

MAR 24 2016

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

March 24, 2016

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.)

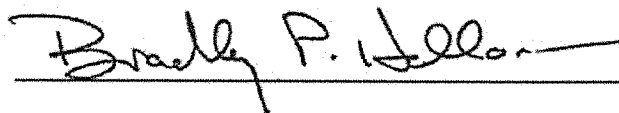
HEARING OFFICER ORDER

On March 24, 2016, all parties participated in a telephonic status conference with the

hearing officer. BNSF Railway Company (BNSF) stated that pursuant to a Consent Order it submitted a Remedial Objective Plan and a Remedial Action Plan with the Illinois Environmental Protection Agency (Agency). The Agency has recently denied the remedial plans based on various issues on a portion of the contaminated site. BNSF anticipates further discussion with the Agency regarding the denial letter but foresees a dispute resolution trial in circuit court contesting the Agency's denial. Depending on the outcome of the circuit court proceedings, Indian Creek Development Company may amend its complaint.

The parties or their legal representatives are directed to appear at a telephonic status conference with the hearing officer on June 15, 2016, at 11:30 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.

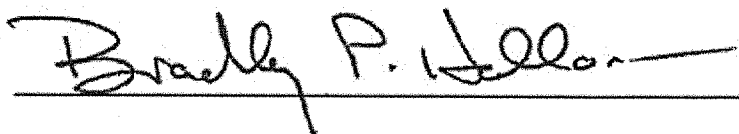
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on March 24, 2016, 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 24, 2016:

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
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PCB 2007-044
JB Industries
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PCB 2007-044
Indian Creek Development Company
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