION, P & H)	
MANUFACTURING, INC., TRINITY RAIL)	
GROUP, INC., TRIPLE S REFINING)	
CORPORATION, and ZEXEL ILLINOIS, INC.,)	
)	
Respondents.)	

NOTICE OF FILING

TO:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, IL 60601

Matthew J. Dunn, Chief
James L. Morgan, Sr. Assistant Attorney General
Environmental Bureau
Environmental Enforcement/Asbestos Litigation Division
500 South Second Street
Springfield, Illinois 62706

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

Persons included on the attached SERVICE LIST

PLEASE TAKE NOTICE that on this date I have filed with the Office of the Clerk of the Pollution Control Board Caterpillar’s Agreed Motion for Extension of Time to Answer or Otherwise Plead, a copy of which is herewith served upon you.

CATERPILLAR INC.



Jennifer A. Simon

Date: December 2, 2010

Kevin G. Desharnais
Jennifer A. Simon
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CERTIFICATE OF SERVICE

I, the undersigned, certify that, on this December 2, 2010, I have served electronically the attached Agreed Motion for Extension of Time to Answer or Otherwise Plead upon the following person:

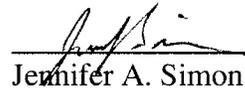
John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and by U.S. Mail, first class postage prepaid, to the following persons:

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

Matthew J. Dunn, Chief
James L. Morgan, Sr. Assistant Attorney General
Environmental Bureau
Environmental Enforcement/Asbestos Litigation Division
500 South Second Street
Springfield, Illinois 62706

The persons included on the attached SERVICE LIST



Jennifer A. Simon

SERVICE LIST

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JACKSON & SLY, LLP
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General Electric Railcar Services Corp.:

c/o Kirk McFarlane
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Bridgestone Firestone, Inc.:
Heidi Hughes Bumpers
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Service is currently unavailable for:

Waste Hauling Landfill, Inc.
c/o Jerry Camfield, Sr.
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Decatur, IL 62521

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2938 Oakmont Drive
Decatur, IL 62521

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)	
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**AGREED MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE PLEAD**

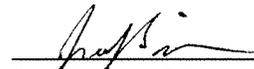
Pursuant to 35 Ill. Adm. Code 101.522, Caterpillar Inc. (“Caterpillar”) hereby moves for an extension of time to answer or otherwise plead to plaintiff’s Second Amended Complaint, through January 31, 2011, stating as follows:

1. On July 29, 2009, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2006), against the Respondent. The Complaint was subsequently amended on September 14, 2009.
2. On December 3, 2009, the Board granted Caterpillar’s Motion to Dismiss the Complaint and First Amended Complaint, as they “fail[ed] to specify the facts necessary to support a cause of action under Section 22.2(f) of the Act (415 ILCS 5/22.2(f) (2008)).”

3. In lieu of filing an amended complaint, Caterpillar and plaintiff engaged in settlement negotiations.
4. On November 3, 2010, plaintiff filed its Second Amended Complaint against all defendants, including Caterpillar.
5. Settlement negotiations between Caterpillar and plaintiff are continuing.
6. Kevin Desharnais, one of the attorneys for Caterpillar, has discussed this matter with James Morgan, one of the attorneys for plaintiff, and both agree to this request for an extension of time to answer or otherwise plead.

WHEREFORE, for the reasons set forth above, Caterpillar requests an extension of time to answer or otherwise plead to plaintiff's Second Amended Complaint, through January 31, 2011.

CATERPILLAR INC.



Jennifer A. Simon

Date: December 2, 2010

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Jennifer A. Simon
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Chicago, Illinois 60606-4637
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