

BEFORE THE POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)	
)	
Petitioner,)	PCB 2023-107
)	(Third-Party Pollution Control Facility
vs.)	Siting Appeal)
)	
CITY OF WEST CHICAGO, WEST)	
CHICAGO CITY COUNCIL, and)	
LAKESHORE RECYCLING SYSTEMS,)	
LLC.,)	
)	
Respondents,)	

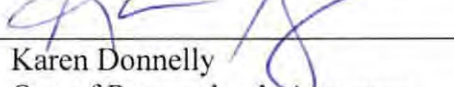
NOTICE OF FILING

TO: See attached Service List

PLEASE TAKE NOTICE that on April 14, 2023, LAKESHORE RECYCLING SYSTEMS, LLC electronically filed with the Office of the Clerk of the Illinois Pollution Control Board their **Motion to Vacate and Strike PCB Order**, a copy of which is hereby served upon you.

Respectfully submitted,

LAKESHORE RECYCLING SYSTEMS, LLC,
Respondent

BY: 

 Karen Donnelly
 One of Respondent's Attorneys

Karen Donnelly
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AFFIDAVIT OF SERVICE

I, the undersigned, on oath state that I have served on this 14th day of April, 2023, the attached **Notice of Filing** and **Motion to Vacate and Strike PCB Order** on behalf of LAKESHORE RECYCLING SYSTEMS, LLC upon the following persons to be served via email transmittal from 501 State Street, Ottawa, Illinois 61350, this 14th day of April, 2023.



Karen Donnelly
Attorney for Respondent

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MOTION TO VACATE AND STRIKE PCB ORDER

Now comes LAKESHORE RECYCLING SYSTEMS, LLC. (“LAKESHORE”) by their attorneys, George Mueller and Karen Donnelly, and moves to vacate the Board’s April 6, 2023, Order, and in support thereof states as follows:

1. On March 28, 2023, PROTECT WEST CHICAGO (“PWC”) filed a Petition seeking review of the CITY OF WEST CHICAGO’S decision of February 28, 2023, granting LAKESHORE conditional siting approval for a solid waste transfer station to be located at 1655 Powis Road, West Chicago, Illinois.

2. PWC appeared by two attorneys and participated as an objector during the local siting hearings. There were no individuals that were identified as members of the PWC that attended any of the seven hearing dates with these attorneys or that participated in any of the hearings in any way. Often, a citizens’ group will have a representative from the group attend the hearings and become involved in some way, much like “People Opposing DuPage Environmental Racism” did on each of the hearing nights.

3. At all relevant times, LAKESHORE and others believed PWC was not a legitimate citizens’ group, but was, in fact, a wholly funded front for Waste Connections, the third largest

waste management company in North America and the principal competitor of LAKESHORE in the service area of LAKESHORE'S proposed transfer station. In fact, Waste Connections owns and operates a transfer station in close proximity to LAKESHORE'S proposed transfer station. When asked if they were being paid by Waste Connections, the attorneys for PWC would typically smile and make cryptic comments like: "*you know how it is.*"

4. In its Petition for Review, PWC did not allege that it is a citizens' group. The Petition does allege, in purely conclusory form, that "PWC West Chicago citizens who oppose the proposed facility are situated so as to be directly affected by the proposed facility and, therefore, PWC has standing to file this Petition..." The Petition does not mention any person who is a member of the PWC, nor does it identify the location of PWC or any of its members.

5. A search indicated that the "protectwestchicago.com" domain name is owned by a photo and graphics company located in Springfield, Illinois.

6. Although the Protect West Chicago website claims it is a "diverse coalition of neighbors, business owners and community leaders..." it is clear there is no alliance of individuals who have come together for a common goal. It does not name any members or officers, has no mailing or physical address, nor does it list a phone number.

7. There is a need to clarify the terminology used to describe citizens' groups and community organizations. Simply suggesting that you are a loose coalition of "West Chicago citizens who oppose the proposed facility" does not make you a recognized citizens' group. Most commonly, a citizen group is a nonprofit, citizen-initiated, voluntary association which attempts to influence decision makers. Yet here there appears to be no demonstrated organizational structure to PWC whatsoever. PWC is not a 501(c)(3) organization and is not incorporated. Significantly, the website does not ask for nor does it solicit financial

contributions, even though genuine citizens' groups typically identify lack of funding as their biggest operational challenge.

8. During the public hearings on the application, there was significant public comment on both sides. Not a single individual identified himself or herself as being affiliated with an entity called PROTECT WEST CHICAGO. Clearly, there is no legitimate "citizen" activism organized around an issue that can be found here, nor is there a collaborative effort that appears to be initiated and controlled by community citizens for some purpose. Instead, the goals and objectives of PWC appear to center around the needs and interest of LAKESHORE'S primary business competitor in this area who has the goal of stopping the approval of this transfer station for its own financial gain.

9. The Board's Order of April 6, 2023, found that PWC has standing to seek review because, among other things, it is so located as to be affected by the proposed facility. Other than this bare allegation of PWC referenced herein, there is no indication of where PWC is located.

10. The Board's Order of April 6, 2023, excused PWC from having to pay the costs of "preparing and certifying the record" based upon the assumption PWC is, in fact, a citizens' group.

11. On information and belief, LAKESHORE alleges PWC is not a legitimate citizens' group, but instead is a wholly funded shell or front for Waste Connections or one of its affiliated entities. This entity exists only on paper and on the internet for the sole purpose of secretly advocating for Waste Connections or its affiliates. As such, it has no standing to bring this Petition and there is no basis to excuse it from paying the cost of preparing and certifying the record.

WHEREFORE, based upon the foregoing, LAKESHORE respectfully prays that the Board vacate and strike its prior Order of April 6, 2023.

Respectfully submitted,

LAKESHORE RECYCLING SYSTEMS, LLC,
Respondent

BY: /s/ George Mueller
George Mueller
One of Respondent's Attorneys

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