

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)

Petitioner,)

v.)

CITY OF WEST CHICAGO, WEST)

CHICAGO CITY COUNCIL, and)

LAKESHORE RECYCLING SYSTEMS,)

LLC,)

Respondents)

PEOPLE OPPOSING DUPAGE)

ENVIRONMENTAL RACISM,)

Petitioner,)

v.)

CITY OF WEST CHICAGO and)

LAKESHORE RECYCLING SYSTEMS,)

Respondents.)

PCB No: 2023-107
(Pollution Control Facility Siting Appeal)

PCB No: 2023-109
(Third-Party Pollution Control Facility
Siting Appeal)

NOTICE OF FILING

To: **See Attached Service List**

PLEASE TAKE NOTICE that on May 12, 2023, Protect West Chicago electronically filed with the Illinois Pollution Control Board, 60 E. Van Buren Street, Suite 630, Chicago, IL 60605, an original of the attached: **Protect West Chicago's Response to Lakeshore's Motion to Vacate and Strike PCB Order**, copies of which are attached and served upon you.

Dated: May 12, 2023

Respectfully Submitted,



Ricardo Meza
Attorney for Protect West Chicago

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CERTIFICATE OF SERVICE

I, Ricardo Meza, an attorney, certify that I have served the attached: **Protect West Chicago's Response to Lakeshore's Motion to Vacate and Strike PCB Order**, on the below-named parties (Service List) by delivering the document to them via electronic mail on May 12, 2023 and via the PCB's Clerk's Office electronic filing system.



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RESPONSE TO MOTION TO VACATE AND STRIKE PCB ORDER

NOW COMES the Petitioner, Protect West Chicago, (“PWC”), by and through its attorney, Meza Law, and for its response to Lakeshore Recycling Systems, LLC (“Lakeshore”) Motion to Vacate and Strike PCB Order (“Motion”), PWC states as follows:

I. Introduction

The Illinois Pollution Control Board (“PCB”) should deny Lakeshore’s Motion for multiple reasons. *First*, Lakeshore's motion must be denied because as demonstrated herein, PWC is a citizens group as defined by Illinois Environmental Protection Act (“the Act”). *Second*, Lakeshore’s Motion must be denied on its face for failure to comply with the administrative rules which require motions to be supported by facts in the record or by oath, affidavit, or verification.

Third, Lakeshore's Motion must be denied on its face for failing to raise the issue of whether PWC is a citizen's group in timely fashion at the City of West Chicago siting hearing, thus having waived this argument.

II. Argument

A. *PWC is a citizens group in accordance with the legislature's definition.*

Lakeshore's Motion must be denied because PWC is a citizens group. Lakeshore argues that PWC is not a citizens group stating:

Most commonly, a citizen group is a nonprofit, citizen-initiated, voluntary association which attempts to influence decision makers. Yet here there appears to be no demonstrated organizational structure to PWC whatsoever. PWC is not a 501(c)(3) organization and is not incorporated. Significantly, the website does not ask for nor does it solicit financial contributions, even though genuine citizens' groups typically identify lack of funding as their biggest operational challenge.

Setting aside the fact that there is no support in the record or by affidavit for these totally conclusory allegations, Lakeshore conveniently ignores the definition of a citizens group. The PCB has cited with approval the definition read into the record by the legislature in House Bill 98, which discusses what constitutes a citizens group. Prior to the vote on the bill, Senator Karpiel stated, in pertinent part:

And if you will bear with me, I have told the Pollution Control Board that I would read into the record the meaning of "citizens groups." ***It means a group of individual citizens that have joined together to participate in a regional pollution control facility siting hearing. This group may be a voluntary association that is formed on an ad hoc basis*** that may or may not have a name or bylaws. It also can be a group that has incorporated. (Emphasis added).

Alice Zeman, Tony Berlin, Richard Zilka, Michael Turlek, Kevin Greene, Petitioners v. Village of Summit and West Suburban Recycling and Energy Center, Inc., Respondents Donna Quilty, Petitioner, PCB 92-174, 1992 WL 404121, at *2.

In this case and as set forth below, PWC clearly falls within this very broad, very inclusive definition of a citizens group. As supported by the verification under oath of Nicholas Dzierzanowski, PWC is clearly a voluntary association of citizens who have joined together to participate in a regional pollution control facility siting hearing. **See Exhibit 1** (Verification of Nicholas Dzierzanowski). *See also Senator William Shaw, Ronnie Lewis and Judith Evans v. Illinois Environmental Protection Agency*, PCB 97-68, 1996 WL 709215, at *4 (citing to the definition of citizens group outlined by Senator Karpel).

In its Motion, Lakeshore argues that PWC does not have any recognized members and that the PWC website is insufficient so as to make it a legitimate group. Lakeshore also argues that PWC is not a citizens group because no individual identified themselves as a member of PWC at the hearing. Not so. *First*, as set forth in the verification of Mr. Dzierzanowski, Mr. Dzierzanowski is a member of PWC and, as noted in his verification as well as in news reports, others, including Maria Correa also agreed to join PWC. **See Exhibit 1** at ¶¶ 10 and 11. *Second*, as noted in his verification, Mr. Dzierzanowski “put together with the help of residents and business owners a coalition who are in opposition to” a second waste transfer station. **See Exhibit 1** at ¶ 10. *Third*, in addition to the most current activity, Mr. Dzierzanowski has been opposing the “current proposal for a second waste transfer station since at least 2020.” **See Exhibit 1** at ¶ 9. In fact, as set forth in his verification, Mr. Dzierzanowski has a history of opposing additional waste transfer stations in West Chicago and in April 2013, he received a Proclamation of Commendation from the City of West Chicago because he was “instrumental in leading the City’s fight against a second waste transfer station.” **Id.** at ¶18 (Exhibit D). Moreover, although Mr. Dzierzanowski did identify himself when giving public comment at the hearing, PWC members did not need to identify themselves at the hearing because counsel filed an appearance and “Notice

of Participation as a Party,” on behalf of PWC (*See* PCB Record at C006092-93), during the course of the public hearing, counsel filed a Motion to Dismiss on behalf of PWC (PCB Record C006101-92) and counsel for PWC appeared at each of the public hearings days and their appearances are so noted in the hearing transcripts included in the record of this matter.

In addition, as set forth by the documents produced pursuant to a FOIA lawsuit, which documents are of public record, West Chicago officials are well aware that numerous (and perhaps hundreds) of West Chicago citizens logged into the PWC website and sent emails to West Chicago’s mayor and/or aldermen setting forth their opposition to a second waste transfer station. Moreover, as the PCB is fully aware, it has defined “participation” in the public hearing as sufficiently broad to cover those individuals who take the time and effort to attend the public hearing and listen to the testimony, even if they do not ask questions or make statements on the record. *Peter Valessares and Edward F. Heil, Petitioners Richard L. Cooper, Peter Cooper and Tobey Cooper, Intervenors v. the Cnty. Board of Kane Cnty., Illinois, and Waste Management of Illinois, Inc., Respondents*, PCB 87-36, 1987 WL 235431, at *5. However, in this matter, Mr. Dzierzanowski not only personally participated in and attended the hearing as a member of PWC, but he also spoke during the public comment period. *See* PCB Record at C003271-74 (citing to the transcript at pages 1342 through 1345). Personal attendance is adequate participation to appeal a siting decision. *Valessares v. the Cnty. Board of Kane Cnty.*, PCB 87-36, 1987 WL 235431, at *5. Thus, Lakeshore’s unsupported arguments regarding the content of PWC’s website are irrelevant as to whether or not PWC is a citizen group and, as set forth above, PWC is clearly a citizens group. In short, Lakeshore’s Motion is substantively lacking in all respects and has no merit.

B. Lakeshore's Unsupported Motion Is Procedurally Defective.

Lakeshore's Unsupported Motion must also be summarily dismissed as it is procedurally defective. It is well established that a motion such as this in an administrative hearing cannot be made on information and belief and must be supported by facts that are of record in the proceeding *or* be supported by oath, affidavit, or certification consistent with Section 1-109 of the Code of Civil Procedure. Ill. Admin. Code tit. 35, § 101.504.

In fact, the Illinois Pollution Control Board has previously addressed a parties' failure to support a motion and in *Illinois Environmental Protection Agency v. Gary J.*, stated as follows:

The Board notes that respondents have raised general defenses that are without citation to authority and that are based on facts without citation to the record, some of which are not found in the record at all. Under Section 101.504 of the Board's rules, facts asserted that are not part of the record in the proceeding must be supported by oath, affidavit, or certification in accordance with Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109). 35 Ill. Adm. Code 101.504. As the Board is required to make its decision based on the record (415 ILCS 5/341.1(d)(2) (2008)), new facts unsupported in the record are not considered in the Board's decision.

Illinois Environmental Protection Agency, Complainant v. Gary J. and James R. Szczeblewski, Respondents, AC 09-56, 2010 WL 2018749, at *10; *See also Morton F. Dorothy, Complainant v. Flex-n-gate Corporation, An Illinois Corporation, Respondent*, PCB 05-49, 2005 WL 2985595, at *7 (striking allegations that are not in the record and not supported by oath, affidavit, or certification).

In this case, Lakeshore has failed to cite any part of the record in the proceedings to support any of its claims. Lakeshore has also failed to support its Motion by oath, affidavit, or certification in accordance with Section 1-109 of the Code of Civil Procedure. Rather, Lakeshore simply argues on information and belief that PWC is not a legitimate citizens group and states that when PWC's attorneys were asked whether Waste Connections was paying them, they would smile and make cryptic comments such as: "you know how it is." However, because these claims are not reflected

by any fact in the record nor are they supported by the required oath, affidavit, or certification, the Motion's wholly conclusory and wholly unsupported allegations must be stricken and the Motion must be summarily denied.

C. Lakeshore's Motion and Arguments Regarding PWC are Waived.

Finally, Lakeshore's Motion and arguments regarding PWC's legitimacy as a citizens group are waived as Lakeshore failed to object at the underlying hearing. In its Motion, Lakeshore stated that "at all relevant times, Lakeshore and others believed PWC was not a legitimate citizens' group" *See, Lakeshore's Motion to Vacate and Strike* at ¶ 3. However, despite this alleged and long-standing belief, Lakeshore chose to not raise this argument at any point prior to the time it filed their Motion to Vacate or Strike the PCB Order. The law is well-settled that issues not raised in the original siting proceedings are generally considered forfeited on appeal. *E & E Hauling*, 107 Ill. 2d at 38-39, 481 N.E.2d at 666 (failure to raise an issue of bias at the original siting hearing was forfeited).

Therefore, any objection to PWC's legitimacy as a citizens group was waived, particularly since, by its own admission, Lakeshore had apparently held this belief at the time of the public hearing. If Lakeshore truly had concerns about the legitimacy of PWC as a citizens group, one would think it would have been important to Lakeshore to raise these objections as soon as possible in the underlying proceeding. Lakeshore has also failed to allege that new evidence has come to their attention after the siting hearing and thus this too is another basis supporting their waiver of the issue. Under the circumstances, the Board is required to deny Lakeshore's Motion to Vacate and Strike the PCB Order, as supported by *Fox Moraine, LLC v. United City of Yorkville*, 2011 IL App (2d) 100017, ¶ 60 (stating that a claim of bias or prejudice is forfeited when not raised promptly in the original proceeding) and *Waste Management of Ill., Inc. v. Pollution Control Bd.*,

175 Ill. App. 3d 1023, 1039-40 (1988) (holding that the PCB correctly noted, that when Waste Management made no objection to an attorney's appearance at the original proceeding, Waste Management's challenge to the appearance at the PCB had been waived.) Against this backdrop, Lakeshore's failure to raise these issues at the siting hearing waived its ability to argue it at this time.

III. Conclusion

Given the overwhelming body of authority against the position it has taken, as well as the factual showing made herein, Lakeshore either failed to take the time necessary to ascertain what standards apply in matters such as these, before it filed its Motion, or, in the alternative simply chose to ignore them. Neither should be condoned by this Honorable Board. Again, Lakeshore's Motion contains nothing but unsubstantiated surmise, speculation and conjecture. Accordingly, Lakeshore's Motion must be denied in its entirety and this matter should proceed to its merits.

Dated: May 12, 2023

Respectfully Submitted,



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Attorney for Protect West Chicago

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Exhibit 1

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Respondents)	
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PEOPLE OPPOSING DUPAGE)	
ENVIRONMENTAL RACISM,)	
)	
Petitioner,)	
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v.)	PCB No: <u>2023-109</u>
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CITY OF WEST CHICAGO and)	Siting Appeal)
LAKESHORE RECYCLING SYSTEMS,)	
)	
Respondents.)	

VERIFICATION OF NICHOLAS (NICK) DZIERZANOWSKI

I, Nicholas (Nick) Dzierzanowski, state as follows:

- 1) I am a resident of West Chicago.
- 2) I have been involved in West Chicago related matters and issues affecting the West Chicago community for 23 years.
- 3) I previously served on West Chicago's City Council for ten years, and I am aware of prior efforts to build a waste transfer station near West Chicago and, most recently, within the West Chicago city limits.
- 4) I opposed both projects because I believe both proposals are ill-advised as there is no need for another waste transfer station in West Chicago.

5) I am aware of and have read the Motion to Vacate and Strike PCB Order that has been filed in this matter (“Motion”).

6) I am aware that in the Motion, Lakeshore Recycling Systems, LLC’s attorney have written that:

- a. “[t]here were no individuals that were identified as members of PWC that attended any of the seven hearing dates with these attorneys or that participated in any of the hearings in any way”;
- b. “LAKESHORE and others believed PWC was not a legitimate citizen’s group, but, was in fact, a wholly funded front for Waste Connection”; and, that
- c. “[t]he Petition does not mention any person who is a member of PWC, nor does it identify the location of PWC or any of its members.

7) I am also aware that in the Motion, Lakeshore wrote that: Although the Protect West Chicago website claims it is a “diverse coalition of neighbors, business owners and community leaders,” it is clear there is no alliance of individuals who have come together for a common goal.

8) The factual information in the Motion is incorrect and untrue. I am aware and have always considered myself to be a member of a broad coalition of neighbors, some of whom include Latinos who work for and/or are involved or employed by West Chicago businesses, such as Maria Corraera, who I know has also publicly expressed opposition to a second waste transfer station.

9) I have opposed the current proposal for a second waste transfer station since at least 2020, when I heard of the plans to build a second waste transfer station in West Chicago.

10) I recall that on December 22, 2020, I was interviewed by CBS Chicago news along with Maria Corraera about our involvement with Protect West Chicago. The link to the article and video can be found on the internet at: <https://www.cbsnews.com/chicago/news/trash-trouble-west-chicago-neighbors-fight-plan-for-new-waste-transfer-station/> A copy of the article is attached as

Exhibit A. During the CBS interview, I truthfully informed the reporter that I “put together with the help of residents and business owners a coalition who are in opposition to” a second waste transfer station. I have taken steps to warn West Chicago residents of the harm that could come to the community if another waste transfer station was allowed to be built in West Chicago. I recall that during the CBS interview, Ms. Correra stated, as is noted in the article, that “As a real estate professional for more than 20 years, definitely, that's going to affect the values of the homes,” and that she “felt like [she] needed to join this campaign, Protect West Chicago, because the Latino community needs to be heard. They need to participate.”

11) Attorneys Ricardo Meza and Phil Luetkehans represented me as a member of Protect West Chicago at the public hearings in opposition to the proposed waste transfer station.

12) I have also been interviewed by the Daily Herald and I know they have written articles in which I have expressed my opposition to the waste transfer station. Below are two articles from the Daily Herald in which I have been quoted:

- a. Daily Herald at <https://www.dailyherald.com/news/20201221/opposition-to-west-chicago-facility-from-st-charles-neighbors-is-growing> A copy of the article to this affidavit as **Exhibit B.**
- b. Daily Herald at: <https://www.dailyherald.com/news/20221226/residents-fear-west-chicago-could-become-the-garbage-capital-of-the-western-suburbs> A copy of the article to this affidavit as **Exhibit C.**

13) In addition to publicly expressing my opposition to the second waste transfer station, I personally participated in and attended numerous public hearings as an audience member, including attending the very first public hearing that was held at Wheaton Academy in West Chicago.

14) On January 10, 2023, I also participated as a Protect West Chicago member by attending the public comment section of the hearings and providing public comments in which I

began by stating: "I stand in front of you with thousands and thousands of our citizens of West Chicago in opposition to this transfer station." *See* Hearing Transcript at p. 1342. My comments and reference to the thousands and thousands of people in opposition to the transfer station was a reference to all of the West Chicago residents and citizens who joined our campaign and participated in the opposition of the proposed West Chicago transfer station by expressing their opposition to the second waste transfer station by writing or sending emails to West Chicago officials either through the Protect West Chicago website or as a result of information from the Protect West Chicago website.

15) I have not been paid nor will I be paid for opposing the proposed waste transfer station by anyone, including Waste Connections, nor have I paid anyone to engage in or participate in opposing the proposed waste transfer station.

16) All of the time I have devoted to Protect West Chicago and the time I have spent participating in opposition activities against the second waste transfer station has been volunteer time for which I have not been paid, nor for which I paid anyone else to participate in.

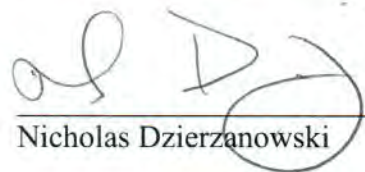
17) Again, I have always expressed opposition to a second waste transfer station because I do not believe it is good for West Chicago.

18) In fact, on April 15, 2013, I received a Proclamation of Commendation from the City of West Chicago because I was "instrumental in leading the City's fight against a second waste transfer station." **See Exhibit D.** Continuing to fight against a second waste transfer station through PWC is exactly what I continued to do when I learned about Lakeshore's proposal to again build a second waste transfer station in West Chicago.

19) I have reviewed some of the public comments submitted after the public hearings and I believe that a great majority of West Chicago residents are also in opposition to having a second waste transfer station in West Chicago.

VERIFICATION

I, Nicholas (Nick) Dzierzanowski, under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Nicholas Dzierzanowski

Dated: May 10, 2023

Exhibit A

Trash Trouble: West Chicago Neighbors Fight Plan For New Waste Transfer Station

DECEMBER 22, 2020 / 11:02 PM / CBS CHICAGO

WEST CHICAGO, Ill. (CBS) -- There is trash trouble in the west suburbs.

The City of West Chicago says a waste management company is looking at expanding its business there. But neighbors told CBS 2's Marie Saavedra they do not like the idea.

Nick Dzierzanowski is a former West Chicago city councilman, but he spoke to us Tuesday as a homeowner.

"It's just not fair to our community," Dzierzanowski said.

He is concerned that his neighborhood will suffer if a business gets its way.

"There's a proposal to put in a second garbage transfer station in West Chicago," Dzierzanowski said.

He is talking about Lakeshore Recycling Systems, which operates a facility in West Chicago that sorts recyclables and trash. The city confirmed to CBS 2 it expects Lakeshore to apply to add a waste transfer station on that same road.

"I've put together with the help of residents and business owners a coalition who are in opposition to this," Dzierzanowski said.

He launched the site [Protect West Chicago](#), warning the area of what he fears will be wear and tear on roads, the environment, and property values.

He is joined by realtor Maria Correa.

"As a real estate professional for more than 20 years, definitely, that's going to affect the values of the homes," Correa said. "I felt like I needed to join this campaign, Protect West Chicago, because the Latino community needs to be heard. They need to participate."

Both feel the City of West Chicago has tried to avoid talking about the project, and the city administrator acknowledged that's purposeful. In a statement, he said West Chicago "has not received an application" for the waste transfer facility yet, and "the mayor and aldermen are not able to comment or provide an opinion" until much later in the process.

In that case, it's Dzierzanowski's message that has a head start.

"It's getting the word out and letting people know what's happening within our community.

We reached out to Lakeshore Recycling Systems to ask when it might apply but we hadn't yet heard back late Tuesday. When Lakeshore does apply, the West Chicago city administrator told us City Hall will follow the laws that require open meetings and public comment.

Exhibit B



A truck prepares to enter the Lakeshore Recycling Systems facility in West Chicago. The business wants to expand its operations to add a waste transfer station. (Brian Hill | Staff Photographer)



Kevin Schmit

Updated 12/21/2020 7:09 AM

Opposition to a second waste transfer station on Powis Road in West Chicago is growing from both residents of the city and officials in neighboring St. Charles.

Those objections, however, could be premature. As West Chicago City Administrator Michael Guttman points out, Lakeshore Recycling Systems has yet to submit its anticipated application for a station at the 27.8-acre facility.

In fact, it's been 20 months since West Chicago approved a basic "host community benefit agreement" with Lakeshore that detailed the economic perks

Local opposition began almost immediately, much of it coming from a group identifying itself as Protect West Chicago.

The opposition grew significantly last week when the St. Charles City Council, concerned about additional garbage truck traffic on its streets, unanimously passed a resolution challenging Lakeshore to show that a waste transfer station at 1655 Powis Road won't adversely impact its residents.

St. Charles Mayor Ray Rogina and City Administrator Mark Koenen said at last Monday's city council meeting they'd been in contact with their respective West Chicago counterparts about the station.

"The intent here is not to in any way, shape or form disparage or say that West Chicago should not put a transfer station on the property in their corporate limits," Rogina said. "What we're saying is we want to protect our residents with respect to environmental concerns, with respect to truck traffic, etcetera."

Guttman, while acknowledging communication, said there is little to discuss with St. Charles. Until an application is submitted by Lakeshore, which then instigates a rigorous review process, West Chicago officials are at a standstill with the issue.

"I don't know if there's going to be an increase in traffic because we haven't gotten an application," Guttman said. "The application will hopefully lend some insight into that and the public hearings associated with it will do the same."

Members of Protect West Chicago expressed a number of concerns in a letter to West Chicago residents. They also questioned why the application -- expected this fall -- was not filed.

in a release.

Lakeshore Managing Partner Josh Connell cited a fluid situation in the industry as a reason for the delay. He also noted the complicated nature of the application that, according to Guttman, includes several binders of information.

Guttman said once the application is submitted, there's a list of nine criteria that must be met, including that the facility is "necessary to accommodate the waste needs of the area it is intended to serve." At least one public hearing must be held before the West Chicago City Council decides the fate of the station.

According to the host agreement, the station would be limited to a maximum average of 1,500 tons of municipal solid waste a day and West Chicago would receive \$2.45 per ton. The city currently receives about \$650,000 annually from the other waste transfer station on Powis Road, which is operated by Groot.

The Lakeshore facility in West Chicago currently operates a construction and demolition debris transfer station. It also stores empty garbage trucks overnight that serve communities during the day, including St. Charles.

The waste transfer station would allow filled garbage trucks to temporarily dump refuse on the ground. The refuse would be hauled away from the site by semi trucks to landfills, meaning no garbage would be stored at the West Chicago facility.

Even though garbage trucks already currently travel between St. Charles and the Lakeshore facility in West Chicago, the St. Charles City Council voiced concerns.

"Although we might not be able to stop this from happening, as it is in West Chicago, I would think we might have some control over garbage truck traffic,"

Other aldermen, though, questioned opposition to something that hasn't even been proposed.

"I understand our concern, trust me, but we don't even know what the plan is yet," said St. Charles Alderman Ron Silkaitis. "How can we object to something that we don't even know what they are building?"

Until the application sparks the review process, Guttman said it would be irresponsible for West Chicago officials to take a stance.

"We'll need to judge it on its merits," Guttman said. "The city of West Chicago in these processes can't just say we don't want it. We can't prejudice the process and express an opinion at this time."

Exhibit C



Representatives from the Lakeshore Recycling Systems facility at 1655 Powis Road in West Chicago want to expand their operations to add a waste transfer station.

(Paul Valade | Staff Photographer)



Kevin Schmit

Updated 12/26/2022 1:59 PM

For decades, the lone waste transfer station in DuPage County has resided in West Chicago.

A new proposal by Lakeshore Recycling Systems aims to bring a second facility to the county ... also in West Chicago.

The idea has outraged many residents who believe the city is being unfairly targeted as the "garbage capital" of the Western suburbs. Citing a threat to their home values and quality of life, they say a second waste transfer station should be built elsewhere in the county or not at all because of a lack of need.

Representatives from LRS insist a second DuPage County facility -- one that is state-of-the-art and environmentally sound -- is necessary to maintain healthy competition with other major waste companies. Another transfer station, officials say, would reduce garbage bills for residents and bring hundreds of thousands of dollars in fees from LRS to West Chicago coffers.

With the two sides unable to find common ground in the two years since the idea first was broached, the issue will come to a head during public hearings scheduled for the beginning of January. The final step of the process is a vote by the West Chicago City Council to approve or reject the proposal.

"It's not fair to our community to be asked to host a second garbage transfer station," said Nick Dzierzanowski, a former West Chicago alderman and a member of the Protect West Chicago group leading the opposition.

"Why aren't other communities stepping forward to help out in this situation?" he said. "Why is West Chicago always targeted for these nuisance businesses?"

A clear divide

The existing LRS facility at 1655 Powis Road recycles construction and demolition debris on a 28-acre parcel. LRS garbage trucks are stored there at night.

The LRS garbage trucks serve several surrounding communities and haul the refuse to transfer facilities such as the one north on Powis Road, operated by Waste Connections, and a Waste Management facility in Batavia. Building a waste transfer station on its existing property would make LRS self-sufficient by allowing the company to process and then haul garbage to its landfill in western Illinois, the company says.

"We're in the heart of the manufacturing district in West Chicago," said K.J. Loerop, vice president of business development at LRS. "We are not in a place where thousands of cars are going through daily. It is the right location for it."

But for every point made by Loerop and other supporters, a counterpoint is at the ready from the opposition.

While LRS officials say a second facility is needed for industry competition, detractors say there's still capacity available at the nearby Waste Connections and Waste Management sites.

West Chicago residents say they've already done their part with one facility in their city, and a second DuPage County station should be built elsewhere. LRS officials, however, say they've looked elsewhere and couldn't find another parcel that meets zoning and setback regulations.

LRS officials note the approximately \$717,000 in annual fees that potentially could be paid by the company to West Chicago, in addition to a reduction in garbage bills for residents because of the increased competition. Residents say the reduction in their home values would amount to much more money lost.

"If you're going to save me three or four dollars a month in my garbage bill, and now values of my house are going to go down by tens of thousands of dollars because we're going to become the garbage capital of the Fox Valley ... no thank you," Dzierzanowski said.

Opposing residents dread the prospect of hundreds of trucks rumbling down their streets every day, as well as the environmental and infrastructure impact the increased traffic would have. LRS officials say traffic and the carbon

The proposal

The idea of a transfer station is that three filled garbage trucks enter the facility for every one filled semitrailer truck that leaves for a landfill.

The proposal calls for a maximum of 650 daily tons of municipal solid waste and 300 tons of hydro-excavation waste to be processed and transferred from a new building LRS officials say would be 1,000 feet off Powis Road and environmentally safe with cutting-edge technology.

A total daily maximum of 1,950 tons of material, including residential, construction and demolition recyclables, would be processed at the proposed facility.

"Ton for ton, you want to have it go through our facility because it's more environmentally conscious and it's up-to-date with modern technology," Loerop said. "It's much different than the one they built 25 or 30 years ago, and it's not at the gateway of West Chicago or St. Charles on North Avenue. It's tucked away where it has the least amount of impact on anyone in the community."

West Chicago would charge LRS \$2.62 a ton for the solid and hydro waste, creating the potential for more than \$700,000 in extra annual revenue for the city. That's in addition to the same approximate amount the city receives from the Waste Connections facility just north of LRS.

West Chicago officials won't comment on the merits of the proposal until after the hearing officer presents recommendations to the city council. City Administrator Michael Guttman, though, said he hopes the community remains engaged.

comment period after the hearings are completed."

Next steps

The hearings will be held from 6 to 10 p.m. on Jan. 3, 4, 5, 10 and 12. The first four are being hosted by Wheaton Academy. The final one is slated for West Chicago High School.

After a presentation from LRS officials, there will be expert testimony on both sides followed by public comment. The city council has until the middle of March -- 180 days from the time of the application submission -- to vote on the proposal.

"It is a ridiculous proposal, and I hope our city council sees that as well," Dzierzanowski said.

During the hearings, LRS representatives need to offer proof the proposed facility meets all nine criteria established in the Illinois Environmental Protection Act. They'll offer evidence that there's a need for the facility with minimal impact on the surrounding property. They'll try to show the public will be safe and that they'll adhere to traffic, floodplain and other regulations.

There's no shortage of information to digest on a complicated and testy topic.

More information about the waste transfer station and the upcoming hearings can be found at westchicago.org/transfer-station (<https://westchicago.org/transfer-station/>). Details from LRS are available at [lrsrecycles.com](https://www.lrsrecycles.com/west-dupage-transfer-station/) (<https://www.lrsrecycles.com/west-dupage-transfer-station/>), while Protect West Chicago offers its point of view at protectwestchicago.com (<https://protectwestchicago.com/>).

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Exhibit D

PROCLAMATION OF COMMENDATION
Nicholas Dzierzanowski
April 15, 2013

WHEREAS, Nicholas Dzierzanowski has been a valued member of the West Chicago City Council; and

WHEREAS, Nicholas Dzierzanowski has devoted ten years to serving the City of West Chicago as Alderman of Ward 7 and has generously contributed his time, talents and expertise to West Chicago; and

WHEREAS, Nicholas Dzierzanowski has served on the Environmental Commission, the Development and Infrastructure Committees, the latter as Chairman since 2009; and

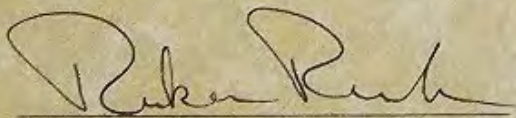
WHEREAS, Nicholas Dzierzanowski was instrumental in leading the City's fight against a second waste transfer station and advocated for the creation of an Ordinance to prohibit the placement of unwanted solicitations on the property of West Chicago homeowners that is now serving as a model for other Chicagoland communities, as well as in representing West Chicago's and District Six's interests on the DuPage County Storm Water Committee; and

WHEREAS, his efforts and input have significantly contributed to projects, policies and initiatives that ensure the quality of life for all who live and work in West Chicago; and

WHEREAS, West Chicago has benefited as a whole, in ways too numerous to delineate, from the service of Nicholas Dzierzanowski;

NOW, THEREFORE, I, Ruben Pineda, Acting Mayor of West Chicago, Illinois, DuPage County, Illinois, by virtue of the authority vested in me, on behalf of the City Council and the entire community, do hereby commend **Nicholas Dzierzanowski** for his efforts and dedication of time and energy for the betterment of West Chicago and proclaim our best wishes for continued success in all his future endeavors.

PROCLAIMED this 15th day of April, 2013.


Ruben Pineda, Acting Mayor


Nancy M. Smith, City Clerk

