

ILLINOIS POLLUTION CONTROL BOARD

June 4, 2025

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

Hearing before the Illinois Pollution Control Board
Transcript of Proceedings

June 4, 2025

The aforementioned proceedings were held
on June 4, 2025, at the Aurora City Hall, 44 East
Downer Place, City Council Chamber, Aurora,
Illinois, before Raelene Stamm, a certified
shorthand reporter.

Reported By: Raelene Stamm, CSR
License No.: 084-004445

1 PRESENT:

2 ATTENDING BOARD MEMBERS:

3 MS. MICHELLE GIBSON

4 MR. ANAND RAO

5
6 BOARD STAFF:

7 MR. DANIEL PAULEY, Hearing Officer

8
9 PROPONENTS - ATTORNEYS:

10 MR. DENNIS WALSH, Klein, Thorpe & Jenkins

11 MR. ALEC MESSINA, HeplerBroom, LLC

12 MR. ROBERT LEIBLE, City of Aurora

13 MR. ALEX ALEXANDROU, City of Aurora

14 MR. RANDI WILLE, Holcim, Incorporated

15
16 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

17 MR. NICK SAN-DIEGO

1 HEARING OFFICER PAULEY: Good afternoon,
2 and welcome to this Illinois Pollution Control
3 Board hearing. My name is Daniel Pauley, and I am
4 the hearing officer for this rulemaking proceeding
5 entitled Standards For the Placement of Limestone
6 Residual Materials 35, Illinois Administrative
7 Code 706. The Board docket number for this
8 rulemaking is R25-21.

9 Also present today from the Board are
10 Board Member Michelle Gibson, and Board staff
11 present is Anand Rao, the Board's technical unit.

12 This hearing is governed by the Board's
13 procedural rules. All information that is relevant
14 and that is not repetitious or privileged will be
15 admitted into the record.

16 Please bear in mind that any questions
17 posted today by the Board and its staff are
18 intended solely to help develop a clear and
19 complete record for the Board's decision and do not
20 reflect any decision on the proposal testimony or
21 other questions.

22 For the sake of our court reporter, please
23 speak clearly and avoid speaking at the same time
24 as another person so that we can help produce a

1 clear transcript.

2 The City of Aurora and Holcim, Inc.,
3 jointly filed this rulemaking proposal with the
4 Board on February 4, 2025. In March 2025, notice
5 was published for this hearing and papers
6 circulated in the Aurora, Springfield and Chicago
7 areas.

8 The first hearing took place on April 17,
9 2025, between Springfield and Chicago via
10 videoconference. The Board received no pre-filed
11 testimony for this hearing. However, on June 2,
12 2025, the Board pre-filed questions for the
13 Proponent's witnesses, and on June 4, 2025, the
14 IEPA pre-filed questions for the proponents.

15 So seeing that there's nobody here to give
16 public comment, we can begin with pre-filed
17 questions, but first let's swear in all three of
18 the witnesses together.

19 (WHEREUPON, all witnesses
20 were duly sworn.)

21 HEARING OFFICER PAULEY: Did the witnesses want
22 to offer introduction or brief summary?

23 MR. MESSINA: Mr. Hearing Officer, maybe before
24 they can get to their questions because I think

1 we're prepared to answer several questions today.
2 Other questions we'd like to hold off for a period
3 of time. So maybe I can just address that first,
4 and then we can bring all three witnesses up to
5 answer the questions posed by Board.

6 Does that make sense to you?

7 HEARING OFFICER PAULEY: That works.

8 MR. MESSINA: Okay. Great. So I would just
9 say -- share with the Board that we've had some
10 conversations with the Agency both yesterday and
11 today, and that it's our understanding that the
12 Agency is committed to working with us in the near
13 term to find some mutually agreeable provisions
14 that address some of their concerns.

15 Certainly I think we disagree with the
16 characterizations that were made in the comment
17 filed yesterday, but I don't think it necessarily
18 serves any of us at this point to have those
19 discussions particularly when we believe that we'll
20 be able to work together to arrive at, again,
21 mutually agreeable language.

22 So with that, I think it makes sense for
23 us to hold off on agency questions today and
24 instead focus on questions that were submitted by

1 Board. Of those ten, I believe three or four of
2 those veer into kind of the legal waste-related
3 issues that we'll be talking with the Agency about.

4 So I would suggest for your consideration
5 that our witnesses respond to Questions 4, 5, 6, 7,
6 8 and 10, and then the remainder of those questions
7 we will see whether they need to be addressed after
8 we've had some discussion with the Agency.

9 HEARING OFFICER PAULEY: Okay. That sounds
10 good. So if there's nothing else, we can go ahead
11 and bring the witnesses up, and we'll start with
12 the Board questions.

13 All right. As Mr. Messina said,
14 Questions 1 through 3 of the Board's questions are
15 going to be dealt with at a later time, so we'll
16 begin with Question 4. And if you'd like, I can
17 just read it out real quick.

18 In the mass public comment one, Exhibit 8,
19 submitted in response the Board's general
20 Question Number 1, please clarify whether prior
21 year first lift would be location where LRM,
22 limestone residual placement, will begin upon the
23 adoption of the proposed rules. If not, describe
24 how LRM placement will progress upon adoption of

1 Part 706.

2 State your name.

3 MR. WILLE: My name is Randi Wille. Before I
4 answer the question, as of June 2nd I changed my
5 employment to a different company. I am testifying
6 in support of this proposal as a past employee of
7 Holcim.

8 In reference to Exhibit 8, the answer is
9 no, the map that was submitted was the last in a
10 ten-year sequence created by our mining
11 engineering.

12 MR. WALSH: Question 4, right?

13 MR. WILLE: This is Question 4, Exhibit 8. The
14 map that was submitted was the last in a ten-year
15 sequence created by our mine engineers.

16 MR. MESSINA: Randi, hold on a second. I'm
17 sorry. I apologize.

18 MR. WILLE: So the map, Exhibit 8, it is not
19 the prior first lift replacement will begin. The
20 map that was submitted was the last in a ten-year
21 sequence created by our mine engineers.

22 The prior year first lift of that exhibit
23 shows the completion of the ninth year. However,
24 we would be happy to furnish a map showing the

1 starting point of the initial LRM placement.

2 MR. RAO: That would be helpful.

3 HEARING OFFICER PAULEY: We're ready to move to
4 Question 5. The Proponent's response to Board's
5 Question Number 10 indicates that quantities of
6 LRM, either land applied or landfilled, during 2023
7 and 2024 ranged approximately between 12,700 to
8 16,300 dry tons.

9 Mr. Alexandrou testified that the City
10 disposes of approximately 35,000 tons of LRM,
11 either by land application or at a municipal waste
12 landfill. Please clarify whether the difference in
13 tonnage is due to wet weight being considered in
14 Mr. Alexandrou's testimony.

15 MR. ALEXANDROU: Alex Alexandrou -- at the
16 first public hearing on the 17th of April, I was
17 still employed by the City of Aurora. As of
18 June 1st, I have retired from the City. However, I
19 am here as a representative of the City testifying
20 in support of the city's proposal for regulations.

21 So to clarify, yes, the difference in
22 tonnage is due to wet weight being considered in my
23 testimony which was 35,000 wet tons.

24 HEARING OFFICER PAULEY: Thank you.

1 We can move to Question 6. Also, the
2 LRM generation data indicates that land application
3 accounted for almost 90 percent of the
4 LRM generated during 2023 and 2024. Please comment
5 on whether the LRM generation data cited above
6 represents typical breakdown of how LRM is managed
7 by the City.

8 MR. ALEXANDROU: Again, Alex Alexandrou for the
9 City. While there's no fixed or typical annual
10 breakdown for how limestone residual is managed by
11 the City, the data cited for 2023 and 2024 reflects
12 the City's ongoing efforts to prioritize land
13 application over landfilling whenever practicable.

14 The percentage of LRM managed through
15 land application can vary from year to year based
16 on weather conditions, agricultural demand site
17 availability, and regulatory considerations.
18 However, the City consistently endeavors to
19 maximize the use of land application as a preferred
20 method due to its environmental and economic
21 advantages.

22 HEARING OFFICER PAULEY: Thank you.

23 MR. RAO: Just to follow up, in your statement
24 of reasons, there were some cost figures given

1 about how much the City will save if this proposal
2 is adopted by the Board. And those cost figures --
3 are they based on mostly land application costs the
4 City incurs or, you know, it also represents how
5 much it costs to landfill this material.

6 MR. ALEXANDROU: I believe, and I will defer to
7 Bob in a minute -- Bob Leible -- but I believe it's
8 a combination of the company that we have to hire
9 to manage the drying beds to move the material
10 around, and then the cost, like we said in my
11 testimony, were applicable if it's going to be land
12 applied or if it's going to be landfilled.

13 MR. LEIBLE: Robert Leible --

14 HEARING OFFICER PAULEY: It's not on.

15 THE WITNESS: Robert Leible -- I'm
16 superintendent of the Water Production Division
17 which operates the water treatment plan that
18 generates the LRM material.

19 Yeah, I believe when we calculated that
20 for the last meeting, those cost savings were based
21 upon current land application pricing versus what
22 we expect to incur for the alternate disposal in
23 the mine.

24 MR. RAO: Also, when you -- under the proposal

1 if the LRM is placed in the mine, would they still
2 be placed on the drying beds to dry the material
3 before they are placed in the mine?

4 MR. LEIBLE: Yes. We expect no change in how
5 we currently do water or dry the material at the
6 treatment plant prior to removal.

7 MR. RAO: Thank you.

8 HEARING OFFICER PAULEY: Question 7, the
9 laboratory analytical reports for LRM submitted in
10 response to Board's Question Number 11 indicate
11 total metal levels significantly higher than the
12 reporting limits for several metals, including
13 copper, lead, manganese, nickel and zinc.

14 Please comment on whether the metals'
15 content of LRM exceeding the reportable limits have
16 any impact on groundwater due to the potential
17 seepage of liquid from LRM placed within the
18 Conco Mine.

19 MR. LEIBLE: Robert Leible again,
20 Superintendent of Water Protection for the City of
21 Aurora.

22 The metals identified in the referenced
23 laboratory analytical reports -- copper, lead,
24 manganese, nickel and zinc -- are present only in

1 trace concentrations within the overall composition
2 of the limestone residual material.

3 The highest detected concentration among
4 these was 126 milligrams per kilogram or parts per
5 million for manganese, and I'll clarify that that
6 was taken from the 2024 report that's previously
7 been submitted, and which remains well within
8 typical background levels for residuals derived
9 from lime softening processes.

10 Importantly, these metals are not expected
11 to be leachable. This conclusion is supported by
12 the results of the Toxicity Characteristic Leaching
13 Procedure, TCLP, analyses submitted as part of the
14 record which demonstrate that the LRM does not
15 exhibit hazardous characteristics with respect to
16 metal leachability.

17 Moreover, groundwater protection testing
18 submitted in support of this rulemaking, including
19 analyses comparing LRM leachate to Illinois Class 1
20 Groundwater Standards show no exceedances or
21 reporting limits for the metals in question. These
22 findings provide strong evidence that the placement
23 of LRM within the Conco Mine will not result in any
24 adverse impact to groundwater due to potential

1 seepage.

2 The trace metals present in the LRM remain
3 stably bound within the calcium carbonate matrix of
4 the material and are not expected to mobilize in
5 the conditions present in the mine environment.

6 HEARING OFFICER PAULEY: Thank you.

7 Question 8, in regards to the general
8 NPDES permit submitted in response to Board's
9 Question 15, and we'll first start with
10 Subquestion A. Please clarify whether Lafarge
11 Aggregates Conco Quarry is now being operated by
12 Holcim, Inc., as Conco Mine.

13 MR. WILLE: Randi Wille again in support of
14 Holcim. Yes. The name of the operator of the
15 Conco Quarry changed from Lafarge Aggregates
16 Illinois, Inc., to Holcim - MAMR, Inc., via a
17 NPDES miner modification notification letter issued
18 by the Illinois EPA on July 27, 2022.

19 HEARING OFFICER PAULEY: And Subquestion B of
20 Number 8, considering the annual placement of
21 approximately 35,000 tons of LRM with liquid
22 content ranging from 60 to 65 percent, please
23 comment on whether the general NPDES permit will
24 have to be revised to address the additional

1 discharge resulting from dewatering of LRM placed
2 within the mine.

3 MR. WILLE: Randi Wille again for Holcim.

4 Proponents do not believe that the general
5 NPDES permit for the Conco Mine will need to be
6 revised to address the discharge of any potential
7 seepage from the LRM placed within the mine. Once
8 dewatered, LRM transitions to a dense, cohesive and
9 compactible solid form with significantly reduced
10 permeability.

11 Its physical characteristics combined with
12 its naturally-high alkalinity and strong binding
13 properties promote structure stability and further
14 limit the potential for liquid migration.

15 Any incidental seepage resulting from
16 residual moisture content in the LRM is anticipated
17 to be minimum and well within the discharge
18 parameters currently authorized under the existing
19 general NPDES permit. Therefore, the projected
20 volume and characteristics of any such discharge do
21 not warrant a modification of the permit.

22 MR. RAO: We had some related follow-up
23 questions based on IEPA about this material itself,
24 and we will hold off those questions at this point.

1 And then based on what we receive from you, we
2 might have additional questions.

3 HEARING OFFICER PAULEY: Thank you.

4 We will skip Question Number 9 and move to
5 Question Number 10. In response to IEPA's
6 pre-filed Question Number 5 regarding structural
7 stability, the proponents note, "The proposed rules
8 require site specific geotechnical evaluations of
9 the mine, including stability assessments of the
10 mined-out areas where LRM is to be placed."

11 Please provide citations to the provisions
12 of the proposed rules that require site specific
13 geotechnical evaluation of the mine as well as
14 stability assessment of mined-out areas.

15 MR. WILLE: Again, Randi Wille in support of
16 Holcim. While the proposed rule language does not
17 utilize the terminology of site specific
18 geotechnical evaluations and/or stability
19 assessments, such evaluations are inherently
20 required in order to comply with the proposed
21 Section 706.720N.

22 Section 706.720N addresses integrity and
23 structural stability of the facility and states
24 that "operators shall ensure the integrity of the

1 mine prior to, during and after placement of the
2 LRM in the mine."

3 To meet this performance-based standard,
4 operators will necessarily be required to conduct
5 appropriate site specific geotechnical evaluations
6 and structural stability assessments of the
7 mined-out areas designated for LRM placement.

8 These assessments will inform engineering
9 decisions related to placement design, material
10 loading and long-term monitoring, all of which are
11 essential to ensuring compliance with
12 Section 706.720N. Thus, while not explicitly
13 stated, the requirement for geotechnical and
14 stability evaluations is implicit in the obligation
15 to maintain mine integrity as set forth in the
16 proposed rules.

17 MR. RAO: We may have follow-up questions later
18 on this.

19 HEARING OFFICER PAULEY: Okay. For the record,
20 does anyone else have questions for the proponents'
21 witnesses?

22 Okay. Not seeing any, we'll just move to
23 public comment. Is there anyone present that would
24 like to offer a public comment?

1 Not seeing any, let me take a moment to
2 address the issue of the economic impact statement.

3 Section 27B of the Environmental
4 Protection Act provides that the Board must request
5 that the Department of Commerce and Economic
6 Opportunity conduct an economic impact study of
7 proposed rules before the Board adopts the rules.
8 The Board must take either the economic impact
9 study or the Department's explanation for not
10 conducting one available to the public at least
11 20 days before a public hearing.

12 In a letter dated February 20, 2025, the
13 Board's Chair Barbara Flynn-Currie requested that
14 DCEO conduct an economic impact study on this
15 rulemaking proposal. As of today we have not
16 received a response from the DCEO.

17 Is there anyone present who would like to
18 testify for the Board's request for the study and
19 DCEO's response?

20 Okay. Not seeing any, let's go off the
21 record for just a minute.

22 (WHEREUPON, a discussion was had
23 off the record.)

24 HEARING OFFICER PAULEY: We went off the record

1 to discuss procedural issues.

2 We have decided to hold a status
3 conference on July 9th at 10:00 a.m. That is
4 Wednesday. Copies of the transcript of today's
5 hearing are expected to be available no later than
6 Wednesday, June 11, 2025.

7 Promptly after the Board receives the
8 transcript, it will be posted to COOL, our online
9 document system, from which it can be viewed and
10 printed.

11 Are there any other matters that need to
12 be addressed at this time?

13 Seeing none, I would like to thank
14 everyone for participating today. This second
15 hearing is adjourned.

16 (WHEREUPON, proceedings
17 adjourned at 1:30 p.m.)
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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
4

5 RAELENE STAMM being first duly sworn, on
6 oath says that she is a court reporter doing
7 business in the City of Chicago; and that she
8 reported in shorthand the proceedings of said
9 hearing, and that the foregoing is a true and
10 correct transcript of her shorthand notes so taken
11 as aforesaid, and contains the proceedings given at
12 said hearing.

13 
14

15 Certified Shorthand Reporter
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[& - anticipated]

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