

**Mr. Linnig:**

At the LaSalle City Council meeting and the follow up meeting at Dimmick last week, it was stressed that Illinois Cement wants to be a good neighbor. I appreciate the time last week and the dialog regarding the questions I had shared. As a follow up, below are some additional questions and items we would like Illinois Cement to consider and respond to prior to a petitions being approved. We believe addressing these and some of the other issues we had previously discussed will go a long way in reassuring the community that Illinois Cement will indeed be a "good neighbor" and partner in the community.

***Attorney Duncan:***

*This is to follow up on your email to me of November 15, 2018 and to address the various points and requests that you raise. Please share this email with the people who have been contacting you and add it to the web page on your website.*

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**Mr. Linnig:**

In reviewing the permitting process, it is my understanding that you are required to conduct a pre-mining inventory, mining operations plan and a mine reclamation plan. If this is correct, we would like to request copies and believe that these items should be shared with the Planning Commission in advance of their meeting on November 29.

In addition, we would like to know what are the reclamation specifications required. Would Illinois Cement consider a phased in or "rolling" reclamation plan that would begin restoring areas that have been mined to date as they look to expand beyond the current operation. We believe that if they were to begin restoring areas in the north east of the current mine avoiding the existing pond, it would go a long way in reassuring the community that they want to minimize the total amount of land being used for mining at any given point in time. Waiting until operations cease may leave large areas of our community scarred for 30 or 40 years whereas this process would allow them to be restored as you go.

***Attorney Duncan:***

*RECLAMATION: Everyone seems to have a different concept of what a reclamation plan is. Basically a reclamation plan is part of the process that a mining company goes through to get a mining permit. The Illinois Department of Natural Resources (IDNR) regulates and enforces all rules and regulations that govern the mining industry throughout Illinois. As part of the permitting process, IDNR has to approve all mining operation's plans which include reclamation. This is done incrementally, usually in ten year increments. Final reclamation plans are approved toward the end of the mining activity. The IDNR conducts all inspections, reclamation work and compliance. For example, the work requires restoration of the approximately original contours (watershed) including proper grades, slopes and design. The reclamation plan dictates the replacements of soil thickness including subsoil and topsoil. The reclaimed land must be seeded per a prescribed mix of plant coverage and vegetation type. The reclamation plan addresses water quality, run off and impounds designs. Since the final reclamation plan is not formally approved by the IDNR at the permit stage all of the requirements for how reclamation is to be completed are set out in the rules and regulation promulgated by the IDNR. For that reason, it would be impossible to have a reclamation plan for the land that is going to be brought into the City with the recent annexation and zoning requests. The current permit runs through 2022.*

*The initial land that is going to be mined on the west side of E. 3<sup>rd</sup> Road is already in the City and has been zoned and has been approved for a Special Use Permit. There is approximately 265 acres on the west side of E. 3<sup>rd</sup> Road that can be mined without any further City approvals. However, all of that land will be permitted by the IDNR and subject to their rules and regulations governing reclamation.*

*Your recent letter asked that Illinois Cement consider a phased in or "rolling" reclamation plan. That does not have to be considered since that is what Illinois Cement always does. As new parcels are striped and mining starts, the over burden is used to reclaim the areas that have already been mined. Thus the reclamation is always a rolling process. Obviously it does not pay Illinois Cement to move the over burden twice when they can get by with moving it once.*

*As was explained in our meeting, the topsoil is striped off and stock piled separately from the clay and other materials. The clay and other materials are used to back fill mined out areas and then the topsoil placed on top. As Wayne Emmer and Jerry Crittenden explained in our meeting at your school, parts of the property that have been mined east of E. 3<sup>rd</sup> Road have already been reclaimed and are being farmed.*

*Illinois Cement agrees with the requests to minimize the total amount of land being used for mining at any given point in time. From a practical standpoint, Illinois Cement only strips off the over burden for the land that will be mined for a limited period of time. Also, they only strip off the over burden when they have a place to put it and the place that they put it is in the previously mined area. Under no circumstances would Illinois Cement wait thirty or forty years to reclaim their land. Which leads to the next subject raised in your November 15, 2018 letter.*

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**Mr. Linnig:**

You had mentioned the bond. How much in in the bond for the current mining operation and how much would be required for the new 10 year permit?

**Attorney Duncan:**

*BONDING: As part of obtaining a permit from the IDNR, Illinois Cement will have to post a bond to ensure that the reclamation rules and regulations are completed with. That bond remains in place until the entire reclamation process has been completed. Therefore, it behooves Illinois Cement to complete the reclamation process as quickly as possible so the bond can be released and new bonds obtained for the next area to be permitted. If Illinois Cement were to wait thirty or forty years to reclaim all of the land, they would have multiple bonds being posted at great expense. Each year Illinois Cement pays a premium on the bonds. This is also something that the IDNR would not allow.*

*The bonds are for extended periods of time after the last seeding, not less than five years. The performance bonds are released in three phases. Adjacent land owners are sometimes notified and provide input at bond release. Phase I is the back filling, regrading, topsoil and drainage completion. Phase II is establishing the revegetation. The final Phase is completion of all mining and reclamation requirements. Currently Illinois Cement has bonds posted totaling \$959,800.00 and pays an annual premium to maintain those bonds.*

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**Mr. Linnig:**

In the documents you shared last Friday, we did not have copies of the petitions for east 3rd and north 31st road; we are requesting copies of those.

***Attorney Duncan:***

*ROAD VACATION: Per your request, attached are copies of the Petition to Vacate N. 31<sup>st</sup> Road and the Petition to Temporarily Vacate E. 3<sup>rd</sup> Road. As you will see, Illinois Cement is required to build the Relocation Road which would then remain in place until the new E. 3<sup>rd</sup> Road is constructed at its present location. Only after the new E. 3<sup>rd</sup> Road is constructed will the Relocation Road be closed and vacated. This has been discussed with the City but no formal agreement can be reached until there is a public hearing and affirmative vote by the LaSalle City Council.*

*The petitions are now posted to the Dimmick website*

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**Mr. Linnig:**

You have indicated multiple times that Illinois Cement would build a new road to IDOT specifications for a 45 mph curve. Given that we all know that that road is heavily traveled with average daily traffic in excess of 750 vehicles and that speed is a concern, would ask Illinois Cement to consider using the specifications for 55-60 mph as it would increase the radius and improve safety. We had also requested that a series of reflective signs be included on all outside curves to draw attention to drivers of the upcoming curves.

***Attorney Duncan:***

*You also request that Illinois Cement consider using specifications for a 55-60 MPH road and suggest that would improve safety.*

*Brian Brown indicated that even though the road is being built to IDOT specifications for a 45 MPH curve that does not mean the road will not handle a higher speed. In reality, if safety is a concern, making a road for faster speed is not the way one should think. If the road was built to specifications for 55-60 MPH, we will have people going 70 or more MPH. I would not want my child in a school bus on such a road. It would also add to the travel time. As we have indicated, both the Relocated Road and the new E. 3<sup>rd</sup> Road are going to be much wider with wider shoulders and not crowned like the current road. At the present time, people are driving too fast on the road as it is.*

*Attached is a design and specification study and report prepared by Civil & Environmental Consultants, Inc. This was received and approved by City of LaSalle Engineer, Brian Brown, with some revisions.*

*Your idea of reflective signs on the curves makes sense and has already been passed on to Brian Brown for his opinion. Brian Brown worked for IDOT before he came to the City of LaSalle and brings a vast knowledge of what is appropriate.*

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**Mr. Linnig:**

We also believe that the maintenance agreement should be completed with the city and shared with the community prior to the Planning Commission approving the petitions. It is important for them to have all relevant information to make an educated and informed decision.

It was indicated that the future plan is to restore the original path of East 3rd road, however many people in the community are concerned this will never happen. We would like to see that plan and agreement with the city in writing prior to approving the petitions.

***Attorney Duncan:***

*Based upon informal discussions with the Mayor, City Engineer and City Attorney, Illinois Cement did submit a proposed Roadway Relocation, Replacement, Vacation and Maintenance Agreement. A copy of that is attached. This Agreement has not been approved by the City and cannot be approved by the City until there is an affirmative vote of the City Council. Therefore, a signed written Agreement cannot be provided to you at this time. The City Attorney may have further additions or modifications to this Agreement. However, anything that is added will only create further obligations on Illinois Cement and not take away any of the obligations that are contained in the draft that is attached. The proposed Roadway Agreement does obligate Illinois Cement to bare all of the cost to reconstruct the Relocated Road and also to construct the new E. 3<sup>rd</sup> Road. All roads will be constructed in accordance with plans and specifications satisfactory to the City. As City Engineer, Brian Brown, has indicated on numerous occasions, including the City Council meeting on November 12<sup>th</sup>, the roads would be built to IDOT standards.*

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**Mr. Linnig:**

You had also indicated that you had drilled in multiple areas to determine where the useful limestone exists. We would like to see maps of where you know of believe these deposits exist in the areas in Dimmick Township. One concern we had heard multiple times is that people were reassured years ago that current operation would not be extending any further. Now you are saying the plan is to move to west to 251 and then north up to north 32nd road. This is of great concern as it impacts many people, their land and the future landscape of our community.

***Attorney Duncan:***

*EXPANSION: As far as limestone availability on N. 32<sup>nd</sup> Road, I can tell you that drilling in the Northwest Quarter of Section 21 showed no limestone. Based upon what Wayne Emmer explained to you at our recent meeting, there is no limestone anywhere near Dimmick Fields Subdivision. For the record, Wayne is a geologist.*

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**Mr. Linnig:**

As we had also discussed, we would like Illinois Cement to consider greater setbacks around neighboring properties than the minimum required in order to reassure residents in our community that Illinois Cement desires to be a good neighbor.

*Attorney Duncan:*

*No Response*

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**Mr. Linnig:**

I am sure there will be more questions; however, we believe that if Illinois Cement will consider these items and work with our community to minimize the impact on the land, the quality of life, the safety for those who travel through Dimmick township on east 3rd road and the overall footprint of mining operations then this proposed expansion has a greater likelihood of being seen as a true community partnership.

*Attorney Duncan:*

*Hopefully this addresses your concerns in your November 15, 2018 email.*