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JUN 15 2016
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
June 15, 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.)

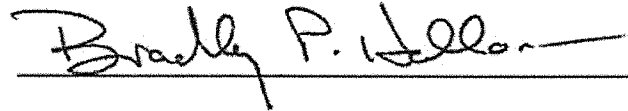
HEARING OFFICER ORDER

On June 15, 2016, all parties participated in a telephonic status conference with the

hearing officer. The parties stated that the related circuit court matter continues with argument scheduled in August regarding a motion for partial summary judgment. 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 denied the remedial plans based on various issues on a portion of the contaminated site. BNSF was given until November 2016 to file a written response to the Agency. Depending on the outcome of the circuit court proceedings, Indian Creek Development Company may amend its complaint before the Board.

The parties or their legal representatives are directed to appear at a telephonic status conference with the hearing officer on August 31, 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, reading "Bradley P. Halloran", is written over a horizontal line.

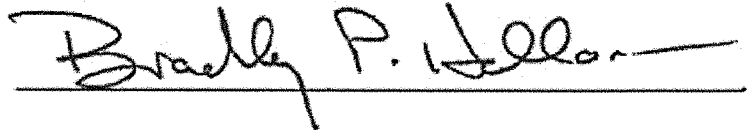
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
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312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on June 15, 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 June 15, 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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