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MAR 18 2009

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
March 18, 2009

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, )

PCB 07-44  
(Citizens Enforcement – Land, Water)

ORIGINAL

Complainant, )

v. )

The BURLINGTON NORTHERN SANTA FE )  
RAILWAY COMPANY, a Delaware )  
corporation, )

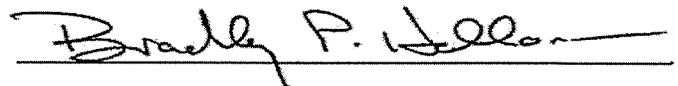
Respondent. )

**HEARING OFFICER ORDER**

On March 18, 2009, all parties participated in a telephonic status conference with the hearing officer. The parties represented that they continue to discuss a number of outstanding issues in an attempt to assist in resolving the above-captioned matter. Sampling results are being reviewed.

The parties or their legal representatives are directed to participate in a telephonic pre-hearing conference with the hearing officer on April 30, 2009, 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.



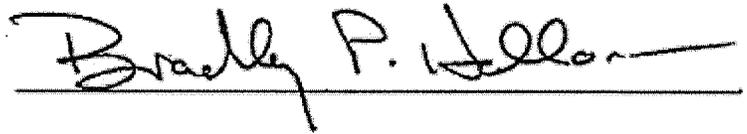
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on March 18, 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 March 18, 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 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  
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Chicago, IL 60604

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311 South Wacker Drive  
Suite 3000  
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PCB 2007-044  
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PCB 2007-044  
Stuart A. Petersen  
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