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OCT 30 2009

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
October 30, 2009

S&D REALTY, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 09-33
	)	(UST - Appeal)
ILLINOIS ENVIROMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

ORIGINAL

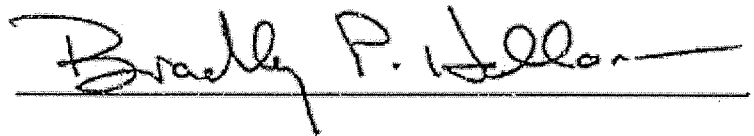
**HEARING OFFICER ORDER**

A telephonic status conference was scheduled for October 8, 2009, at 11:00 a.m. The petitioner represented that it had a scheduling conflict and could not appear.

The petitioner did, however, give a summary of the status of the case via electronic mail. The respondent was copied on the correspondence. The petitioner represented that it has disclosed its expert witness and an accompanying report to the respondent. The petitioner represented that respondent will be filing a motion to strike the expert's report. To that end, respondent's motion is due to be filed on or before November 20, 2009. Petitioner's reply, if any, will be due to be filed on or before December 4, 2009.

The parties or their legal representatives are directed to participate in a telephonic status conference on December 3, 2009, at 11:00 a.m. The status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.



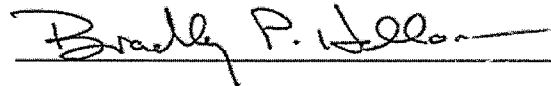
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 30, 2009, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on October 30, 2009:

John T. Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois

PCB 2009-033  
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PCB 2009-033  
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PCB 2009-033  
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6901 W. 111th Street  
Worth, IL 60482