

ILLINOIS POLLUTION CONTROL BOARD

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,)

Complainants,)

v.)

BNSF RAILWAY COMPANY, f/k/a The)
Burlington Northern and Santa Fe)
Railway Company,)

Respondent.)

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

BNSF RAILWAY COMPANY, f/k/a The)
Burlington Northern and Santa Fe)
Railway Company,)

Complainant,)

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.)

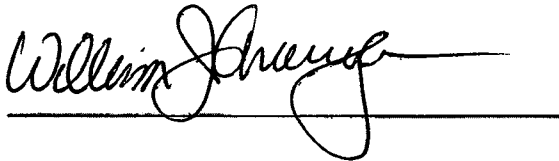
STIPULATION TO DISMISS ACTIONS

WHEREAS Indian Creek Development Company (Indian Creek) filed a Citizen's Enforcement Suit before the Pollution Control Board (PCB 07-44) in 2006 alleging that BNSF Railway Company (BNSF) violated Sections 12(a), (d); and 21(e), of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d); and 21(e) (2004)). Indian Creek further alleged that BNSF committed these violations by causing and allowing the discharge of diesel fuel contaminants on BNSF's property in 1993; threatened, caused and allowed the discharge of diesel fuel contaminants through migration and eventually caused and allowed the ongoing discharge of contaminants to the soil and into the groundwater; causing and allowing the deposited contaminants to move, migrate, and deposit onto other portions of the property.

WHEREAS BNSF filed a Citizen's Enforcement Suit before the Pollution Control Board (PCB 14-81) in 2013 alleging that Indian Creek and JB Industries violated Sections 12(a), 12(d), and 21(e) of the Act (415 ILCS 5/12(a); 12(d), and 21(e) (2012)) seeking judgment in its favor and against Indian Creek and JB Industries in an amount commensurate with Indian Creek and JB Industries comparative responsibility for the presence of contaminants alleged to have migrated onto the Indian Creek's site;

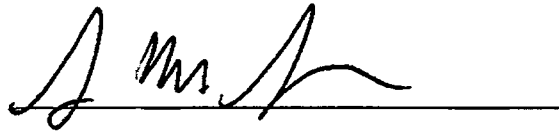
WHEREAS the Pollution Control Board consolidated the two actions by order dated January 8, 2015; and

THEREFORE, it is hereby stipulated and agreed to by all of the parties to the above-entitled actions, through their respective attorneys, that said actions shall be dismissed with prejudice, and all costs, expenses, attorneys' and consultants' fees and related costs shall be borne by the respective party having incurred the same.



William J. Anaya
Attorney for Petitioners in PCB 07-44 and
Respondents in PCB 14-81

Greensfelder, Hemker & Gale, P.C.
200 West Madison Street, Suite 3300
Chicago, IL 60606
312-345-5003
wanaya@greensfelder.com



Sean M. Sullivan
Attorney for Respondent in PCB 07-44 and
Petitioner in PCB 14-81

Daley Mohan Groble
55 West Monroe, Suite 1600
Chicago, IL 60606
312-422-0315
ssullivan@daleymohan.com