

ILLINOIS POLLUTION CONTROL BOARD  
September 19, 2023

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

**HEARING OFFICER ORDER**

On September 11, 2023, Protect West Chicago (PWC) filed a “Motion For Order Requiring The City Of West Chicago To Post Notice Of The September 28, 2023 Hearing On Its Website And Related Relief” (Mot.) PWC argues that the City of West Chicago (City) be required to post notice of the Illinois Pollution Control Board’s (Board) upcoming hearing in PCB 23-107 & PCB 23-109 on September 28, 2023. Mot. at 1. PWC additionally argues that the City be required post “Notice of the Opportunity for members of the public to provide public comment...” on its ‘splash page’ and on the City’s calendar of events. *Id.*

PWC states that the upcoming hearing is not posted on the City’s website and the City, through counsel, denied PWC’s request stating that the notice is done by the Clerk of the Board and that public participation is determined by the hearing officer. Mot. at 5-6.

On September 12, 2023, the City filed its response (City Resp.) The City argues that the hearing is a Board hearing, and not a City event, and that “procedure for Notice of Board Hearings is provided under 35 Ill. Adm. Code 101, Subpart F”. City Resp. at 2. The City additionally notes that even though the City offered the City Council boardroom-and the hearing officer agreed that the hearing could be held there, does not make the hearing a City event requiring notice. City Resp. at 1-2. Finally, the City argues that the Board does not have the

legal authority to order what PWC requests, nor does PWC point to any authority for the Board to so order. *Id.*

On September 12, 2023, Lakeshore Recycling Systems, LLC., (Lakeshore) filed its response (Lakeshore Resp.). Lakeshore, like the City, argues that the upcoming hearing is a Board hearing and notice is governed by Section 101.602 of the Board's procedural rules. Lakeshore Resp. at 2. "PWC fails to set forth any provision under the Illinois Administrative Code which would for the relief requested and its Motion should be denied in its entirety." *Id.*

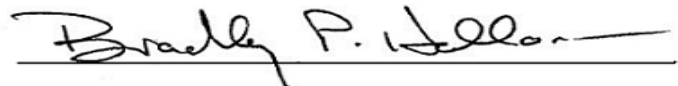
### **Discussion and Ruling**

PWC cites to no authority that requires the City to post notice of a Board hearing nor to any authority to require the City to post notice that Public Comment will be allowed at the Board hearing. PWC also does not allege that the Board's notice is improper or insufficient.

The Board properly noticed the upcoming hearing in the above-captioned consolidated appeal scheduled for September 28, 2023, at the City of West Chicago's City Council boardroom pursuant to Section 101.602 of the Board's procedural rules. 35 Ill. Adm. Code 101.602. Statements and Public Comments will be allowed as set forth in Section 101.628 of the Board's procedural rules. 35 Ill. Adm. Code 101. 628.

PWC's motion is denied.

IT IS SO ORDERED



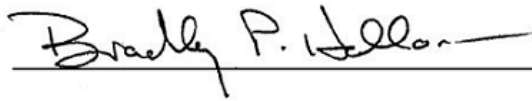
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on September 19, 2023, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on September 19, 2023:

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