

ILLINOIS POLLUTION CONTROL BOARD

June 2, 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)

HEARING OFFICER ORDER

On February 4, 2025, the City of Aurora (City) and Holcim – ACM Management, Inc. (Holcim) (collectively, proponents) filed a rulemaking proposal for a new Part 706 of the Board's waste disposal rules. On February 20, 2025, the Board accepted proponents' proposal and directed the hearing officer to schedule and proceed to hearing. The first hearing occurred on Thursday, April 17, 2025. On May 9, 2025, proponents filed their post-hearing comments along with a motion to waive the requirement that the filing not exceed 50 pages. The unopposed motion is granted, and the filing is accepted. *See* 35 Ill. Adm. Code 101.502(a).

The Board and its staff have reviewed the proponents' post-hearing comments and submit with this order questions, included as Attachment A. Anyone may respond to the attached questions, as well as any other pre-filed questions in the record.

All filings in this proceeding will be available on the Board's website at <https://pcb.illinois.gov/> in the rulemaking docket R25-21. 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. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

IT IS SO ORDERED.



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ATTACHMENT A
To Hearing Officer Order of June 2, 2025

1. The Proponents state that when limestone residual material (LRM) is “placed” in an underground limestone mine, LRM must not be construed as “waste”, and “placement” in the mine must not be construed as “disposal”. PC 1 at 1-2. Please clarify whether the proposed rules must include a provision to reflect the proposed intent.
2. To address concerns regarding hydraulic conductivity, the proponents note the presence of collection sumps within the decline ramps to collect any seepage as well as the dry conditions in the LRM placement areas in Conco mine. PC 1 at 3. Please comment on whether the proposed rules, which are generally applicable statewide, include requirements to address seepage water management. If not, should such requirements be added to the proposed rules.
3. In response to Board’s prefiled General Question 2b, the Proponents state, “Section 22.63 does not specify whether the rules adopted by the Board must be rules of general applicability or a site-specific rule. The City and Holcim proposed a rule of general applicability so that other municipalities may take advantage of this provision if they meet the criteria in Section 22.63.” PC 1 at 3.
 - a. Please comment on whether the proposed rules, which rely on site-specific information applicable to Holcim’s Conco Mine in Aurora, may be applied to LRM placement in limestone mines located in other municipalities in Illinois that meet the proposed applicability requirements.
 - b. Comment on whether the proposed rules should include Subparts containing general provisions applicable statewide, and Subparts containing site-specific municipality/mine specific provisions like the Board regulations for Regulated Recharge Areas (35 Ill. Adm. Code 617) or Maximum Setback Zones (35 Ill. Adm. Code 618).
4. In the maps (PC1, Exh.8) submitted in response to Board’s General Question #1, please clarify whether “prior year” first lift would be location where LRM placement will begin upon the adoption of the proposed rules. If not, describe how LRM placement will progress upon adoption of Part 706.
5. The Proponents response to Board’s Question #10 indicates that quantities of LRM either land applied or landfilled during 2023 and 2024 ranged approximately between 12,700 to 16,300 dry tons. PC 1, Exhibit 2. Mr. Alexandrou testified that the City disposes approximately 35,000 tons of LRM either by land application or at a municipal waste landfill. Hrg. Exh. 1 at 2. Please clarify whether the difference in tonnage is due to wet weight being considered in Mr. Alexandrou’s testimony.
6. Also, the LRM generation data indicates that land application accounted for almost 90% of the LRM generated during 2023 and 2024. PC1, Exh. 2. Please comment on whether the LRM generation data cited above represents typical breakdown of how LRM is managed by the City.

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7. The laboratory analytical reports for LRM submitted in response to Board's Question #11 indicate total metal levels significantly higher than the reporting limits for several metals, including copper, lead, manganese, nickel and Zinc. See PC1, Exh. 9. Please comment on whether the metals content of LRM exceeding the reportable limits have any impact on groundwater due to potential seepage of liquid from LRM placed within the Conco Mine.
8. Regarding the General NPDES Permit (PC 1, Exhibit 12) submitted in response to Board's Question 15d:
 - a. Please clarify whether Lafarge Aggregates' Conco Quarry is now being operated by Holcim, Inc. as Conco Mine.
 - b. Considering the annual placement of approximately 35,000 tons of LRM with liquid content ranging from 60-65%, please comment on whether the General NPDES Permit will have to be revised to address the additional discharge resulting from dewatering of LRM placed within the mine.
9. In response to IEPA's prefiled Question #2, the Proponents state that the proposed rules are consistent with Class V UIC rules but tailored for LRM placement. PC 1 at 12-13. Please elaborate on any significant deviations of the proposed rules from Class V UIC rules.
10. In response to IEPA's prefiled Question #5 regarding structural stability, the Proponents note, "the proposed rules require site-specific geotechnical evaluations of the mine, including stability assessments of the mined-out areas where LRM is to be placed." PC 1 at 14. Please provide citations to the provisions of the proposed rules that require site-specific geotechnical evaluation of the mine as well as stability assessment of mined-out areas.