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DEC 21 2015
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
December 21, 2015

INDIAN CREEK DEVELOPMENT)
COMPANY, an Illinois Partnership,)
individually and as beneficiary under trust 3291)
of the Chicago Title and Trust Company dated)
December 15, 1981 and the Chicago Title &)
Trust Company, as trustee under trust 3291,)
dated December 15, 1981, and JB)
INDUSTRIES, INC.,)
)
Complainants,)
)
v.)
)
BNSF RAILWAY COMPANY, f/k/a The)
Burlington Northern and Santa Fe Railway)
Company,)
)
Respondents.)

PCB 07- 44
(Citizen's Enforcement – Water, Land)

 ORIGINAL

BNSF RAILWAY COMPANY, f/k/a The)
Burlington Northern and Santa Fe Railway)
Company,)
)
Complainants,)
)
v.)
)
INDIAN CREEK DEVELOPMENT)
COMPANY, an Illinois Partnership,)
individually and as beneficiary under trust 3291)
of the Chicago Title and Trust Company dated)
December 15, 1981 and the Chicago Title &)
Trust Company, as trustee under trust 3291,)
dated December 15, 1981, and JB)
INDUSTRIES, INC.,)
)
Respondents.)

PCB 14-81
(Citizen's Enforcement – Water, Land)
(Consol.)

HEARING OFFICER ORDER

On December 17, 2015, all parties participated in a telephonic status conference with the

hearing officer. The parties stated that they are proceeding with discovery in these cases and the related case in circuit court pursuant to a case management schedule. At present, they are conducting expert discovery. The parties stated that the circuit court matter and these cases have thus far been in lock step, but that they will eventually discuss when and how to proceed with these cases independently of the circuit court case.

The parties have a motion call before the circuit court on February 23, 2016.

The parties or their legal representatives are directed to appear at a telephonic status conference with the hearing officer on February 25, 2016, at 10:30 a.m. The telephonic status conference must be initiated by the complainant, but each party is nonetheless responsible for its own appearance. At the 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 that reads "Bradley P. Halloran" with a horizontal line underneath it.

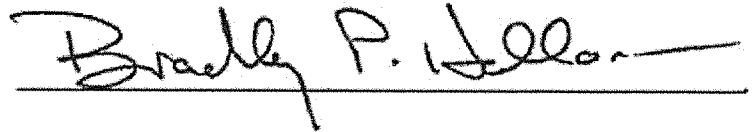
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on December 21, 2015, 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 December 21, 2015:

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
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Aurora, IL 60505

PCB 2007-044
Indian Creek Development Company
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Aurora, IL 60505