

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

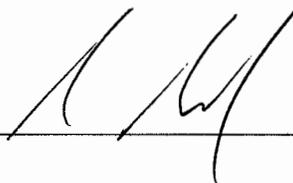
PETITION OF CATERPILLAR INC.
FOR AN ADJUSTED STANDARD FROM
35 ILL. ADM. CODE 620.410(a) AND
817.106(a)

AS 13-5
(Adjusted Standard – PWS)

NOTICE OF FILING

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on June 4, 2014, we electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **Motion to Extend Deadline for Compliance** on behalf of Caterpillar Inc., copies of which are attached hereto and hereby served upon you.



Dated: June 4, 2014

John Watson
Daniel De Deo
BAKER & McKENZIE LLP
300 East Randolph Street
Suite 5000
Chicago, IL 60601
312-861-8000

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PETITION OF CATERPILLAR INC.
FOR AN ADJUSTED STANDARD FROM
35 ILL. ADM. CODE 620.410(a) AND
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**MOTION TO EXTEND DEADLINE FOR COMPLIANCE WITH PARAGRAPH 5 OF
THE BOARD'S ORDER DATED NOVEMBER 7, 2013**

NOW COMES Caterpillar Inc. ("Caterpillar"), by and through its attorneys, Baker & McKenzie LLP, and hereby moves the Illinois Pollution Control Board (the "Board") for an extension of the time period for compliance with paragraph 5 of the Board's Order in the above-captioned matter, dated November 7, 2013 (the "Order"), until June 4, 2014.

1. Pursuant to paragraph 4 of the Order, Caterpillar submitted an Environmental Land Use Control ("ELUC") prohibiting the use of groundwater at the Mapleton landfill for potable purposes for Illinois Environmental Protection Agency ("IEPA" or the "Agency") approval on January 6, 2014.

2. Paragraph 5 of the Order required the ELUC to be filed with the Office of the Recorder for Peoria County within six months of the effective date of the Order, i.e. by May 7, 2014. Additional time, however, was needed to complete and file the ELUC.

3. IEPA has verbally confirmed its approval of the ELUC.

4. The ELUC was filed with the Office of the Recorder for Peoria County on June 4, 2014. A copy of the filed ELUC is attached hereto as Exhibit A.

5. Caterpillar would like to ensure that the filed ELUC satisfies the Board's requirements for an adjusted standard at the Mapleton landfill.

6. Caterpillar has consulted with IEPA at all stages of this proceeding. IEPA is

aware of the need for, and has confirmed its support for, the instant motion.

WHEREFORE, Caterpillar requests that the Board enter an order approving this motion to extend the deadline for compliance with paragraph 5 of the Board's Order until June 4, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JD', is written above a horizontal line.

Dated: June 4, 2014

John Watson
Daniel De Deo
BAKER & McKENZIE LLP
300 East Randolph Street
Suite 5000
Chicago, IL 60601
312-861-8000

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Motion to Extend** on behalf of Caterpillar Inc. were served on this 4th day of June, 2014,

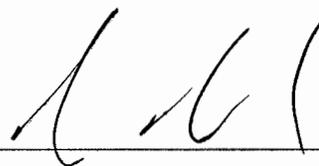
Upon the following electronically:

John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

And upon the following by U.S. First Class Mail:

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

James Kropid
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276



A handwritten signature in black ink, appearing to be 'J. Kropid', is written over a horizontal line.

Exhibit A



LR 2014010560

6/4/2014 10:46 AM

PREPARED BY:

Daniel De Deo
Baker & McKenzie LLP
300 E. Randolph St., Suite 5000
Chicago, IL 60601

Recorded in

Peoria County Recorder of Deeds, ILLINOIS
Teste:

Recorder of Deeds

RETURN TO:

Katherine Wilkerson
Caterpillar Inc.
100 NE Adams St.
Peoria, IL 61629-6485

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Environmental Land Use Control

8826 West Route 24

Mapleton, Peoria County, Illinois

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this 27th day of May, 2014, by Caterpillar Inc. ("Property Owner"), for that certain real property located at the common address 8826 West Route 24 Mapleton, Peoria County (the "Property") as more particularly described in Exhibit A hereto.

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an ELUC as an institutional control to impose land use limitations or requirements in order to ensure protection of human health and the environment;

WHEREAS, on November 7, 2013, by Opinion and Order of the Board ("Order"), the Illinois Pollution Control Board ("Board") granted an Adjusted Standard to the Property Owner pursuant to the Board's authority under Section 28 of the Illinois Environmental Protection Act (415 ILCS 5/28.1) and applicable provisions of 35 Ill. Adm. Code 620 and 817;

WHEREAS, the Board's Order obligates the Property Owner to obtain an ELUC from the Illinois Environmental Protection Agency ("IEPA") prohibiting the use of groundwater at that portion of the Property upon which the on-site potentially usable waste foundry sand landfill (the "Foundry Landfill") is

JUN 04 2014

Date: _____
Peoria County Recorder
Rental Housing Support
Program Fund Surcharge: \$10.00

MB
5/28/14

3

located as designated on Exhibit B hereto and to file the IEPA approved ELUC with the Office of the Recorder for Peoria County.

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully set forth herein, and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the Property, situated in the County of Peoria, State of Illinois and further described in Exhibit A attached hereto and incorporated herein by reference.

Attached as Exhibit B are site maps that show the legal boundary of the Property, as well as the designated area encompassing the Foundry Landfill. The ELUC shall only apply to that portion of the Property designated as the Foundry Landfill in Exhibit B hereto..

Section Two. Property Owner represents and warrants it is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder in Peoria County, Illinois.

Section Three. The Property Owner hereby agrees, for itself and its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that the groundwater under the Foundry Landfill shall not be used as a potable supply of water.

Section Four. This ELUC is binding on the Property Owner, its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against that portion of the Property designated as the Foundry Landfill and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; and until a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

Section Five. Information regarding Property Owner's Adjusted Standard may be obtained from the Board under docket number AS 13-005 or from IEPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the IEPA with the docket number listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

WITNESS the following signatures:

Property Owner

Caterpillar Inc.

By:



Name:

Martin H. Collier

Its:

Real Estate Manager

Date: May 29, 2014

STATE OF ILLINOIS)
) ss: Peoria
COUNTY OF PEORIA)

I, Luann R. Hranka the undersigned, a Notary Public for said County and State,
DO HEREBY CERTIFY, that Martin H. Collier, personally known to me to be
the Real Estate Mgr of Caterpillar Inc., the Property Owner of the Property, and personally known to me
to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day
in person and severally acknowledged that in said capacities they signed and delivered the said instrument
as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 2nd day of May, 2014.

Luann R. Hranka
Notary Public



EXHIBIT A

Zumwalt & Associates, Inc.

PROFESSIONAL ENGINEERS • CONSULTANTS
REGISTERED LAND SURVEYORS

1040 W. Olympia Drive • Peoria, IL 61615-2097

Phone (309) 692-5074 • FAX (309) 692-6469

Principal:

Gary R. Zumwalt, P.E., L.S.

JANUARY 6, 2014

LEGAL DESCRIPTION

TAX ID NO's 20-30-400-004
20-29-300-005

PART OF THE WEST HALF OF SECTION 29 AND A PART OF SECTION 30 IN T7N, R7E, OF THE 4TH PM, PEORIA COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE LINE BETWEEN SECTIONS 29 AND 30 AT THE SOUTHERLY RIGHT OF WAY LINE OF FA ROUTE NO. 10, SAID POINT BEING 1833.54 FEET NORTH OF THE 1/4 CORNER COMMON TO BOTH SECTIONS; THENCE S75°27'25"W ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID FA ROUTE NO. 10, A DISTANCE OF 3984.74 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE S28°32'23"W, A DISTANCE OF 59.00 FEET; THENCE S89°41'23"W, A DISTANCE OF 20.00 FEET TO A POINT IN THE WEST LINE OF THE EAST 1/2 OF THE NW 1/4 OF SECTION 30; THENCE S00°18'37"E ALONG SAID WEST LINE, A DISTANCE OF 829.03 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NW 1/4 OF SECTION 30; THENCE S00°34'45"E ALONG THE WEST LINE OF THE NE 1/4 OF THE SW 1/4 OF SECTION 30, A DISTANCE OF 650.00 FEET; THENCE N89°17'42"E ALONG A LINE PARALLEL WITH AND 650.00 FEET SOUTH OF THE NORTH LINE OF SAID NE 1/4 OF THE SW 1/4 OF SECTION 30, A DISTANCE OF 800.00 FEET; THENCE N62°37'53"E, A DISTANCE OF 557.12 FEET TO A POINT IN THE LINE BETWEEN THE WEST 1/2 AND THE EAST 1/2 OF SECTION 30 WHICH IS 400 FEET SOUTH OF THE CENTER OF SECTION 30; THENCE CONTINUING N62°37'53"E ALONG THE NORTH LINE OF A TRACT OF LAND AS DESCRIBED IN DOCUMENT NUMBER 2011011852, RECORDED MAY 20, 2011 IN THE RECORDER OF DEEDS OFFICE, PEORIA COUNTY, ILLINOIS, A DISTANCE OF 27.92 FEET TO A POINT OF CURVE; THENCE EASTERLY ALONG THE NORTH LINE OF SAID DOCUMENT NO 2011011852, ALONG AN ARC OF A CIRCLE CONVEX TO THE NORTH HAVING A RADIUS OF 841.97 FEET, A DISTANCE OF 402.19 TO A POINT OF TANGENCY (THE LONG CHORD OF THE AFORESAID CURVE HAS A BEARING OF N76°18'56"E A DISTANCE OF 398.37 FEET); THENCE N90°00'00"E ALONG THE NORTH LINE OF SAID DOCUMENT NO 2011011852, A DISTANCE OF 330.36 FEET; THENCE CONTINUING N90°00'00"E ALONG THE NORTH LINE OF PARCEL 3 AS DESCRIBED IN DOCUMENT NO 02-54059 AND RECORDED DECEMBER 26, 2002 IN SAID RECORDER OF DEEDS OFFICE, FOR A DISTANCE OF 437.27 FEET; THENCE S00°00'00"E ALONG THE EAST LINE OF SAID PARCEL 3, A DISTANCE OF 2386.79 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ILLINOIS RIVER; THENCE GENERALLY EAST AND NORTHEAST ALONG THE SAID CENTERLINE OF THE ILLINOIS RIVER TO A LINE 35.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE WEST 1/2 OF THE SW 1/4 OF SECTION 29; THENCE N00°15'13"W ALONG SAID PARALLEL LINE TO A POINT ON THE NORTH BANK OF THE ILLINOIS RIVER; THENCE CONTINUING N00°15'13"W ALONG SAID PARALLEL LINE A DISTANCE OF 1838.13 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF SECTION 29; THENCE N00°11'28"W, A DISTANCE OF 199.50 FEET, ALONG A LINE 35.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE WEST 1/2 OF THE NW 1/4 OF SECTION 29

TO A POINT OF INTERSECTION WITH THE WESTERLY PROLONGATION OF A LINE WHICH IS 35.00 FEET NORTHERLY OF (BY RECTANGULAR MEASUREMENT) AND PARALLEL WITH A LINE IN THE EAST 1/2 OF THE NW 1/4 OF SAID SECTION 29 DESCRIBED AS BEGINNING AT A POINT IN THE WEST LINE 175 FEET NORTH OF THE SOUTHWEST CORNER AND EXTENDING TO A POINT IN THE EAST LINE 650 FEET NORTH OF THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NW 1/4 OF SECTION 29; THENCE N71°00'07"E ALONG SAID PARALLEL LINE A DISTANCE OF 491.23 FEET TO THE EAST LINE OF THE WEST 430 FEET OF THE EAST 1/2 OF THE NW 1/4 OF SECTION 29; THENCE N00°11'28"W ALONG THE EAST LINE OF THE WEST 430 FEET OF THE EAST 1/2 OF THE NW 1/4 OF SECTION 29, A DISTANCE OF 134.28, MORE OR LESS, TO THE SOUTHERLY LINE OF PARCEL 1 AS DESCRIBED IN SAID DOCUMENT NO 02-54059; THENCE S67°22'00"W ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, FOR A DISTANCE OF 718.08 FEET; THENCE N00°00'00"E ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 147.85 FEET; THENCE N90°00'00"W ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 258.36 FEET; THENCE N00°00'00"E ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 42.42 FEET; THENCE N90°00'00"W ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 428.54 FEET; THENCE N00°00'00"E ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 15.12 FEET; THENCE N90°00'00"W ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 922.12 FEET; THENCE N00°00'00"E ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 178.95 FEET; THENCE N90°00'00"W ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 1102.72 FEET; THENCE N07°10'23"W ALONG THE WESTERLY LINE OF SAID PARCEL 1, A DISTANCE OF 810.41 FEET TO THE SOUTHERLY RIGHT OF WAY OF FA ROUTE 10 OTHERWISE KNOWN AS IL ROUTE 9 AND US ROUTE 24; THENCE S75°27'25"W ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID FA ROUTE NO. 10, A DISTANCE OF 2215.27, MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THAT PART THEREOF CONVEYED TO THE STATE OF ILLINOIS BY WARRANTY DEED DATED JULY 22, 1960 AND RECORDED IN BOOK 11188 PAGE 247 AS DOCUMENT NO. 60-11199 IN RECORDER'S OFFICE OF PEORIA COUNTY, ILLINOIS.

ALSO EXCEPTING THEREFROM THAT PART THEREOF USED FOR INDUSTRIAL RAILROAD PURPOSES, SAID RAILROAD EXPECTATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 1/4 CORNER COMMON TO SECTIONS 29 AND 30, T7N, R7E OF THE 4TH PM; THENCE N00°00'00"E ALONG A LINE BETWEEN SAID SECTIONS A DISTANCE OF 151.14 FEET TO THE POINT OF BEGINNING (SAID POINT OF BEGINNING BEING IN THE SOUTHERLY LINE OF SAID TRACT OF LAND USED BY TOLEDO, PEORIA AND WESTERN RAILROAD COMPANY); THENCE N81°18'12"E ALONG THE SOUTHERLY LINE OF SAID RAILROAD COMPANY PROPERTY A DISTANCE OF 1280.46 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF A CIRCLE, CONVEX TO THE SOUTHEAST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 5779.65 FEET A DISTANCE OF 507.06 FEET, TO A POINT ON A LINE 430.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE WEST 1/2 OF THE NW 1/4 OF SAID SECTION 29 AND 465.48 FEET NORTH OF THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 29 (AS MEASURED ALONG SAID PARALLEL LINE); THENCE N00°11'28"W ALONG SAID PARALLEL LINE A DISTANCE OF 102.92 FEET TO THE NORTHERLY LINE OF SAID RAILROAD COMPANY PROPERTY; THENCE SOUTHWESTERLY ALONG THE ARC OF A CIRCLE CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 5679.65 FEET A DISTANCE OF 522.38 TO A POINT OF TANGENCY; THENCE S81°18'12"W ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE A DISTANCE OF 3053.92 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CIRCLE CONVEX TO THE NORTHWEST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 653.805 FEET A DISTANCE OF 549.08 FEET TO A POINT OF TANGENCY; THENCE S33°11'05"W ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE A DISTANCE OF 358.76 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CIRCLE

CONVEX TO THE SOUTHEAST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 553.805 FEET A DISTANCE OF 254.31 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 30; THENCE S00°41'57"E ALONG THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 30 A DISTANCE OF 43.14 FEET TO A POINT 792.00 FEET SOUTH OF THE CENTER OF SAID SECTION 30 (AS MEASURED ALONG THE LAST DESCRIBED COURSE); THENCE N73°48'03"E A DISTANCE OF 276.20 FEET; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID RAILROAD COMPANY PROPERTY AND ALONG THE ARC OF A CIRCLE CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 553.805 FEET A DISTANCE OF 228.52 FEET TO A POINT OF TANGENCY; THENCE N33°11'05"E ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE A DISTANCE OF 208.26 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF A CIRCLE CONVEX TO THE NORTHWEST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 553.805 FEET A DISTANCE OF 465.10 FEET TO A POINT OF TANGENCY; THENCE N81°18'12"E ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE A DISTANCE OF 1773.46 FEET TO THE POINT OF BEGINNING.

ALL SITUATE, LYING AND BEING IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

EXHIBIT B

