

ILLINOIS POLLUTION CONTROL BOARD
October 24, 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 REPORT

On September 28, 2023, a hearing was held in the above-captioned matter at the West Chicago City Hall, City Council Room, 1st floor, 475 Main St., West Chicago, Il., 60185.

Attorney Ricardo Meza appeared and participated on behalf of the petitioner, Protect West Chicago (PWC). Attorney Dennis Walsh appeared and participated on behalf of respondent, City of West Chicago (City). Attorney Robert Weinstock appeared and participated on behalf of People Opposing DuPage Environmental Racism (PODER). Attorney George Mueller appeared and participated on behalf of Lakeshore Recycling Systems, LLC.

Preliminary Matters

On September 28, 2023, petitioner filed a “Motion to Admit Underlying Record”. (Mot.) By order of August 21, 2023, any exhibits not in the record were to be revealed by September 14, 2023. It appears that two of the documents that PWC requests to be admitted are 2 letters/requests from PWC to the Illinois Attorney General ‘s Public Access Counselor (Document 108558), and PWC’s Supplemental Information request to the Illinois Attorney General’s Public Access Counselor (Document 1088978). The remaining documents PWC seeks admittance are in the Record on Appeal.

PWC's motion is granted to the extent that the documents found in the Record on Appeal is granted, however, the 2 letters/requests to the Illinois Attorney General's Public Access Counselor is denied as they are irrelevant to this proceeding and because of PWC's untimely filing of its motion.

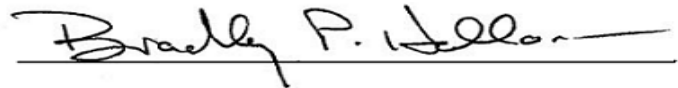
Exhibits

Exhibits were offered into evidence at the hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

Briefing Schedule

An agreed post-hearing briefing schedule is as follows: Simultaneous opening briefs are due to be filed on or before November 13, 2023; Simultaneous responses due to be filed on or before December 6, 2023; Public Comment due date is amended and now must be filed by November 1, 2023. Record closes on December 6, 2023.

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
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
312.814.8917
Brad.Halloran@illinois.gov

Exhibit List

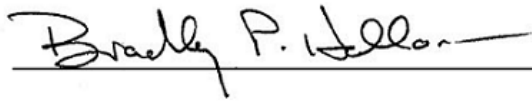
Exhibit	Description	Status
Hearing Officer Exhibit 1	Public Statement by Julieta Alcantar-Garcia	Admitted
PODER Exhibit 1	Email from Mr. Weinstock to Derke Price- January 12, 2023	Admitted
PODER Exhibit 2	Email from Derke Price to Mr. Weinstock- February 22, 2023	Admitted
PODER Exhibit 3	Re-sized copy of PODER Exhibit 2	Admitted
PWC Exhibit M8	November 14, 2020- Ruben Pineda Text- Father Josh	Admitted
PWC Exhibit M10	August 24, 2022- letter- Tom Dabareiner	Admitted
PWC Exhibit M11	August 24, 2022 -letter- Tom Dabareiner Re: Setback Issue	Admitted
PWC Exhibit M12	West Chicago Pollution Control Facility Site Approval Procedures- Ordinance	Admitted
PWC Exhibit M13	December 4, 2022- Email from Guttman to Guttman- weekly update	Admitted
PWC Exhibit M17	City's Objections and Answers to PWC's First Set of Interrogatories	Admitted
PWC Exhibit 7	West Chicago's Contract with Aptim	Admitted
PWC Exhibit 14	February 12, 2020 -Email from Dennis Walsh to Martin Fallon and Devin Moose	Admitted
PWC Exhibit 28	Rivera v. West Chicago Complaint (2021 FOIA request from Olga Rivera)	Admitted
PWC Exhibit 800	August 24, 2022- Dabareiner Email to Guttman Email	Admitted
PWC Exhibit 806	February 28, 2023, 12:16 p.m- Email from Guttman to City Council	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on October 24, 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 October 24, 2023:

Don Brown
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60601
312.814.8917

@ Consents to electronic service

SERVICE LIST

PCB 2023-107@
Karen Donnelly
Karen Donnelly Law LLC
501 S. State St.
Ottawa, IL 61350

PCB 2023-107@
Robert A. Weinstock, Director
Environment Advocacy Center
Northwestern Pritzker School of Law
375 E. Chicago Ave.
Chicago, IL 60611

PCB 2023-107@
Ricardo Meza
Meza Law
542 S. Dearborn, 10th Floor
Chicago, IL 60605

PCB 2023-107@
George Mueller
Attorney at Law
1S123 Gardener
Winfield, IL 60190

PCB 2023-107@
Dennis G. Walsh
Klein, Thorpe & Jenkins, Ltd.
20 N. Wacker Drive, Suite 1660
Chicago, IL 60606

PCB 2023-107@
Daniel W. Bourgault
Klein, Thorpe & Jenkins, Ltd.
20 N. Wacker Drive, Suite 1660
Chicago, IL 60606