

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 15 2007

STATE OF ILLINOIS
Pollution Control Board

INDIAN CREEK DEVELOPMENT COMPANY,)
an Illinois partnership, individually as)
beneficiary under trust 3291 of the Chicago)
Title and Trust Company dated December 15, 1981)
and the Chicago Title and Trust Company,)
as trustee under trust 3291, dated)
December 15, 1981,)

Complainant,)

vs.)

THE BURLINGTON NORTHERN AND SANTA FE)
RAILWAY COMPANY, a Delaware Corporation,)

Respondent.)

PCB- 07-44
Citizen's Enforcement
§21(e), §12(a), §12(d)

NOTICE OF FILING

TO: Glenn C. Sechen
Schain, Burney, Ross Citron, Ltd.
222 N. LaSalle Street, Suite 1900
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the Appearance form of Robert M. Baratta, Jr., a copy of which is hereby served upon you. Take note that you may be required to attend a hearing at a date set by the Board.

DATE: January 5, 2007

BNSF RAILWAY COMPANY

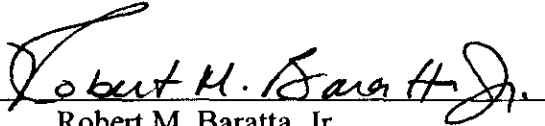
By: Robert M. Baratta, Jr.
One of Its Attorneys

Weston W. Marsh
Robert M. Baratta, Jr.
James M. Witz
FREEBORN & PETERS LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
(312) 360-6000 – telephone
(312) 360-6597 – facsimile

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the Appearance form of Robert M. Baratta, Jr. by depositing the same in the U.S. Mail box at 311 South Wacker Drive, Chicago, Illinois before 5:00 p.m. on January 5, 2007, postage prepaid and addressed to:

Glenn C. Sechen
Schain, Burney, Ross Citron, Ltd.
222 N. LaSalle Street, Suite 1900
Chicago, Illinois 60601


Robert M. Baratta, Jr.

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 5th DAY OF
JANUARY, 2007


NOTARY PUBLIC



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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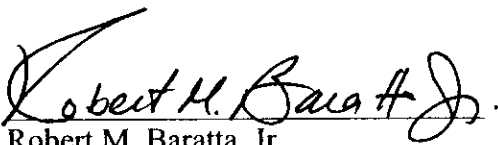
Respondent.)

PCB- 07-44
Citizen's Enforcement
§21(e), §12(a), §12(d)

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JAN 16 2007
STATE OF ILLINOIS
Pollution Control Board

APPEARANCE

I hereby file my appearance in this proceeding on behalf on Respondent, BNSF Railway Company.


Robert M. Baratta, Jr.

Weston W. Marsh
Robert M. Baratta, Jr.
James M. Witz
FREEBORN & PETERS LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
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