

ILLINOIS POLLUTION CONTROL BOARD

August 8, 2013

IN THE MATTER OF:)
)
PETITION OF CATERPILLAR INC.) AS 13-5
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard – Water)
35 ILL. ADM. CODE 620.410(a) AND)
817.106(a))

ORDER OF THE BOARD (by C.K. Zalewski):

On June 27, 2013, Caterpillar Inc. (Caterpillar) filed a petition (Pet.) for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board’s procedural rules. See 415 ILCS 5/28.1 (2010); 35 Ill. Adm. Code 104.Subpart D. Caterpillar requests an adjusted standard from the Class I groundwater quality standard for Total Dissolved Solids found at 35 Ill. Adm. Code 620.410(a) of the Board’s rules. Caterpillar seeks the adjusted standard for its on-site potentially usable waste landfill that receives waste from Caterpillar’s foundry, located at the same site as the landfill in Mapleton, Peoria County.

Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules require publication of notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner’s activity. 415 ILCS 5/28.1 (2010); 35 Ill. Adm. Cod 104.408. The notice must be published within 14 days of filing a petition for an adjusted standard with the Board. See 35 Ill. Adm. Code 104.408(a). As required by Section 104.410, Caterpillar timely filed a certificate of publication with the Board on July 10, 2013. Notice of the petition was published in the *Peoria Journal Star* on July 5, 2013.

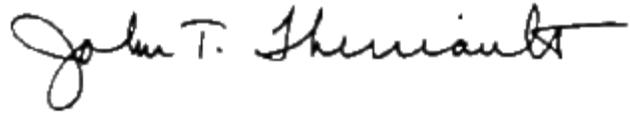
The Board finds that the notice and petition meet the requirements of Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules and accepts the petition for adjusted standard. See 415 ILCS 5/28.1 (2010); 35 Ill. Adm. Code 104.408. Unless otherwise ordered by the hearing officer, the Illinois Environmental Protection Agency (Agency) must file a response including its recommendation concerning the Board’s proposed action on this petition within 45 days after service of the petition. See 35 Ill. Adm. Code 104.416(a).

Caterpillar has waived hearing in this matter, and has moved for expedited review of its petition. Requests for expedited review are governed by Section 101.512 of the Board’s rules, and must contain, *inter alia*, a complete statement of the facts and reasons for the request. See 35 Ill. Adm. Code 101.512. In acting on a motion for expedited review, the Board considers, at a minimum, all statutory requirements and whether or not material prejudice will result from the motion being granted or denied. 35 Ill. Adm. Code 101.512 (b). In addition, the Board will only grant a motion for expedited review consistent with available resources. See 35 Ill. Adm. Code 101.512(c). The Board reserves ruling on Caterpillar’s motion until after the Board has received the Agency’s recommendation in this matter.

This order makes no determination on the informational sufficiency or the merits of Caterpillar's petition. The Board through its own orders or through the orders of its hearing officer may direct Caterpillar to provide additional information.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 8, 2013 by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board