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MAY 24 2012

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

May 24, 2012

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)

Complainant, )

v. )

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

Respondent. )

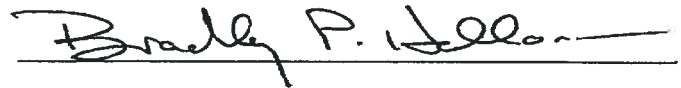
ORIGINAL  
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**HEARING OFFICER ORDER**

On May 24, 2012, all parties participated in a telephonic status conference with the hearing officer. It is again noted that there is a companion case proceeding in the state court. In the above-captioned matter, the complainant states that discovery is proceeding and a few outstanding discovery issues regarding site inspection and sampling are being be discussed.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on July 12, 2012, at 11:30 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.



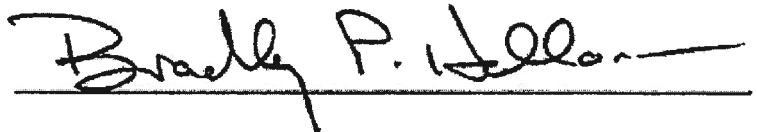
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on May 24, 2012, 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 May 24, 2012:

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 S. LaSalle Street  
Chicago, IL 60604

PCB 2007-044  
Richard T. Sikes.  
Daley Mohan Groble, P.C.  
55 W. Monroe  
Suite 1600  
Chicago, IL 60603

PCB 2007-044  
Pamela Nehring.  
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Charles F. Helsten  
Hinshaw & Culbertson  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105-1389

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

PCB 2007-044  
Richard S. Porter  
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