

BEFORE THE POLLUTION CONTROL BOARD

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

PEOPLE OPPOSING DUPAGE)	
ENVIRONMENTAL RACISM,)	
)	
Petitioner,)	PCB 2023-109
)	(Third-Party Pollution Control Facility
vs.)	Siting Appeal)
)	
CITY OF WEST CHICAGO and)	
LAKESHORE RECYCLING SYSTEMS,)	
LLC,)	(Consolidated)
)	
Respondents.)	

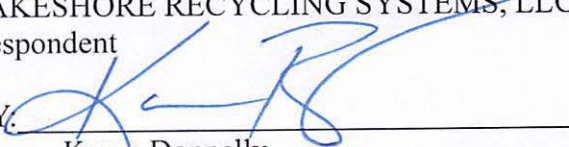
NOTICE OF FILING

TO: See attached Service List

PLEASE TAKE NOTICE that on September 12, 2023, LAKESHORE RECYCLING SYSTEMS, LLC electronically filed with the Office of the Clerk of the Illinois Pollution Control Board its **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**, a copy of which is hereby served upon you.

Respectfully submitted,

LAKESHORE RECYCLING SYSTEMS, LLC,
Respondent

BY: 

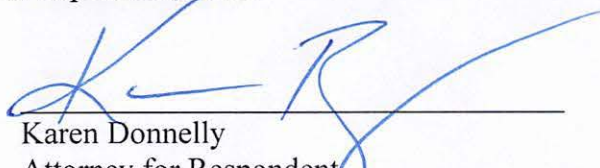
Karen Donnelly
One of Respondent’s Attorneys

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AFFIDAVIT OF SERVICE

I, the undersigned, on oath state that I have served the attached **Notice of Filing and Respondent Lakeshore Recycling Systems, LLC'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**, 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 12th day of September, 2023.


Karen Donnelly
Attorney for Respondent

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)	
)	
Petitioner,)	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,)	
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Petitioner,)	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'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**

Now comes the Respondent, LAKESHORE RECYCLING SYSTEMS, LLC, by and through its attorneys, George Mueller and Karen Donnelly, and for its Response to the Motion of PROTECT WEST CHICAGO'S Motion to Require the CITY OF WEST CHICAGO to Post Notice of the September 28, 2023, Hearing on its Website and Related Relief, states as follows:

1. Proceedings before the Pollution Control Board, particularly notices of Board hearings, are governed by 35 Ill. Adm. Code 101, Subpart F, Section 101.602, which provides as follows:

Section 101.602 Notice of Board Hearings

- a) The Clerk will serve the parties with the hearing officer's notice of a hearing at least 21 days before the hearing.
- b) The Clerk will provide notice of all hearings, except for administrative citation hearings, in a newspaper of general circulation in the county in which the facility or pollution source is located, or where the activity in question occurred. Unless otherwise required by applicable law, when a hearing is to be held to satisfy the public hearing requirement of the Clean Air Act (42 USC 7401 et seq.) for State Implementation Plan revisions, the Clerk will give notice of the hearing by publication in the Illinois Register in lieu of newspaper notice. Notice must be published at least 21 days before the hearing. If the proceeding involves federal rules that the State has been delegated authority to administer, notice must be published at least 30 days before the hearing.
- c) *Whenever a proceeding before the Board may affect the right of the public individually or collectively to the use of community sewer or water facilities provided by a municipally owned or publicly regulated company, the Board shall at least 30 days prior to the scheduled date for the first hearing in the proceeding, give notice of the date, time, place, and purpose of the hearing by public advertisement in a newspaper of general circulation in the area of the State concerned [415 ILCS 5/33(c)].*

2. The Pollution Control Board was created by statute and, as such, it has only those powers expressly granted to it by statute.

3. There is no authority or requirement in the Code for the CITY OF WEST CHICAGO to post notice of the upcoming Pollution Control Board hearing on September 28, 2023, on its website.

4. PWC fails to set forth any provision under the Illinois Administrative Code which would allow for the relief requested and its Motion should be denied in its entirety.

5. PWC's argument here is not unlike the argument in its Amended Petition for Review in which they claim the CITY OF WEST CHICAGO should have, in the absence of authority and without even a request from PWC, provided Spanish translation for the local Siting Hearing.

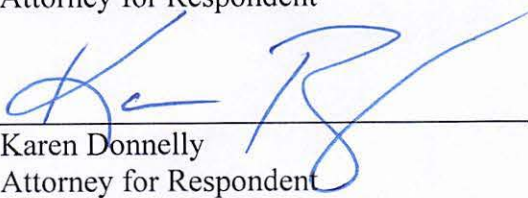
6. Even if this was a proceeding in equity, PWC's request would not be well received because the entire basis for the request is that PWC wants it so.

WHEREFORE, based upon the foregoing, LAKESHORE RECYCLING SYSTEMS, LLC respectfully requests that the Board enter an Order denying PWC'S Motion and all relief requested therein, and for such other and further relief as the Board deems just and equitable.

Respectfully submitted,

LAKESHORE RECYCLING SYSTEMS, LLC.,
Respondent

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

BY: 
Karen Donnelly
Attorney for Respondent

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