

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**NOTICE OF FILING**

**To: Persons on Attached Service List**

PLEASE TAKE NOTICE THAT on the April 10, 2025, I caused to be electronically filed with the Clerk of the Illinois Pollution Control Board, via the “COOL” System, the Illinois Attorney General’s Questions for City of Aurora and Holcim, a copy of which is hereby attached and served upon you.

PEOPLE OF THE STATE OF ILLINOIS  
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Attorney General of the State of Illinois

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**CERTIFICATE OF SERVICE**

I, Jason James, an Assistant Attorney General, I caused to be served on this 10th day of April 2025, the foregoing Notice of Filing of and Illinois Attorney General's Questions for, City of Aurora and Holcim on the parties named on the attached Service List, by email or electronic filing, as indicated on the attached Service List.

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**Illinois Attorney General's Questions for Alex Alexandrou from the City of Aurora**

1. Are the dewatering lagoons located at the Aurora Water Treatment Plant at 1111 Aurora Avenue? Alexandrou Testimony at 2.
2. What is "appropriate machinery" for dewatering, transporting and placing limestone residual material as described in your testimony? *Id.* at 4.
3. Why is dewatered limestone residual material less likely to migrate? What is the likelihood that dewatered limestone residual material would migrate? What are the expected harms if dewatered limestone residual material migrates?

**Illinois Attorney General's Questions for Robert Leible from the City of Aurora**

1. According to your testimony, after five to nine weeks of drying, the dewatered limestone residual material "has a typical percent solids of 35-40%." Leible Testimony at 3. What constitutes the remainder of the limestone residual material at this point of the process?
2. Later in the process, the limestone residual material has a "Calcium Carbonate Equivalent of 97.6%." *Id.* Is the entire remainder of the limestone residual material at this point in the process magnesium precipitate? What is the difference between calcium carbonate equivalent and calcium carbonate? Are any other constituent chemicals potentially present in the limestone residual material at this point in the process?
3. According to your testimony, limestone residual material "does not leach contaminants under any tested conditions." *Id.* at 4. What contaminants are present in limestone residual material? How are these contaminants identified? Under what conditions was limestone residual material tested for leaching contaminants? What conditions were not tested?
4. Is the Toxicity Characteristics Leaching Procedure ("TCLP") discussed in your testimony Test Method 1311 referenced on the U.S. Environmental Protection Agency's ("USEPA") website (<https://www.epa.gov/hw-sw846/sw-846-test-method-1311-toxicity-characteristic-leaching-procedure>), last updated in 1992?

- a. Why is this test method appropriate for limestone residual material? Is this same test method appropriate for both land application and underground mine deposition of limestone residual material? What “other testing” has been used? Leible Testimony at 4.
  - b. What are the “compliance levels” for the TCLP? *Id.* Have these compliance levels been changed since test method 1311 was last updated in 1992?
  - c. Your testimony discusses quality testing on limestone residual material to confirm it “meets or exceeds all applicable safety thresholds.” *Id.* Does this testing also confirm the limestone residual material meets or exceeds the Pollution Control Board’s recent amendments to Illinois’ groundwater quality standards in docket R22-18? *See* R22-18, Final Board Order (Mar. 20, 2025).
  - d. Does the City of Aurora’s testing on limestone residual material assess presence of substances recently found to be toxic, such as per- and polyfluoroalkyl substances (“PFAS”)?
5. The proposed regulations incorporate by reference a scientific test method and a handbook for sampling wastewater written by USEPA. City of Aurora and Holcim’s Statement of Reasons at 19.
- a. USEPA is reportedly planning to eliminate entire branches of the agency, such as the Office of Research and Development, shrink its budget by 65%, and lay off thousands of scientists.<sup>1</sup> If USEPA abandons its test methods and wastewater sampling procedures, how would that affect implementation of the proposed regulations?
  - b. USEPA and many other federal agencies are deleting governmental data and scientific studies from their websites.<sup>2</sup> If USEPA deleted the documents that the proposed regulations incorporate by reference, how would that affect the operation of these regulations?

**Illinois Attorney General’s Questions for Randi Wille from Holcim**

1. What is meant by “accelerated water migration”? Holcim Testimony at 3. What risks would accelerated water migration present? Has there been in the past accelerated water migration at the Conco mine?
2. How frequently do you expect trailers to transport limestone residual material from the water treatment plant to the Conco mine? Will transportation trucks be idling while loading or unloading limestone residual material? What delivery route will be taken to

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<sup>1</sup> N.Y. Times, *Trump Administration Aims to Eliminate E.P.A.’s Scientific Research Arm* (Mar. 17, 2025), available at <https://www.nytimes.com/2025/03/17/climate/trump-eliminates-epa-science.html?smid=url-share>.

<sup>2</sup> *See, e.g.*, Harvard Environment and Law Data Collection, <https://salatainstitute.harvard.edu/access-government-data-on-environmental-justice/> (database of data and information deleted from government agency websites).

“minimize residential traffic exposure”? *Id.* at 4. Will this delivery route begin, end, or pass through environmental justice areas as defined by Illinois EPA’s “EJ Start” tool?<sup>3</sup>

3. Your testimony states that stormwater controls “will be employed as needed to direct surface runoff away from the drop shaft and work areas,” among other environmental and safety protections. Holcim Testimony at 3. Are these protections required by the proposed regulations?
4. The proposed regulations are intended to implement Section 22.63 of the Illinois Environmental Protection Act, which states that the proposed regulations “shall be consistent with the Board’s Underground Injection Control regulations for Class V wells” (415 ILCS 5/22.63). What provisions in the proposed regulations address enforcement?

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<sup>3</sup> See IEPA, Environmental Justice Policy, available at <https://epa.illinois.gov/topics/environmental-justice/ej-policy.html>.