

ILLINOIS POLLUTION CONTROL BOARD

February 20, 2025

IN THE MATTER OF:)
)
PROPOSED PLACEMENT OF LIMESTONE) R 25-21
RESIDUAL MATERIAL STANDARDS:) (Rulemaking – Land)
PROPOSED 35 ILL. ADM. CODE 706)

ORDER OF THE BOARD (by A. Tin, M.D. Mankowski):

On February 4, 2025, the City of Aurora (City) and Holcim – ACM Management, Inc (Holcim) (collectively, proponents) filed a rulemaking proposal (Prop.), which included their Statement of Reasons (SR) and proposed Part 706 of the Board’s waste disposal rules (Prop. 706). Accompanying the proposal were a motion for waiver of signature requirements (Mot. Sig.) and a motion for waiver of copy requirements (Mot. Copy).

Proponents propose that the Board adopt a new Part 706 of the Board’s waste disposal rules under Section 22.63 of the Environmental Protection Act (Act) adopted by the General Assembly in Public Act. 103-333. Section 22.63 provides in pertinent part that “[t]he Board shall adopt rules for the placement of limestone residual materials generated from the treatment of drinking water by a municipal utility in an underground limestone mine located in whole or in part within the municipality that operates the municipal utility.” 415 ILCS 5/22.63; P.A. 103-333, eff. Jan. 1, 2024.

For the reasons below, the Board accepts proponents’ proposal for hearing, grants their motion for waiver of signature requirements, grants their motion for waiver of copy requirements, and directs its assigned hearing officer to proceed to hearing.

SUMMARY OF PROPOSAL

The City owns a waste treatment plat (WTP), which “generates lime residual material [LRM] as a byproduct of the treatment of drinking water for human consumption.” SR at 3. The WTP generates approximately 35,000 tons per year of this material. *Id.*

“Holcim operates the Conco Underground site, an active underground limestone mine. SR at 1. The portion of the Conco underground mine that is owned by and located in the City of Aurora will be used for permanent placement of the LRM.” *Id.* at 2. Proponents assert that “[t]he chemical composition of the lime sludge is very similar to the limestone that is currently being mined at the Conco Quarry.” SR, Exh. 1 at 1.

Proponents report that they worked with the Illinois Environmental Protection Agency (IEPA or Agency) to allow placing LRM into the mine through means other than injection. SR at 5. They assert that existing IEPA programs “did not provide a regulatory structure” allowing this. *Id.* Proponents state that they pursued legislation that would allow placing LRM permanently in a facility. This culminated in the enactment of House Bill 3095 as Public Act

103-333. *Id.*, citing 415 ILCS 5/22.63; P.A. 103-33, eff. Jan. 1, 2024. Section 22.63 of the Act provides in pertinent part that

[t]he Board shall adopt rules for the placement of limestone residual materials generated from the treatment of drinking water by a municipal utility in an underground limestone mine located in whole or in part within the municipality that operates the municipal utility. The rules shall be consistent with the Board's Underground Injection Control regulations for Class V wells, provided that the rules shall allow for the limestone residual materials to be delivered to and placed in the mine by means other than an injection well. 415 ILCS 5/22.63, P.A. 103-333, eff. Jan. 1, 2024.

Proponents assert that their proposal intends “to create a regulatory mechanism that will allow the placement of LRM in authorized facilities.” SR at 14. Proponents argues that, because their proposal “relies on the existing UIC [underground injection control] and other Board rules, it would be “consistent with existing materials management programs implemented by the Agency.” *Id.*

MOTION FOR WAIVER OF SIGNATURE REQUIREMENT

Section 102.202(g) of the Board’s procedural rules provides that, unless the proponent is IEPA or the Department of Natural Resources, a rulemaking proposal must include “a petition signed by at least 200 persons. . . .” 35 Ill. Adm. Code 102.202(g), citing 415 ILCS 5/28(a) (2022), 35 Ill. Adm. Code 102.410(b). However, Section 22.63 of the Act provides in part that “a municipality proposing rules pursuant to this Section is not required to include in its proposal a petition signed by at least 200 persons as required under subsection (a) of Section 28.” 415 ILCS 5/22.63. However, because the City and Holcim jointly submit a proposal, they move that the Board waive the 200-signature requirement. Mot. Sig. at 3, citing 415 ILCS 5/28(a); 35 Ill. Adm. Code 102.202(g); *see* SR at 17. Proponents argue this waiver is within the Board’s discretion under Section 28(a) of the Act and that the Board “has waived signature requirements in other rulemakings.” Mot. Sig. at 3 (citations omitted).

“Within 14 days after service of a motion, a party may file a response.” 35 Ill. Adm. Code 101.500(d). The Board has received no response. The Board grants the unopposed motion for waiver of the signature requirement.

MOTION FOR WAIVER OF COPY REQUIREMENTS

Section 102.202(d) of the Board’s procedural rules requires that a rulemaking proposal must include “[a]ny material to be incorporated by reference within the proposed rules under Section 5-75 of the IAPA [Illinois Administrative Procedure Act].” 35 Ill. Adm. Code 102.202(d); *see* 5 ILC 100/5-75 (2022).

Proponents propose to incorporate by reference “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, USEPA, SW846 Update V, Revision 8 (July 2014).” Mot. Waive at 1. Proponents assert that this material “is a compendium that contains over 200

documents” that is publicly available and readily accessible online on the website of the United States Environmental Protection Agency (USEPA). *Id.* at 1-2; *see* SR at 19.

Proponents also propose to incorporate by reference “Handbook for Sampling and Sample Preservation of Water and Wastewater, USEPA, EPA-600/4-82-029 (Sept. 1982).” Mot. Waive at 2. Proponents assert that this document is more than 400 pages long and is publicly available and readily accessible from USEPA’s website. *Id.* at 2; *see* SR at 19.

Based on these factors, Proponents move that the Board waive the requirements to provide copies of these documents. The Board has received no response to this motion. Due to the volume and availability of these materials, the Board grants Proponents’ request to waive the requirement to file copies of these materials. *See* Amendments to 35 Ill. Adm. Code Part 203, Major Stationary Sources Construction and Modification, 35 Ill. Adm. Code Part 204, Prevention of Significant Deterioration, and 35 Ill. Adm. Code Part 232, Toxic Air Contaminants, R 22-17 (Apr. 18, 2024) (granting motion by Illinois Environmental Regulatory Group); Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212, R 23-18 (Dec. 15, 2022) (granting motion by IEPA).

ORDER

- 1) The Board finds that proponents’ proposal meets the requirements of the Act and the Board’s procedural rules at 35 Ill. Adm. Code 102.202 and accepts the proposal for hearing.
- 2) The Board grants proponents’ motion to waive the requirement to submit a petition signed by at least 200 persons.
- 3) The Board grants proponents’ motion for a waiver from the requirement to submit copies of specific materials proposed for incorporation by reference.
- 4) The Board directs its assigned hearing officer to schedule and proceed to hearing under the Act and Board rules.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 20, 2025, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board