

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)
)
 Petitioner,)
)
 v.) PCB 23-107
) (Third-Party Pollution Control Facility
 CITY OF WEST CHICAGO, WEST) Siting Appeal)
 CHICAGO CITY COUNCIL and)
 LAKESHORE RECYCLING SYSTEMS,)
 LLC,)
 Respondents.)

PEOPLE OPPOSING DUPAGE)
 ENVIRONMENTAL RACISM,)
)
 Petitioner,)
)
 v.) PCB 23-109
) (Third-Party Pollution Control Facility
 CITY OF WEST CHICAGO and) Siting Appeal)
 LAKESHORE RECYCLING SYSTEMS,)
 LLC,) (Consolidated)
 Respondents.)

**CITY OF WEST CHICAGO'S RESPONSE TO PROTECT
WEST CHICAGO'S MOTION FOR ORDER REQUIRING THE CITY OF
WEST CHICAGO TO POST NOTICE OF THE SEPTEMBER 28, 2023
HEARING ON ITS WEBSITE AND RELATED RELIEF**

Respondent, City of West Chicago ("Respondent"), by and through Dennis G. Walsh and Daniel W. Bourgault of Klein, Thorpe and Jenkins, Ltd., its attorneys, states as follows:

1. Apparently, no good deed goes unpunished. Upon the request of the Hearing Officer, the City of West Chicago, without having any obligation whatsoever to do so, magnanimously agreed to the use of its City Council boardroom so that the Illinois Pollution

Control Board could hold the adjudicatory proceedings before the Board concerning petitions to review a pollution control facility siting decision made by the City under Sections 39.2 and 40.1 of the Illinois Environmental Protection Act.

2. The September 28, 2023, Pollution Control Board hearing is not a City of West Chicago event or proceeding but rather the Pollution Control Board set the matter for hearing.

3. The procedure for the Notice of Board Hearings is provided under 35 Ill. Adm. Code 101, Subpart F, which clearly states that the Clerk of the Pollution Control Board will provide notice of all such hearings.

4. Protect West Chicago has not and cannot bring to the Board's attention ANY legal authority that requires the City of West Chicago to provide any other notice for a Pollution Control Board Hearing in addition to or different from the notice provided by the Clerk for a Pollution Control Board.

5. With all due respect, the Illinois Pollution Control Board simply does not have the legal authority to issue a ruling or order directing that the City of West Chicago put or not put any information or notice on the City's own website.


6. Protect West Chicago's motion is not warranted by law or brought in good faith and must be denied.

WHEREFORE, the City of West Chicago respectfully requests that the Board enter an Order:

- A. Denying Protect West Chicago's motion; and
- B. Provide such other and further relief as the Board deems appropriate.

Respectfully submitted,

CITY OF WEST CHICAGO,
Respondent

By: 
One of Respondent's Attorneys

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NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on September 12, 2023, the City of West Chicago electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the **City of West Chicago's Response to Protect West Chicago's Motion for Order Requiring the City of West Chicago to Post Notice of the September 28, 2023 Hearing on its Website and Related Relief**, copies of which are served upon you.

Respectfully submitted,

CITY OF WEST CHICAGO,
Respondent

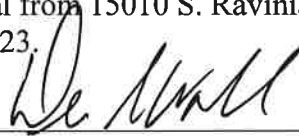
By: 

One of Respondent's Attorneys

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AFFIDAVIT OF SERVICE

I, the undersigned, on oath state that I have served this **Notice of Filing and the City of West Chicago's Response to Protect West Chicago's Motion for Order Requiring the City of West Chicago to Post Notice of the September 28, 2023 Hearing on its Website and Related Relief** upon the following persons via email transmittal from 15010 S. Ravinia – Suite 10, Orland Park, Illinois 60462, on the 12th day of September, 2023.



Dennis G. Walsh
Attorney for Respondent
City of West Chicago

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