

## ILLINOIS POLLUTION CONTROL BOARD

December 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	)	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.	)	

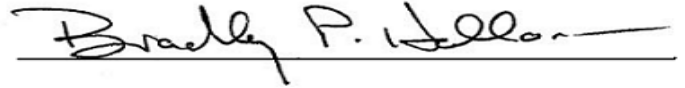
**HEARING OFFICER ORDER**

On December 17, 2009, all parties participated in a telephonic status conference with the hearing officer. The complainant represented that discussions continue but there still exists deed restriction issues.

On November 17, 2009, Glenn C. Sechen, one of complainant's attorneys, filed a motion to withdraw as counsel for the complainant. Respondent stated that it had no objection. Mr. Sechen's motion is granted.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on February 25, 2010, at 11:00 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.

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, 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 December 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 December 18, 2009:

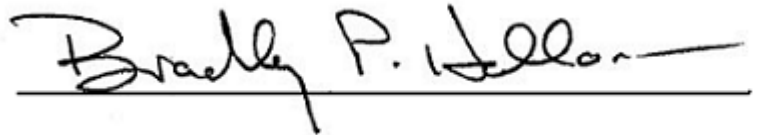
John T. Therriault

Illinois Pollution Control Board

JAMES R. THOMPSON CENTER

100 W. Randolph St., Ste. 11-500

Chicago, Illinois 60601

A handwritten signature in black ink 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 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  
Weston W. Marsh  
Freeborn & Peters  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606-6677

PCB 2007-044  
James H. Wiltz  
Freeborn & Peters  
311 South Wacker Drive  
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PCB 2007-044  
James R. Griffin  
Schain, Burney, Ross & Citron, Ltd.  
222 N. LaSalle Street  
  
Suite 1910  
Chicago, IL 60601-4514

PCB 2007-044  
M. Hope Whitfield  
Schain, Burney, Ross & Citron, Ltd.  
222 North LaSalle Street  
Suite 1910  
Chicago, IL 60601-4514

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