

ILLINOIS POLLUTION CONTROL BOARD
August 27, 2010

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AUG 27 2010

STATE OF ILLINOIS
Pollution Control Board

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,)

Complainant,)

v.)

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

Respondent.)

PCB 07-44

(Citizens Enforcement – Land, Water)

ORIGINAL

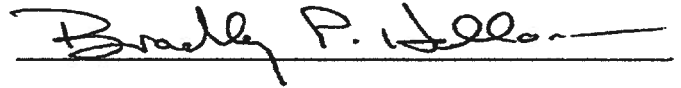
HEARING OFFICER ORDER

On August 26, 2010, all parties participated in a telephonic status conference with the hearing officer. The parties stated that access issues were being discussed and may be resolved in the near future.

The parties await the Board's decision on the motion to strike.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on October 28, 2010, 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.



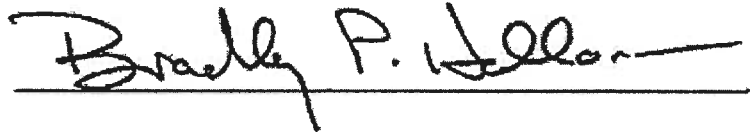
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on August 27, 2010, 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 August 27, 2010:

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
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PCB 2007-044
James H. Wiltz
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PCB 2007-044
James R. Griffin
Schain, Burney, Ross & Citron, Ltd.
222 N. LaSalle Street
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Chicago, IL 60601-4514

PCB 2007-044
M. Hope Whitfield
Schain, Burney, Ross & Citron,
Ltd.
P. O. Box 2139
La Grange, IL 60525-8200

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