

ILLINOIS POLLUTION CONTROL BOARD

March 21, 2025

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

NOTICE OF HEARING

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: Thursday, April 17, 2025, at 1:00 PM

BY VIDEOCONFERENCE BETWEEN

ROOM N 505
Michael A. Bilandic Building
160 N. LaSalle Street Chicago, Illinois 60601
and
BOARD SPRINGFIELD HEARING ROOM
Conference Room 1.508
2520 West Iles Avenue

SECOND HEARING: Wednesday, June 4, 2025 at 1:00 PM

IN PERSON

CITY COUNCIL CHAMBER
Aurora City Hall
44 East Downer Place
Aurora

PURPOSE OF HEARINGS: Merit and Economic
PRESIDING BOARD MEMBERS: Michael D. Mankowski and Angela Tin
HEARING OFFICER: Daniel L. Pauley

HEARING OFFICER ORDER

On February 4, 2025, the City of Aurora (City) and Holcim – ACM Management, Inc. (Holcim) (collectively, proponents) filed a rulemaking proposal, which included a Statement of Reasons (SR) and a proposed new Part 706 of the Board's waste disposal rules. Proponents submitted their proposal under Section 22.63 of the Environmental Protection Act (Act), adopted by the General Assembly in Public Act 103-333, effective January 1, 2024. 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.

The City owns a water treatment plant (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.” *Id.* 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.

On February 20, 2025, the Board accepted the proposal and directed its assigned hearing officer to proceed to hearing under the Act and Board rules.

Hearings and Pre-filed Testimony

The Board will conduct two hearings to allow proponents and any other interested participants to testify and comment on the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2022); 35 Ill. Adm. Code 102.412(a).

The Board’s procedural rules provide that “[a]ny Board hearing may be held by videoconference.” The rules list factors that hearing officers consider when determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b). After considering the availability of videoconference facilities, the Board expects that using available facilities will accommodate attendance and participation at these hearings. In addition, videoconference hearings would reduce the time and cost of travel for the Board and hearing participants. Having considered these factors, the Board concludes to conduct one of the required hearings by videoconference between Springfield and Chicago, and the other required hearing in person in Aurora. 35 Ill. Adm. Code 101.600(b).

Participants pre-filing testimony for either of the two hearings are directed to serve it on all persons on the Service List at the time of pre-filing. *See* 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board’s Clerk, please obtain the current version of the Service List through the Clerk’s Office On-Line (COOL) on the Board’s Web site (pcb.illinois.gov) or by calling the Clerk’s Office at 312-814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked the consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to e-mail service of documents. *See* 35 Ill. Adm. Code 101.1070(a).

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). At both hearings, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief introduction or

summary of the pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

For a videoconference hearing, any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424(h). If not filed at least 24 hours before the scheduled start of the videoconference hearing, the document will not be admitted as an exhibit at the hearing but may be filed as a public comment after the hearing. *Id.*

Participants wishing to offer a public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

First Hearing

Participants who intend to testify at the first hearing are directed to pre-file all their testimony and related exhibits no later than Thursday, April 3, 2024. *See* 35 Ill. Adm. Code 102.424(a).

Although Section 27 of the Act (415 ILCS 5/27 (2022)) does not set the order of the hearing, the hearing officer intends to begin the first hearing with witnesses who pre-file testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified, participants who did not pre-file testimony may testify as time allows after the Board completes the pre-filed testimony and questions based on it.

Second Hearing

Participants who intend to testify at the second hearing are directed to pre-file all their testimony and related exhibits no later than Wednesday, May 21, 2025. *See* 35 Ill. Adm. Code 102.424(a).

The hearing officer intends to begin the second hearing with any participants who pre-filed testimony for the first hearing but were not able to testify and respond to questions before the end of that hearing. Next, participants who pre-filed testimony for the second hearing will present that testimony and respond to questions. Participants who did not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

Service and Notice Lists

The Board has established and will maintain both a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who


wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish also to receive other filings such as pre-filed testimony. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an email address through COOL under this docket number R25-21. This electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, which can be viewed, downloaded, and printed free of charge as soon as they are posted to COOL.

Economic Impact Study

In a letter dated February 20, 2025, the Board's Chair requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the proposed rule and respond to the request no later than Monday, April 7, 2025. At the second hearing, the Board will receive testimony on any response received by DCEO. *See* 415 ILCS 5/27(b) (2022).

IT IS SO ORDERED.



Daniel Pauley, Hearing Officer
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