

ILLINOIS POLLUTION CONTROL BOARD

January 22, 2009

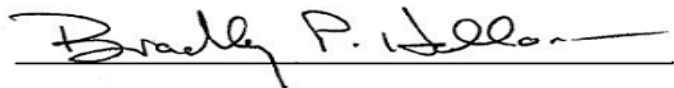
| | | |
|---|---|--------------------------------------|
| INDIAN CREEK DEVELOPMENT |) | |
| COMPANY, an Illinois partnership, |) | |
| individually as beneficiary under trust 3291 of |) | |
| the Chicago Title and Trust Company, dated |) | |
| December 15, 1981 and the Chicago Title and |) | PCB 07-44 |
| 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 January 22, 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.

The parties or their legal representatives are directed to participate in a telephonic pre-hearing conference with the hearing officer on March 18, 2009, at 10:00 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.



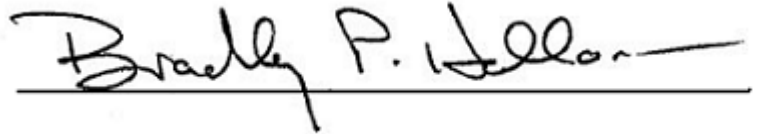
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on January 22, 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 January 22, 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
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
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222 North LaSalle Street
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PCB 2007-044
Stuart A. Petersen
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601 N. Farnsworth
Aurora, IL 60505