

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)	
)	
Petitioner,)	PCB No.: PCB 2023-107
)	(Pollution Control Facility Siting Appeal)
v.)	
)	
CITY OF WEST CHICAGO, WEST)	
CHICAGO CITY COUNCIL, and)	
LAKESHORE RECYCLING SYSTEMS,)	
LLC,)	
)	
Respondents.)	
-----)	
PEOPLE OPPOSING DUPAGE)	
ENVIRONMENTAL RACISM,)	
)	
Petitioner,)	PCB No.: PCB 2023-109
)	(Third-Party Pollution Control Facility
v.)	Siting Appeal)
)	
CITY OF WEST CHICAGO and)	
LAKESHORE RECYCLING SYSTEMS,)	
LLC,)	
)	
Respondents.)	

**RESPONDENT LAKESHORE
RECYCLING SYSTEMS, LLC REPLY TO PWC'S
RESPONSE TO MOTION TO VACATE AND STRIKE PCB ORDER**

Now comes the Respondent, LAKESHORE RECYCLING SYSTEMS, LLC., by and through their attorneys, George Mueller and Karen Donnelly, and for its Reply to PWC's Response to Motion to Vacate and Strike PCB Order, states and alleges as follows:

1. LAKESHORE continues to assert that PWC is not a legitimate citizens group. The term itself "citizens" means more than one citizen, and the only "citizen" with an alleged connection to PWC who appeared at the time of the siting hearings was Nicholas Dzierzanowski, and that was in the form of brief, unsworn public comment during which he never identified

himself as being either a representative or member of PWC. Failure to identify one's self as a member of a citizen's group supports the inference that one is not actually a member of that citizens' group or that it does not exist. See *Janis Rosauer and Batavia, Illinois Residents Opposed to Siting of Waste Transfer Station, Petitioners, v. Onyx Waste Services Midwest, Inc. and City of Batavia, Illinois, Respondents* (PCB 05-1, Oct. 7, 2004).

2. The only "proof" that PWC offers in its Response is that Mr. Dzierzanowski is somehow a member of PWC based upon hearsay news reports in which he is quoted, his claimed creation of the website "Protect West Chicago," and the fact he has a history of opposing waste transfer stations.

3. The fact that numerous, unknown individuals allegedly logged into Mr. Dzierzanowski's website is irrelevant to this matter. This does not mean they automatically become "members" of the so-called citizens group PWC.

4. It is noteworthy that PWC's response does not attempt to refute any of the factual allegations in Lakeshore's motion. There is no doubt that PWC participated in the public hearing, and the nature of that participation suggests they were extremely well funded. Such participation and a bald claim of status as a citizens' group is not sufficient, however, when the inference that PWC is nothing but an alter ego for Waste Connections is more probable.

5. PWC's claim that LAKESHORE's Motion and arguments regarding whether it is a legitimate citizens group is waived is without merit. The issue of PWC's legal status for the purpose of determining its responsibility for payment of record preparation *on review* was not before the City Council and did not become ripe until the filing of PWC's Section 40.1 Petition. The Motion to Vacate and Strike the PCB Order was brought immediately after PWC filed its

Petition herein. LAKESHORE makes no claim regarding whether PWC has standing, only that the waiver of costs should be denied.

WHEREFORE, LAKESHORE RECYCLING SYSTEMS, LLC respectfully requests that this Board vacate and strike the PCB Order entered on April 6, 2023, and order that PWC be required to pay the costs of preparing and certifying the record herein, and for such other and further relief as this Board deems just and equitable.

LAKESHORE RECYCLING SYSTEMS, LLC.,
Respondent

BY: /s/ George Mueller
George Mueller
Attorney for Respondent

George Mueller
Attorney at Law
1S123 Gardener Way
Winfield, IL 60190
(630) 235-0606
george@muelleranderson.com

Karen Donnelly
Attorney at Law
501 State St.
Ottawa, IL 61350
(815) 433-4775
Donnellylaw501@gmail.com