

ILLINOIS POLLUTION CONTROL BOARD
October 11, 2007

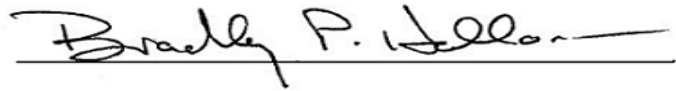
INDIAN CREEK DEVELOPMENT)
COMPANY, an Illinois partnership,)
individually as beneficiary under trust 3291 of)
the Chicago Title and Trust Company, dated)
December 15, 1981 and the Chicago Title and) PCB 07-44
Trust Company, as trustee under trust 3291,) (Citizens Enforcement – Land, Water)
dated December 15, 1981,)
)
Complainant,)
)
v.)
)
The BURLINGTON NORTHERN SANTA FE)
RAILWAY COMPANY, a Delaware)
corporation,)
)
Respondent.)

HEARING OFFICER ORDER

On October 11, 2007,, a telephonic status conference was held. The parties represented that they are awaiting the Board’s decision regarding the motion to strike the affirmative defenses and that they continue to discuss a possible resolve to the above-captioned matter. The respondent also represented that it has recently taken samples at the site and will be forwarded to the complainant for review and further discussion.

The parties or their legal representatives are directed to participate in a telephonic pre-hearing conference with the hearing officer on December 13, 2007, at 11:45 a.m. The telephonic status conference must be initiated by the complainant, but each party is nonetheless responsible for their 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.

A handwritten signature in black ink, reading "Bradley P. Halloran", is positioned above a solid horizontal line.

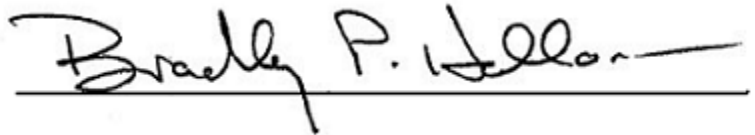
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 11, 2007 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 11, 2007:

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 that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

BRADLEY P. HALLORAN
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312.814.8917

PCB 2007-044
Burlington Northern and Santa Fe Railway
Company
R/A CT Corporation System
208 South LaSalle Street
Chicago, IL 60604

PCB 2007-044
Robert M. Baratta, Jr.
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

PCB 2007-044
Weston W. Marsh
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

PCB 2007-044
James H. Wiltz
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

PCB 2007-044
Glenn C. Sechen
Schain, Burney, Ross & Citron, Ltd.
222 North LaSalle Street
Suite 1910
Chicago, IL 60601-4514

PCB 2007-044
James R. Griffin
Schain, Burney, Ross & Citron, Ltd.
222 North LaSalle Street
Suite 1910
Chicago, IL 60601-4514

PCB 2007-044
M. Hope Whitfield
Schain, Burney, Ross & Citron, Ltd.
222 North LaSalle Street
Suite 1910
Chicago, IL 60601-4514

PCB 2007-044
Stuart A. Petersen
Law Office of Stuart A. Petersen, Ltd.
601 N. Farnsworth
Aurora, IL 60505