FY 2004 PERFORMANCE
PARTNERSHIP AGREEMENT
BETWEEN
ILLINOIS EPA AND REGION 5, USEPA

We are pleased to execute our ninth Performance Partnership Agreement and thereby to continue the journey envisioned in the National Environmental Performance Partnership System. This agreement sets forth our mutual agenda for continued environmental progress and our expectations for the state/federal relationship. We have assembled in one comprehensive document the joint priorities, goals, strategies and measures for most of the environmental programs that are carried out in Illinois. Illinois will also operate under a Performance Partnership Grant that provides federal funding for the programs described in this agreement.

The execution of this agreement demonstrates our continuing commitment to environmental improvement that is both cost-effective and responsive to public concerns. We believe that this agreement meets our obligation to find better ways of accomplishing our regulatory objectives. It also builds upon the lessons learned from previous partnership agreements.

The seven sections, which follow form the body of this agreement and will serve as our joint performance plan for the specified programs.

Entered into on this _____.

For Illinois EPA:	For Region 5, USEPA:
_____	_____
Renee Cipriano	Thomas V. Skinner
Director	Regional Administrator

TABLE OF CONTENTS

I. GENERAL PURPOSE AND CONTEXT ……..….. 1

A. State/Federal Environmental Partnership …….…... 1
B. Strategic Planning Context …….…. 1
C. Mission Statements and Roles …….…… 1
D. Relationship of Agreement to Grants …….. 9
E. Joint Planning and Evaluation Process …….……... 9

II. SCOPE OF AGREEMENT …….… 10

III. GENERAL PRINCIPLES FOR STATE/FEDERAL RELATIONSHIP …… 11

IV. ENVIRONMENTAL RESULTS …….…… 11

A. Environmental Goals, Objectives and Indicators …….…… 12
B. Annual Environmental Conditions Report …….. 12

V. JOINT ENVIRONMENTAL PRIORITIES ……..... 12

A. Joint Environmental Priorities …….…..... 13
B. Mutual Environmental Interests …….….. 24

VI. PUBLIC INVOLVEMENT …….… 29

VII. PROGRAM PERFORMANCE AND ACCOUNTABILITY …….…… 30

MEDIA PROGRAMS …….…… 34

A. Clean Air Program …….….. 34
B. Clean Land Program ……..... 52
C. Clean/Safe Water Program …….…. 79

MULTIMEDIA PROGRAMS …….…….. 123

D. Toxic Chemical Management Program …….……. 123
E. Innovative Protection Program …….. 130

ATTACHMENTS

Listing of Funding Sources
Summary Report for FY 2004 PPA Focus Group Discussions
Listing of Program MOAs and MOUs
Reporting Requirements Inventory
Dispute Resolution Process
Program Outputs

I. GENERAL PURPOSE AND CONTEXT

The purpose of this Federal Fiscal Year 2004 (FY04) Performance Partnership Agreement ("the Agreement") is to set forth the mutual understandings reached regarding our state/federal relationship, the joint environmental priorities and mutual interests, the desirable environmental outcomes, the performance expectations for the participating programs, and the oversight arrangements between the parties. The parties to this agreement are the Illinois Environmental Protection Agency (Illinois EPA) and Region 5 of the United States Environmental Protection Agency (Region 5).

A. State/Federal Environmental Partnership

This agreement is designed to be consistent with the "environmental partnership" as described in the National Environmental Performance Partnership System (NEPPS). The parties concur with the principles that are enumerated in the NEPPS and are proceeding in accordance with the framework shown therein.

B. Strategic Planning Context

Senior leadership from Illinois EPA and Region 5 held a planning session on September 4, 2003. This session was designed to reach closure on joint environmental priorities for the next Agreement.

Illinois EPA, along with other agencies in Illinois, adopted a new Strategic Plan in 2001. This plan addresses the following seven strategic issues that Illinois EPA identified during the planning process: clean air; clean water; safe water; safe waste management; land restoration; innovative protection; and toxic chemical safety. The plan was accepted by the Governor's Office of Strategic Planning early in 2001. Illinois EPA's plan is being updated this year to reflect current conditions and issues.

C. Mission Statements and Roles

1. Illinois EPA - Agency Vision and Mission Statements

We have the following vision for the future:
Illinois air, water, and land resources will be:

- *Clean and safe.*
- *Valuable assets in a sustainable economy.*
- *Contributing to an enhanced quality of life.*

The people of Illinois will:

- *Value a quality environment and understand how their actions affect it.*
- *Take an active role in helping to protect and improve air, water, and land resources.*
- *View the Agency as a respected and responsive environmental leader.*

Illinois EPA will be widely recognized as a public agency that:

- *Makes sound decisions, which protect human health and the environment.*
- *Emphasizes continuous improvement, measurable results, quality public service and efficient use of resources.*
- *Shows initiative and fosters new ideas and solutions for better environmental protection.*
- *Listens to external perspectives and works with a wide range of interests to solve environmental problems.*
- *Pursues environmental compliance through both enforcement and assistance activities.*
- *Values employee growth and development by fostering a learning environment and recognizing employee contributions.*

We at Illinois EPA believe in the following core values:

- *Fairness and integrity*
- *Open and effective communication*
- *Creative thinking and problem-solving*
- *Meaningful external participation and involvement*
- *Sound environmental decision-making*
- *Responsive public service*
- *Accountability for results*
- *Recognition of employee contributions*

We have developed the following mission statement:

THE MISSION OF ILLINOIS EPA IS TO PROTECT, RESTORE and ENHANCE the QUALITY OF AIR, LAND and WATER RESOURCES TO BENEFIT CURRENT and FUTURE GENERATIONS.

Illinois EPA operates under the auspices of the Illinois Environmental Protection Act and several other state statutes. Under state law, Illinois EPA is designated as the primary operations agency for purposes of the major federal environmental protection programs. Statutory authority is granted for policy and regulatory development, planning and monitoring, permitting, inspections and enforcement, remedial actions, emergency management, and environmental infrastructure assistance.

Illinois EPA has sought and received delegation of the major national environmental protection programs. Illinois EPA also operates numerous state programs that do not involve a relationship with Region 5 or other offices of the United States Environmental Protection Agency (USEPA). In combination, these national and state-specific program responsibilities place Illinois EPA in the lead role for delivering day-to-day environmental protection in Illinois. This agreement is designed to address the full range of these operations with only a few exceptions.

Illinois EPA recognizes that it has a continuing responsibility to advise Region 5 regarding statutory or regulatory changes that could have a material effect on an authorized or delegated national environmental program. Region 5, in turn, has a responsibility to promptly inform Illinois EPA if it believes such change is inconsistent with applicable federal statutes or regulations governing the affected environmental program. Region 5 may also identify federal guidance or policies that should be considered in evaluating such change. Illinois EPA and Region 5 agree to work together to resolve the issues related to several Illinois statutory provisions which may create impediments to certain authorization, delegation, or approval of certain federal environmental programs in Illinois, including the amnesty provisions in Section 31 of the Illinois Environmental Protection Act (Act), and the proportionate share liability provisions in Section 58.9 of the Act at 415 ILCS 5/58.9.

Under federal programs that are delegated to the State, Illinois EPA will continue to assume the lead in enforcement and compliance in Illinois. Illinois EPA recognizes that there are also circumstances where USEPA may take the lead in enforcement and compliance as set forth in the Enforcement and Compliance Assurance subsection under Federal Roles. Both agencies recognize the need for timely and open communications to identify and coordinate responsibilities, work activities and opportunities for joint actions in the compliance and enforcement area. Illinois EPA and Region 5 are committed to improving coordination of efforts and communications to ensure effective and efficient use of resources. Program offices will continue to coordinate activities with Region 5 to ensure the appropriate instances of noncompliance are referred for enforcement actions. Illinois EPA will also identify and evaluate existing enforcement response plans, updating them as necessary to ensure timely and appropriate enforcement can be conducted.

Illinois EPA operates within a complex network of intergovernmental, public and private relationships. The principal roles that Illinois EPA plays within this web of relationships are as follows:

a. Primary regulator - Illinois EPA has direct regulatory responsibility for the full spectrum of environmental protection matters. This predominant role drives much of our focus and performance. Under the NEPPS, Illinois EPA will strive to improve the environmental protection system in Illinois so that affordable environmental progress can continue to be realized.

b. Secondary regulator - Illinois EPA has authority to delegate certain regulatory activities to local governments and has done so under several programs. Certain efficiencies are gained when certain regulatory actions take place at the local level. These arrangements have worked well and have resulted in a net improvement in program operations. Where feasible, Illinois EPA will continue to seek out these opportunities and assume a secondary role as needed while ensuring the integrity of program performance.

c. Environmental information generator - Illinois EPA creates a large amount of information about environmental quality in Illinois and about actions and events that affect Illinois' environment. Under the NEPPS, we want to do a better job of sharing

this information with the public and regulated community. The use of environmental goals and indicators should help us move in this direction.

d. Policy and technical advice - Illinois EPA is frequently called upon to give environmental policy and technical advice to a wide variety of interests. This environmental expertise represents a major asset that can be utilized to support our environmental aims.

e. Financial provider - Illinois EPA provides financial assistance to eligible parties via grants, loans and cost-sharing for projects. This assistance needs to be used wisely so that intended environmental benefits are realized.

f. Project sponsor - Illinois EPA assumes direct sponsorship for a wide variety of environmental improvement projects such as hazardous site remediation, tire dump cleanups, collection of household hazardous wastes and safe disposal of abandoned hazardous materials. These environmental services help prevent or correct a wide range of adverse environmental conditions. Illinois EPA is committed to delivering these services in a productive manner.

g. Change agent and promoter - Illinois EPA has opportunities to display environmental leadership and pursue system changes where it makes sense to do so. We want to encourage innovation and to take full advantage of those opportunities. In exercising such leadership, we become advocates and promoters of new ways of thinking and new approaches for addressing environmental problems. Fostering this outlook within Illinois EPA is critical if we are to cope with the changing world scene.

2. **Region 5, USEPA -** The federal government has a fundamental responsibility to protect the integrity of the nation's environment and health of its diverse citizenry. Both USEPA and individual states conduct environmental protection activities, with USEPA directly implementing some federal programs, taking enforcement actions against violators, delegating federal programs for state operation, and reviewing and evaluating state program performance. Because pollution does not respect political boundaries, USEPA has a fiscal and statutory responsibility to ensure that a consistent, level playing field exists across the nation. USEPA performs this vital function by providing leadership when addressing environmental problems that cross state, regional and national borders and ensuring a consistent level of environmental protection for all citizens. USEPA fulfills these responsibilities by working with its many partners--other federal agencies, states, tribes and local communities--to address high priority environmental problems. By offering training and technical assistance, sharing work and conducting scientific and policy research, USEPA helps build the capacity of states and other partners to ensure protection of public health and the environment. USEPA also carries out an important role in reviewing state program performance, incorporating a wide variety of activities, from annual meetings with state program managers to file reviews. Region 5 will continue to provide the state with funding for base programs and specific projects which will achieve environmental results consistent with USEPA and Illinois EPA priorities set

forth in this agreement and will evaluate state programs to ensure the fiscal integrity of the federal/state relationship. Region 5 will continue to build state capacity for nondelegated programs with a goal of moving those programs to the states in the near future.

Federal Role in Enforcement and Compliance Assistance - Compliance and enforcement activities to be accomplished during the term of this Agreement are included in the media programs. However, Region 5 and Illinois EPA believe it is helpful to highlight the federal role in compliance and enforcement in this Agreement.

There is a continuing role for Region 5 in environmental protection in Illinois. Region 5 can assist Illinois EPA in conducting inspections, conducting joint enforcement actions, and in providing compliance and technical assistance to the State and its regulated entities. Region 5 carries out its responsibilities in the enforcement arena in a variety of ways. Region 5 acts as an environmental steward, ensuring that national standards for the protection of human health and environment are implemented, monitored and enforced consistently among the states. Under this Agreement, Region 5 and Illinois EPA retain their authorities and responsibilities to conduct enforcement and compliance assistance, and such enforcement will be accomplished in the spirit of cooperation and trust. Additionally, both Agencies agree to explore the most effective application of the full spectrum of compliance tools, including compliance assistance and enforcement, to encourage and maintain compliance by sources.

Specific federal enforcement and compliance assistance responsibilities may include:

- Work on national priorities (e.g., multi-media inspections, companies with significant company-wide non-compliance in several states, and Office of Enforcement and Compliance Assurance (OECA) Priority Sectors).
- Work on regional priorities, including enforcement and compliance assistance in Region 5's Principal Places, as well as using this approach to reduce toxics, especially mercury; to promote sustainable urban environments and Brownfields redevelopment; to clean up sediments; to protect and restore critical ecosystems; and to protect people at risk, especially children and environmental justice communities.
- Ensuring timely and appropriate enforcement, if necessary, in state and federal programs.
- Ensuring a level playing field and national consistency across state boundaries.
- Addressing interstate and international pollution (watersheds, air sheds, or other geographic units).
- Addressing criminal violations under federal law.
- Multi-media inspections and enforcement at federal facilities.
- Enforcement in non-delegated, partially delegated or non-delegable programs.
- Enforcement to assure compliance with federal consent decrees, consent agreements, federal interagency agreements, judgments and orders.

Both Illinois EPA and Region 5 agree in FY04 to ensure that there is a productive use of limited federal and state resources to secure compliance. In order to foster improved communications and coordination in the enforcement area, the following approach will be utilized:

Planning and Information Sharing

- Illinois EPA and Region 5 will hold an annual planning meeting to discuss enforcement and compliance matters.
- Region 5 and Illinois EPA will share information regularly about pending and potential enforcement cases in order to avoid surprises, ensure consistency, minimize duplication and ensure timely coordination of activities. For those enforcement programs where the authorizing statute does not provide for delegation to the states (e.g., non-delegable programs such as Toxic Substances Control Act or "TSCA"), Region 5 will share enforcement information with Illinois EPA to the extent allowed under existing OECA policies and procedures. Region 5 will also provide Illinois EPA with a copy of each non-delegable program enforcement action pursued within the State. Information which is enforcement-confidential will be protected from disclosure by all parties to the fullest extent of the law.

Coordination of Activities

- Each agency will identify cases in which inconsistency with national enforcement response policies or state environmental compliance strategies or duplication of resources are potential problems, or in which coordination between Region 5 and Illinois EPA is essential.
- These cases will be discussed at meetings or conference calls, held at least quarterly.
- Each agency will designate appropriate contacts to attend meetings and discuss identified cases.
- For each facility identified, Region 5 and Illinois EPA will discuss and attempt to agree on the appropriate response for the violation and the appropriate agency to take the lead role. For some cases, joint actions may be preferable.

Region 5 and or USEPA will initiate enforcement actions in Illinois as necessary and appropriate to ensure implementation of federal programs and as a deterrent to non-compliance, in accordance with the communication and coordination activities outlined above. There may be emergency situations or criminal matters that require Region 5 or USEPA to take immediate action (e.g., seeking a temporary restraining order), in those circumstances Region 5 will consult with Illinois EPA as quickly as possible following initiation of the action.

For both USEPA and Illinois EPA enforcement and compliance assistance is conducted through individual media programs. However, both agencies conduct multi-media enforcement and compliance activities that will require coordination. While individual program activities will be coordinated on a program-specific basis, multi-media activities will be coordinated, when appropriate, through Region 5's OECA and the Compliance Group. Specific multi-media activities that Illinois EPA and Region 5 will work together on in FY04 include coordination on multi-media inspections, including consideration of facilities appropriate for multi-media inspections in the Greater Chicago Initiative area, participation in the Greater Chicago Senior Enforcement Managers' meetings, and identification of additional joint multi-media activities during the next annual planning meeting.

Region 5 Focus Areas and Priority Places in Federal FY04 - USEPA's Strategic Plan sets the long-term course for the agency and defines the standards against which progress will be judged. USEPA recently released its *2003-2008 EPA Strategic Plan: Direction for the Future*, delivering it to Congress, the Office of Management and Budget and President Bush on September 30, 2003. This *Strategic Plan* is constructed around five new goals (replacing the previous 10 goal structure) that describe the results we are trying to achieve: Clean Air and Global Climate Change, Clean and Safe Water, Land Preservation and Restoration, Healthy Communities and Ecosystems, and Compliance and Environmental Stewardship.

USEPA's *Strategic Plan* defines broad, long-term desired outcomes related to the five Goals. All regional work can be linked to one or more of these goals. As part of the Agency's revised planning process, all Regions are required to develop their own *Regional Plan* which documents the Regions' strategies and approaches for achieving the goals, objectives and sub-objectives in our *Strategic Plan*, including any unique environmental problems and/or priorities. Region 5 is in the process of finalizing its *Regional Plan*, and has requested feedback and input from its state, local and Tribal partners. Finally, to document shorter term, annual activities, in addition to state-specific joint Agreements such as this one, the Region has Memorandums of Agreement in place with the various national program offices, which outline programmatic and Region-specific focus areas and annual commitments.

Region 5 is initiating the Great Cities Partnership. The Great Cities Partnership is a natural evolution of the Region's work in geographical locations, which was begun in 1995. This partnership addresses multi-media environmental problems and focuses on innovative methods to solving problems that impact significant populations and resources. The Great Cities Partnership identifies six "Great Cities" with which partnership activities and projects will be pursued. The six "Great Cities" are Chicago, Cleveland, Detroit, Indianapolis, Milwaukee, and Minneapolis. The Great Cities Partnership will promote cooperation with city officials and states to leverage resources and incentives for addressing the highest priority problem identified in each city. It will target both grant funds and program resources for this work to produce tangible environmental results.

The Great Cities Partnership focuses on these six cities because they are centers of commerce, manufacturing, transportation, and agribusiness. As a result of the industrial activity, these cities are coping with aging infrastructures, abandoned structures, and loss of businesses. In addition, the cities are facing declining revenues, changing populations with disproportionate environmental problems, and smart growth and land redevelopment challenges. These cities are in transition to reshape their economic base, redevelop their central cores, and restore their environments.

Region 5 will continue to work in partnership with Illinois EPA on the existing activities of the Greater Chicago Initiative. Region 5 will continue to work on existing activities in the Gateway Initiative as well.

- Greater Chicago Initiative - The Greater Chicago Initiative (GCI) focuses on Cook County, Illinois, particularly on the environmental justice areas of the Southeast and West sides of the City of Chicago. The purpose of the GCI is to work with local stakeholders, including

Region 5, the State of Illinois, Cook County, the City of Chicago, the Metropolitan Water Reclamation District of Greater Chicago, other federal, state and regional agencies, industry, and citizens to coordinate various government and private environmental activities for the purposes of effectiveness and efficiency, particularly in areas that fall outside the purview of the regulatory agencies' base programs. The Associate Director of Illinois EPA and the Greater Chicago Urban Initiative Manager are the main contacts for the GCI.

The GCI Initiative starts its eighth year of existence as of October 2003. At this juncture, Region 5 focuses on three environmental problems: the Lake Calumet Region, the Chicago Area River Waterways, and the elimination of lead poisoning activities. Projects that fall in these three areas are executed in partnership with a variety of organizations and individuals, including Illinois EPA, depending on the topic. A variety of approaches are used to tackle these environmental problems, including permitting, enforcement, and innovative programs that stress voluntary action and pollution prevention. Illinois EPA continues to tackle significant environmental problems in the Lake Calumet region, including Paxton I landfill (capping), Paxton II landfill (leachate control and cap maintenance) and the Cluster Sites (investigation of contamination and remediation options, and preparation for listing on the National Priorities List). Illinois EPA has the lead for developing the Use Attainability Analysis (UAA) for the Chicago Area River Waterways, and Region 5 participates in a number of workgroups associated with the UAA. Region 5 has taken the lead for the Chicago Area Rivers Remediation Initiative, a partnership that coordinates sediments and bank habitat restoration activities along the Chicago waterways.

During the past year, Region 5 has been actively engaged with the Chicago Department of Public Health in developing a city-wide lead elimination strategy, in accordance with the goal of achieving elimination of lead poisoning by 2010 that was set by the USEPA, the U.S. Department of Housing and Development, and the Center for Disease Control. This year, Illinois EPA and Region 5 plan to explore opportunities for mutual activities that would contribute to the achievement of that goal.

- Gateway (East St. Louis, IL) - A very successful partnership to address environmental and public health issues in the Gateway (Metro East) area developed over the past several years between Region 5 and Illinois EPA, particularly the Collinsville Regional office. Managers and staff have worked together to take on important issues in the area, including improving the quality of life and protecting natural resources, while also seeking to improve the community's economic base. For example, Illinois EPA, Region 5, other agencies, and stakeholders have successfully planned and carried out projects resulting in the removal of over 83,000 tons of lead- and PCB-contaminated soils from targeted residential and industrial areas in the Metro East area. As this partnership continues, Illinois EPA will work with Region 5 to identify candidates for inspections/enforcement, plan and carry out tire collections and/or other sweeps, and plan and implement removal/remediation projects. Illinois EPA and Region 5 will continue to partner with other federal, state, and local agencies and stakeholders participating in the Metro East Lead Collaborative Partnership. In addition, Illinois EPA and Region 5 will explore how Brownfields projects or other initiatives can potentially address environmental and public health concerns and also help restore the health of the local economy to make it more sustainable.

Illinois EPA will work with Region 5 to provide for special data runs to report Gateway-specific numbers from some of the indicators and performance measures areas already identified within the Agreement for the following areas: toxic chemical releases, pollution prevention, waste disposal at permitted facilities, open dumping and contaminated lands.

D. Relationship of Agreement to Grants

Illinois EPA will operate under a Performance Partnership Grant (PPG) in FY04. The programs that are described under this agreement are coordinated with the program elements used for the PPG. With this approach, we have taken a major step towards a more integrated approach to environmental management in Illinois.

Illinois EPA operates under a PPG to gain more flexibility in use of federal funds, to reduce the administrative burden of having numerous, specific categorical grants/work plans, and to continue some key resource investments in priority activities. In particular, we have previously provided for such investments in the regulatory innovation and pollution prevention programs. To best achieve the administrative benefits of a PPG, fewer grant actions and awards are desirable. However, where an issue is identified in a single media program, Region 5 will move to award the remaining resources while seeking to resolve the issue. Both agencies commit to timely identification and appropriate level of engagement on all such issues.

The parties also recognize that some specific project grants will continue in effect and operate in concert with this Agreement. These special activities are best managed in this coordinated manner to ensure program integrity. The attached listing of grants shows the breakout between the categories of federal funding for FY04.

Congress requires USEPA to negotiate a fair share objective with each state for procurement dollars covering supplies, construction, equipment and services. The current negotiated rates require, to the fullest extent possible, that at least 17 percent of federal funding for prime and subcontracts awarded in support of USEPA programs be made available to businesses or other organizations owned or controlled by socially and economically disadvantaged individuals, including women and historically black colleges and universities, based on an assessment of the availability of qualified minority business enterprises (MBE) and women-owned businesses (WBE) in the relevant market. Accordingly, for any grant or cooperative agreement awarded in support of this agreement, the parties agree to ensure that a fair share objective will be made available to MBEs and WBEs.

E. Joint Planning and Evaluation Process

The parties believe it is important to clearly articulate how all the components of the performance partnership are interrelated and sequenced. We will carry out the following joint planning and evaluation process.

Actions	Milestones
1. Annual Environmental Conditions Report	July
2. State's Self-Assessment	August
3. Planning Dialogue Sessions	July/August
4. Agreement Negotiations	October
5. Final Performance Partnership Agreement	November
6. State's Performance Report for PPG	Nov./Dec.
7. Region's evaluation of State's annual report	February

The Annual Performance Report for the PPG and the Annual Environmental Conditions Report have become the key components for performance review. The State's self-assessment will also serve as a planning basis for the next year's agreement with some emphasis on important performance considerations. It is also expected that national program guidance should be available at about this same time. File reviews or other oversight by Region 5 will be coordinated with this mid-year and annual report cycle.

II. SCOPE OF AGREEMENT

On November 1, 2003, Illinois EPA submitted a Performance Self-Assessment to Region 5 for the following programs:

Clean Air
Safe Waste Management and Restored Land
Clean/Safe Water
Toxic Chemical Management
Innovative Protection

The programs for this PPA are described in Section VII of the agreement.

While Region 5 and Illinois EPA have attempted to provide a description of each agency's environmental protection activities for the period of this agreement, it should be noted that there may be additional activities warranting action that is not contemplated at this time. Region 5 and Illinois EPA agree that coordination will occur as appropriate over the course of the agreement period to avoid overlap and duplication of effort in addressing new issues and concerns as they arise.

Furthermore, we recognize that this agreement does not necessarily encompass every agreement between Illinois EPA, and Region 5 or USEPA, and that some agreements, relationships, and activities will be described elsewhere. (USEPA and Region 5 also have agreements and responsibilities with other state agencies that are not included in this agreement.) This agreement does not replace or supersede statutes, regulations, or delegation, authorization or program approval agreements entered into with the State.

III. GENERAL PRINCIPLES FOR STATE/FEDERAL RELATIONSHIP

Illinois EPA and Region 5 have complementary missions to protect and restore the air, land and water resources. In order to accomplish these missions, Illinois EPA and Region 5 must maximize their resources and minimize activities that do not contribute to these missions or that hinder their accomplishment. Therefore, in working toward our mutual success, Illinois EPA and Region 5 agree to the following principles:

i We will work together as partners in a spirit of trust, openness and cooperation and with respect for each other's roles.

ii. We will work to ensure that the State, as the major implementer of state and federal environmental protection programs in its jurisdiction, has the greatest degree of flexibility allowable under existing laws and delegation guidelines based on program performance and environmental progress.

iii. We will coordinate our work to avoid duplication of effort.

iv. We will work to ensure that communication is frequent and timely to avoid surprises; that communication within each agency occurs and that efforts are made to ensure that the right method of communication is used and that information reaches the right person.

v. We will use an agreed upon dispute resolution process (see attachment) to handle the conflicts that are certain to arise as we implement our environmental programs and will treat the resolution process as an opportunity to improve our joint efforts and not as an indication of failure.

vi. We will acknowledge USEPA's role in the direct implementation of federal programs and in ensuring that federal programs are carried out in a consistent fashion throughout the region.

vii. We will work to ensure that staff at all levels are aware of and held accountable for realizing these agreed upon principles.

IV. ENVIRONMENTAL RESULTS

Under the NEPPS, state and federal program managers are directed to focus more on "improving environmental results." To achieve this focus, the NEPPS calls for setting environmental goals and using environmental indicators to keep better track of our progress. We see this new focus as part of the next generation of environmental protection that is starting to emerge and take shape in various ways.

Both Illinois EPA and Region 5 have some experience working with characterization of environmental conditions. Illinois EPA has historically collected ambient environmental quality data and reported findings in various ways. Under the NEPPS, however, we think that more attention must be paid to developing improved linkages between actual environmental conditions

and program performance so that we can better assess our effectiveness over time. It should also help us to apply our resources where they will do the most good.

A. Environmental Goals, Objectives, and Indicators

We have continued to refine the goals, objectives, and indicators to be consistent with the performance measurement hierarchy agreed to between the Environmental Council of States (ECOS) and USEPA. As a result of this effort, we have seven environmental goals and 14 environmental objectives and indicators. We see these goals and objectives as a useful way to focus more attention on environmental results and to guide program planning. We do not view these goals as specific deliverables that involve accountability for grants purposes. In other words, program success does not hinge solely on attainment of particular goals. Establishment of these environmental targets gives programs a clearer sense of direction. Sound performance should show some progress towards the desired outcome. It must be understood, however, that some environmental conditions are influenced by factors beyond the normal control of an environmental program. Thus, actual attainment of a goal may be compromised even though program performance went very well by most measures. Even with such limitations, we believe it has been useful to go through the goal setting process and to work on program linkages.

B. Annual Environmental Conditions Report

In October 2003, Illinois EPA published the eighth Annual Environmental Conditions Report - 2002. This report presents a full account of our environmental progress for the environmental goals and indicators. From year to year, we expect to gain more understanding regarding the directional influences between the objectives/indicators and the performance of these environmental programs. Performance strategies are designed to achieve progress towards the desired environmental outcomes. In turn, information gathered for the indicators may influence the program directions that are taken.

We continue to encourage public review and comment regarding this report and the progress that is shown.

V. JOINT ENVIRONMENTAL PRIORITIES / MUTUAL ENVIRONMENTAL INTERESTS

This section of the agreement presents the joint environmental priorities and an overview of the highlights for these important matters and key mutual interests that have been identified. For the FY04 agreement, the parties continued the joint planning and priority-setting process that was started in FY03. Participating staff provided status reports for the seven FY03 joint environmental priorities, including a recommendation of whether the topic should remain a joint priority for FY04. In addition, new proposals were solicited. These reports and proposals were exchanged between the parties and then discussed in a planning session held on September 4, 2003, in Chicago. From this dialogue, we agreed to continue five of the priorities from the FY03 Agreement, and added three new priorities.

In addition, we moved one FY03 joint priority (Area-wide Contamination of Local Water Supplies) into the program area, moved some elements (Homeland Security and Regional Response) into a mutual interest area, added a new interest (State Science Council), and continued with the two previous mutual environmental interests, which are reflected in this Agreement.

A. Joint Environmental Priorities

The following joint environmental priorities are established for this agreement:

1. Air Toxics Laboratory Proposal [new]

An emerging national priority is to address toxic substances polluting the air in our cities. A key concern in Region 5 in supporting this program is the credibility of the laboratory analysis of ambient air quality samples taken of certain substances. An inter-laboratory comparability experiment was conducted by the Michigan Department of Environmental Quality (MDEQ), Detroit, Michigan, in which collected samples were "split" and simultaneously sent to ERG (i.e., the national contract laboratory) and MDEQ for laboratory analysis. The laboratories reported results, which showed discrepancies between the samples for a wide range of air toxic pollutants examined.

In addition, a recent draft national air toxic monitoring study collected air toxics monitoring data over time. The data were inventoried and analyzed for methodological differences, accuracy, consistency, and comparability across state laboratories. Inconsistencies and uncertainties were found with the overall structure of the data due to errors primarily associated with human process control. Examples include: coding of duplicates and/or replicates; incorrect or missing sample dates; and miscommunications between laboratory and data management personnel causing miscalculation and repeated provision of the same data but labeled with different file names and sometime different file formats. The ARD proposes to undertake a number of steps to ensure quality of the air toxics data collected in the Region.

Objectives:

- Allow for the comparison of air toxic pollutants levels in the Region in FY04 by using consistent and scientifically sound monitoring protocols, analytical methods, laboratory procedures, and quality control and quality assurance measures.
- Establish a workgroup consisting of representatives from the ERG (national contract laboratory) and the regional, state, and local laboratories.
- Perform an inter- laboratory comparison of data and delineate differences between protocols employed by laboratories, which may result in poor reproducibility for split samples.
- Establish an air toxics laboratory protocol in Region 5, which is consistently implemented by all parties, and also allows reasonable comparison of air quality data collected at stations across the Region, thus maximizing utility of data for regulatory decision-making.
- Establish an infrastructure for continued improvement of air toxic laboratory practices, such as regional comparability and consistency.

Commitments:

Region 5 and Illinois EPA will provide appropriate staff for the air toxics laboratory inter-comparison workgroup in support of developing a consistent methodology that will be employed across the Region.

- Region 5 will request the participation of other appropriate state, local, and tribal agencies' staff on the workgroup.

Timing:

- The workgroup, which will be charged to establish a consistent laboratory protocol for air toxic samples on a region wide basis, will be established by January 2005.
- A meeting bringing all interested parties together will be planned for March 2004. The workgroup will have monthly conference calls and regular meetings on a quarterly basis to share data, information, findings, and to draft the laboratory protocol for Region 5.
- A draft laboratory protocol will be completed by January 2005. This draft protocol will be shared with the USEPA's Office of Air Quality Planning and Standards (OAQPS) and other Regions.

2. <u>Municipal Strategy</u> [continued]

Region 5's Water Division and Illinois EPA, in partnership, will develop a Municipality Strategy to assist local governments with implementation of all the water program requirements. The strategy will determine what tools are needed to make municipalities aware of all the requirements they are expected to implement; what mechanisms are or should be put into place to assist municipalities in getting the financial and technical assistance they need; what tools are available or need to be developed to assist municipalities in setting environmental and public health priorities; and what are the appropriate roles for USEPA and for state government to develop and deliver this assistance.

Objectives

- Develop strategy and mechanisms to disseminate guidance and assistance for municipal officials that provide information on coping with regulatory requirements, financing, technology and on-site assistance.

- Develop a presentation template that can be used by government (state and federal) officials to provide direct guidance and assistance to municipalities and municipal organizations on regulatory requirements, financing, technology, etc.

- Develop this program as a pilot, which could have at least regional and possibly national application.

Commitments

- Region 5 and Illinois EPA will provide appropriate personnel and resources to a joint work group to develop information sources and format for a clearinghouse and presentation template.

- Region 5 will pursue contractor assistance from USEPA's Headquarters along with direct participation by appropriate USEPA's Headquarters' staff on the workgroup.

- Illinois EPA will solicit the participation of partner Illinois agencies and along with Region 5 will solicit the participation of appropriate Federal agency counterparts.

Timing

- Region 5 and Illinois EPA will jointly convene and chair a workgroup with municipal representatives and affiliated state and federal partners by March 2004.

- Develop and institute a central contact provision where municipal officials can identify applicable program requirements, funding sources and contact information by June 2004.

- A presentation template will be completed and jointly field tested by September 2004.

3. <u>Chicago Waterways</u> [continued]

Increased recreational use of the Chicago Area Waterways System (CAWS) has heightened concern over the public's exposure to the waters therein. It is believed that there has been a significant increase in recreational uses throughout most CAWS reaches (the Chicago River, the North and South Branches of the Chicago River, the Chicago Sanitary & Ship Canal, the North Shore Channel, the Little Calumet River North Leg, the Calumet- Sag Channel, and Lake Calumet), especially in the last 10 years. Conversations with the public, particularly on the North Branch of the Chicago River, the Little Calumet River North Leg and the Calumet- Sag Channel, indicate these waters are being used by boaters, fishermen, water skiers and jet skiers with occasional total body immersion. Flow in these waterways consists largely of effluent from three large sewage treatment plants in the Chicago area. This may present a significant public health threat; the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) sampling in the CAWS has documented high levels of fecal coliform throughout these waters. High bacterial counts are to be expected since none of the three large plants that discharge to this system disinfect their effluents. Further, there are occasions when Combined Sewer Overflows discharge to these waterways. Most of the CAWS is currently designated as "Secondary Contact" for which bacteria standards do not exist and this designation reflects the historically poor water quality and lack of use by the public.

A Use Attainability Analysis (UAA) is nearing conclusion for the lower Des Plaines River and in September 2002, the effort moved upstream into CAWS. The CAWS UAA will be comprehensive in scope and any regulatory activity that may take place as a consequence of its findings may take several years. Recreational uses have already increased in the CAWS,

demanding a quicker investment of resources and consensus on necessary actions to avert public health threats associated with non-disinfected effluent-dominated waters. While the actual CAWS reaches with the most intensive use may need to be defined through the UAA, initial observations suggest that the greater human health risk lies in the North Branch of the Chicago River and in the Little Calumet River/Calumet- Sag reach, from the Calumet Wastewater Reclamation Plant downstream to the channel's confluence with the Chicago Sanitary & Ship Canal.

Commitments

With the support of Region 5, Illinois EPA has initiated a UAA of the CAWS. As part of this project, Illinois EPA has been holding public meetings to notify and engage the regional and local agencies, municipalities, permittees, community groups, environmental organizations and other interested public in the UAA process. Illinois EPA issued a contract for technical assistance in completing the UAA. An initial kick-off public meeting was held on September 5, 2002, and a Stakeholder Advisory Committee, consisting of representatives of the major stakeholder groups, was selected and continues to meet on a monthly basis to help steer the UAA. Region 5 will participate in and support both the public outreach and technical assessment aspects of the UAA. Other activities occurring concomitant with the UAA include:

- Urban River Restoration Initiative (URRI): MOU between USEPA and USACE - - USEPA and USACE have partnered to form this initiative through a formal MOU, signed in July 2002. The Chicago Area Rivers Restoration Initiative (CARRI), a partnership comprised of federal, state and local governments and agencies, was nominated in September 2002 and May 2003, during the first and second rounds of requested proposals, for national pilots. These pilots place an emphasis on revitalization of urban rivers through promotion of improved water quality, sediment remediation and habitat restoration of the nation's urban rivers. Illinois EPA has agreed to participate in the partnership. Unfortunately, CARRI was not selected as a pilot during either round of nominations. Presently, the CARRI partners plan to focus their efforts on coordinating with the CAWS UAA, which will, in part, assess current environmental data, identify system stressors, determine potential use designations, establish stakeholder involvement and conduct a review of potential methods of pollution control and mitigation measures. The CARRI Partnership will build upon the UAA and other efforts that focus on the Chicago Area Rivers as an important natural resource.

- Public health risk notification through signage and/or recreational advisory pamphlet for the Chicago Area Waterway System usage - Illinois EPA and Region 5 will cooperate in reviewing and encouraging efforts to address the public health risks associated with exposure to wastewater related waterborne pathogens. The MWRDGC, as the NPDES permittee for the Waste Water Treatment Plants (WWTPs) in Chicago, has public notification program obligations within their permits to inform the affected public of CSO-related risks. However, recreational users of CAWS may not be informed of the potential health and disease exposure risks that may be associated with their use of waterways dominated by non-disinfected wastewater treatment plant effluents. Region 5 presented these issues and information on January 30, 2003, to Illinois Department of Public Health (IDPH), the MWRDGC, the City of Chicago, the Chicago Park District and several other public health

agency representatives who now form the membership of a Health Advisory Committee (HAC). Illinois EPA and Region 5, USEPA assembled the HAC to develop health risk notification outreach material, including a recreational advisory pamphlet and signage along the waterways.

a. Recreational Pamphlet - The HAC has produced a recreational advisory pamphlet for the CAWS. USEPA's NPDES Branch funded the first run printing of this pamphlet. The publication date was October 2003. The public affairs offices of the HAC member agencies will coordinate on the distribution of the pamphlet and a media event to announce this information to the public.

b. Waterway Sign – Illinois EPA has committed to accomplishing the posting of CAWS signs by April 2004, prior to the next recreational season, within the jurisdictions where a partnership commitment exists. One of the waterway property owners, MWRDGC, has committed to require their lease holders to post signs, but as of October 2003, there is not a mutually agreed upon version of an advisory sign. This advisory sign development will be an ongoing effort among the HAC membership agencies. Illinois EPA will now approach MWRD to proceed with their own sign development.

- Disinfection of the effluent from Chicago Area WWTPs - Currently the three large MWRDGC water reclamation plants (Northside, Stickney and Calumet) discharging to the CAWS do not disinfect their wastewaters since: they discharge to Secondary Contact Waters and these waters do not have bacterial water quality standards. Over the last 30 years, MWRDGC has upgraded their treatment plants and installed tunnels to capture CSOs. As a result, water quality has improved and such improvements have resulted in more and more recreational use by the public. While there is an effort to upgrade the water quality standards of these waters as a part of a UAA effort, this may ultimately take several years. Because of the potential need to disinfect to protect public safety, Illinois EPA began discussions with MWRDGC to encourage them to evaluate the feasibility of and a plan for disinfection. In January 2003, Illinois EPA verbally requested the MWRDGC to accomplish a cost estimate for capital and operating costs of disinfection options for the CAWS wastewater reclamation plants. A July 24, 2003 letter from Illinois EPA to MWRDGC requested a preliminary engineering assessment of the disinfection options and the capital and operating costs for construction and operation of these options at each of the subject treatment plants. On August 29, 2003, MWRD submitted a rough estimate for disinfection and indicated to Illinois EPA that they would do a complete analysis if requested to do so. Within the context of the UAA, Illinois EPA plans to request an engineering analysis from MWRD for all applicable control measures, including disinfection.

4. Environment Security [continued]

a. Priority Facilities - We recognize that chemical plants, water and wastewater treatment facilities, and hazardous waste treatment sites could be targets for terrorist

attacks in the United States. In particular, we need better information about how vulnerable these facilities might be to terrorist attacks and what could be done to fix any weaknesses. Along these lines, PL107-188 (HR3448), Public Health Security and Bioterrorism Preparedness and Response Act of 2002, was signed into law in June 2002. Title IV of the Security Act mandates community water systems serving greater than 3,300 people to conduct vulnerability assessments and prepare emergency response plans. For FY04, the Security Act specifies that community water systems serving 50,000 - 99,999 people will have to prepare and submit to USEPA a vulnerability assessment and vulnerability assessment certification prior to December 31, 2003. Not later than six months after completion of the vulnerability assessment, these systems will then have to submit a certification that they have prepared or updated an emergency response plan that incorporates the results of the vulnerability assessment. Additionally, for FY04, the Security Act specifies that community water systems serving 3,001 - 49,999 people will have to prepare and submit to USEPA a vulnerability assessment and vulnerability assessment certification prior to June 30, 2004. A continued collaborative effort is envisioned to carry out the key implementation tasks associated with this security initiative, in particular, reviewing and confirming population figures in the Safe Drinking Water Information System (SDWIS) to ensure that the community water systems are categorized properly and afforded the correct amount of time for completing and submitting their vulnerability assessments. Federal, state and local governments will need to work together to ensure this vital work gets done properly and in a timely manner. In the end, we should achieve lower risks for communities from these anti-terrorism efforts.

Looking towards FY04 - In FY04, Illinois proposes to use the funding for training water supply officials and operators in developing emergency response and recovery plans at the 426 community water systems that serve between 3,300 and 100,000 people. In addition, there will be further development of an emergency communication network for contacting community water supplies that serve 3,300 or more people. Also, information on vulnerability assessments and emergency response and recovery plans will be prepared and delivered to community water systems serving fewer than 3,300 people.

b. BioWatch Monitoring Project - Illinois EPA has implemented and will continue to implement the BioWatch Monitoring Project in the Chicago and Metro-East/St. Louis urban areas.

c. Hazardous Waste Transporters - Illinois EPA and Region 5 will consider issues as to whether responsible persons are in control of hazardous substance transport vehicles. A tool that is currently being used to address this issue is the Alliance for Uniform Materials Transportation. The Alliance, of which Illinois is a member, is a group of seven states that register and permit carriers and shippers of hazardous materials in a uniform manner, utilizing the same application forms and fee assessment calculations. The purpose of the program is to establish a base state system whereby a motor carrier of hazardous materials obtains credentials in the state where the carrier travels

the most miles. These credentials are valid in all participating jurisdictions. A benefit of the program, if adopted, is that a state can now more carefully evaluate a smaller number of trucking companies because the burden is spread among the member states. The program consists of three components, including registrations, permitting, and hazardous/radioactive waste disclosure. A governing board, which comprises participating states, oversees the program to ensure consistent program standards and to build trust among states.

The Alliance needs more states to participate in order to strengthen the reciprocity aspects of the program and to create a national network. Region 5 will work with Illinois EPA to encourage additional States to join the Alliance. The efforts of the Alliance should significantly improve the national security by better managing who is allowed to move large quantities of hazardous and potentially dangerous materials throughout the country.

5. <u>Backyard Burning of Trash</u> [continued]

Burning garbage continues to be a longstanding tradition in many rural households. Studies have shown that the composition of today's garbage has turned the burning of household waste into a major health concern. As a result of relatively low combustion temperatures and the presence of a variety of chemicals from inks, dyes, packaging wastes, and other household products in household waste, burn barrels are the largest quantified source of dioxin in the country. Consequently, Region 5 and Illinois EPA will continue to actively participate in an outreach/educational program to inform the public and local officials about the environmental impacts associated with burn barrels.

In FY04, Illinois EPA will support an outreach/educational program in the following ways.

a. Continue to educate the general public about: burn barrels hazards to their health and the food chain; state laws on burning; and waste reduction. Illinois EPA will make use of the news media to reach the general public with public service messages.

b. Partner with Illinois communities that are taking advantage of Illinois Green Communities Grants by helping to raise the importance of the burn barrels issue in the community outreach efforts undertaken by these groups.

c. Illinois EPA enters into delegation agreements with twenty-two counties for inspection and enforcement of permitted solid waste facilities and open dumps, and to respond to citizen complaints. Those counties are spread geographically around the state and encompass the majority of the population. We will survey the delegated counties to ascertain the extent of burn barrels in their areas. This will involve determining the availability of waste management options for rural residents, the apparent reasons for burn barrels when other options exist, and any effective deterrents to burning.

d. Continue to partner with Region 5 by working together to develop and present workshops for interested delegated (for solid waste) counties. We plan to conduct three or four workshops during the next fiscal year.

e. Provide outreach materials provided by Region 5 to all delegated counties and other interested city/county officials.

f. Participate, as possible, in the dioxin workgroup burn barrel conference calls.

g. Provide information about existing landfill locations, landfill capacities, and current recycling programs.

Federal Role:

a. Continue to partner with Illinois EPA by working together to develop and present workshops for interested delegated (for solid waste) counties. We plan to conduct three or four workshops during the next fiscal year.

b. Continue to educate the general public about burn barrels hazards.

c. Provide USEPA outreach materials to Illinois.

d. Facilitate the exchange of information with other states on rules, programs or initiatives that have been successful to limit the use of burn barrels.

6. <u>Expansion of Regulatory Innovation</u> [continued]

Illinois EPA and Region 5 have a mutual interest in and commitment to pursuing regulatory innovation. This perspective has developed as both parties have worked to develop new approaches to the existing regulatory structures that will be:

- More efficient and flexible.
- Provide incentives for good performance.
- Result in further protection for human health and the environment.

Due to the recent loss of key staff, Illinois EPA has not been able to focus as much attention on these efforts as had been planned. However, we continue to work on opportunities to collaborate in advancing our regulatory innovation work, including the following:

a. <u>ECOS/EPA Agreement to Pursue Regulatory Innovation</u> - This special agreement was developed to help promote projects that would test out new ways of achieving sound environmental performance. There are four projects under this program. The first three were approved in FY01 and the last was approved in FY02:
   - State Toxics Partnership Program;
   - NPDES Performance Incentive;
   - UIC Program Partnership; and

- Radionuclide Compliance Monitoring Program for Very Small Water Supplies. Under this program, a permit has been issued to one Community Water Supply (CWS), which was chosen for the pilot project. The work plan and QAPP has been submitted to Region 5 and approved. Two other communities have expressed interest in this program and are under evaluation.

b. National Regulatory Innovation Initiatives - USEPA is the chief sponsor of two national initiatives for regulatory innovation: Project XL and the National Performance Track program. For these initiatives, states may participate in a supporting role when projects are generated in their jurisdiction. Illinois EPA is participating in each of these projects when requested.

In Illinois, three XL projects are underway or completed: Metro-Chicago Water Reclamation District; United Egg Producers and Chicago Regional Air Quality/Economic Development Strategy.

Illinois EPA participates in the National Performance Track program by participating in conference calls and in workgroups. Fourteen companies from Illinois have been participating in the federal program. Illinois EPA assisted with compliance screening for these companies and provided review and comments on the applications filed.

Thus, the parties are implementing voluntary programs for participants that want to demonstrate better environmental performance. These programs were developed, however, at different times and with different design features but remain very similar in basic purposes. Illinois authorized the Regulatory Innovation Pilot Program (RIPP) in 1996 and has executed two innovation agreements for pilot projects. This program is patterned after the federal XL program in many respects. On June 21, 2001, the Environmental Protection Act was amended to remove the sunset date for entering into initial pilot innovation project agreements. This change was necessary to enable more companies to participate in the program due to the early delays in program development.

USEPA began the National Environmental Performance Track (NEPT) program in 2000 and now has some 280 participants nationwide, including 14 business facilities in Illinois. Companies often choose between these programs due to the resource limitations for participation in voluntary programs. In effect, these programs are "competing" for participants. Better alignment between these programs could create more opportunities for regulatory innovation and expand participation in Illinois. Several benefits could result from better alignment of these programs. Participants would have ready access to certain regulatory flexibility that requires both federal and state authorization. They would also receive dual recognition for participating in both programs. On July 10, 2003, the Act was again amended to provide that Environmental Management System Agreements might be executed (or terminated) with participants in the NEPT program if the provisions of the agreements are acceptable to Illinois EPA.

Looking towards FY04 -

c. Illinois EPA is awarded a grant for its proposal, *Advance Authorization for Modification by Permitted Entities with Environmental Management Systems in Illinois,* submitted to the State Innovation Grant Program. The funds will be awarded in January 2004. Region 5 and Illinois EPA, in consultation with Office of Policy Economics and Innovation, will develop phase II of the proposal and update milestones and activities. Illinois EPA will proceed with implementation of the project.

d. Illinois EPA would like to investigate innovation into areas of environmental justice, although the specific details of this project have not been determined.

7. <u>Environmental Equity</u> [new]

Environmental Problem or Issue: Some Illinois communities are at risk from exposure to relatively high levels of pollution that may lead to higher rates of adverse health outcomes.

Illinois EPA's Interim Environmental Justice Policy was adopted in 2002. Consistent with that policy and in order to meet our goals. Illinois has taken a number of steps to address EJ concerns, including:

- Creation of an EJ web page on the agency's web site, with the interim EJ Policy in both English and Spanish.
- Training staff on EJ issues.
- Utilization of maps that identify EJ areas in Illinois in order to ensure that EJ policies are applied to agency decisions affecting EJ communities.
- Conducting EJ assessments when reviewing permits.
- Helping EJ communities with local environmental problems. For example, in Pembroke Township Illinois EPA removed thousands of tires that had been illegally dumped and helped fix a broken wastewater treatment facility; we are helping Savannah find funding to upgrade wastewater and drinking water systems; and in Freeport we investigated possible soil contamination at the request of community members and helped create a local EJ committee.

In addition, Illinois EPA is investigating additional strategies related to enforcement, permitting, loans and grants, technical assistance, public participation, and training for local zoning and siting authorities. Illinois EPA and USEPA will work collaboratively to implement one or more new strategies intended to reduce pollution in communities with relatively high environmental health risks.

8. <u>Waukegan Harbor</u> [new]

Waukegan Harbor is one of 31 Areas of Concern in the United States. The Area of Concern includes the harbor, which was filled to form its present shape, and consists of industrial, commercial, municipal, and open and vacant lands. Of the 14 beneficial use impairments recognized by the International Joint Commission (IJC), six have been identified for the

Waukegan Harbor Area of Concern, including: 1) restrictions on fish and wildlife consumption; 2) beach closings; 3) degradation of phytoplankton and zooplankton populations; 4) loss of fish and wildlife habitat; 5) degradation of benthos; and 6) restrictions on dredging activities. A stage 3 RAP for the Waukegan Harbor Area of Concern was completed and released in July of 1999. A number of dredging and Superfund activities have taken place in the harbor, and the Area of Concern has seen large-scale remedial activities over the years, greatly improving environmental conditions. Fish advisories were modified in February 1997 to lift the ban on eating fish from the harbor, however, continued monitoring of fish in the harbor is ongoing. In addition, on April 22, 2003, the Waukegan Cleanup and Revitalization project was announced by USEPA as an Environmental Justice Demonstration Project. Selection of this project officially designates Waukegan as an environmental justice community.

There are now a number of opportunities for Region 5 and the State of Illinois to work together to complete the work at Waukegan Harbor and move to delist it as an Area of Concern, or identify it as an Area of Recovery. Under Great Lakes Strategy 2002, the U.S. Policy Committee has identified a goal of delisting three areas of Concern by 2005, with a cumulative total of 10 by 2010. In addition, a Northeast Midwest Institute study has found that further cleaning up the Area of Concern will provide additional economic benefits to the area and to Lake County. There is also the opportunity for USEPA, Illinois EPA and US Army Corps of Engineers to partner with the State for use of the Great Lakes Legacy Act funding, and Water Resource Development Act (WRDA) funding to achieve the goals of the project. Additionally, this partnership can assist in future restoration activities, including setting delisting goals for the Area.

a. WRDA Project: Currently USEPA and U.S. Army Corps of Engineers are working with the State of Illinois to implement the Waukegan Harbor Environmental and Navigation Dredging Project, which would remove up to 380,000 cubic yards of sediment (clean till and low level PCB sediment).

   Looking towards FY04 - Illinois EPA has committed to working with USEPA, Corps of Engineers and other state and federal agencies and local government and stakeholder groups, and to provide the resources needed to help ensure the project meets its goal of the project design in 2004 and implementation in 2005.

   USEPA has committed to working with Illinois EPA, USACOE, other cooperating agencies, and local government and stakeholder groups, and to provide the resources needed to help ensure that the Waukegan Harbor dredging project meets its future land use goal while providing necessary environmental protections.

b. GLLA Project: GLNPO and Region 5 Superfund are currently conducting a screening-level, remedial alternatives analysis and a data gaps analysis for the Waukegan Harbor sediments. The purpose of the analyses is to identify a short list of potential remedial alternatives for the site, and to determine what additional data is required to make an informed selection of a remedial alternative for the site. This analysis will consider a wide variety of remedial alternatives, including dredging, capping, and monitored natural recovery, as required for applying for Great Lakes Legacy Act funding.

The next steps, after the completion of the screening level alternative analysis and data gap report, are the collection of any additional required data and the completion of a focused feasibility study to select a remedial alternative for the site. Any remedial alternative selected will be coordinated with the Corps' navigation dredging project for the harbor. Region 5 is coordinating this work with Illinois EPA, the Waukegan Harbor Citizen Action Group (CAG), and the Waukegan EJ Committee with implementation of a remedial alternative targeted for 2005. Public input will be elicited through a series of public outreach/public education sessions scheduled for the rest of calendar year 2003 and beyond.

Looking towards FY04 -

c. Great Lakes Area of Concern (Waukegan Harbor) – Illinois EPA continues to pursue appropriate actions for remediation and restoration of the beneficial uses of Waukegan Harbor. Passage of the Great Lakes Legacy Act and identification of new sites for disposal of the dredge spoil, have resulted in renewed and revitalized interest in dredging the Waukegan Harbor approach channel, inner harbor and north harbor. USEPA's finalization of Area of Concern delisting guidelines in late 2001, along with increased support and coordination between state and federal agencies, local citizens and elected officials has produced greater optimism that completion of remaining remediation and delisting could be completed in the near future. The Corps of Engineers estimates that 350,000 cubic yards of harbor sediment require removal. These sediments contain low levels of polychlorinated biphenyls (PCBs). Recent sampling of the harbor indicates that the average concentration of PCBs in the harbor is approximately 2.5 ppm. Illinois EPA will maintain close coordination with the Corp of Engineers, USEPA, local officials and the Waukegan Harbor Citizens Advisory Group (CAG) as federal fiscal years 2004 and 2005 are viewed as a significant window of opportunity to facilitate remediation.

B. Mutual Environmental Interests

1. Lake Michigan -

Both the USEPA Great Lakes National Program Office (GLNPO) and Region 5 programs commit to activities, which promote the clean-up, restoration and protection of Lake Michigan, with GLNPO focusing at a Great Lakes Basin-wide level. USEPA's Great Lakes Program brings together federal, state, tribal, local, and industry partners in an integrated, ecosystem approach to protect, maintain, and restore the chemical, biological, and physical integrity of the Great Lakes. The Great Lakes Water Quality Agreement with Canada and the Lake Michigan Lakewide Management Plan (LaMP) provide the agenda for Great Lakes ecosystem management: reducing toxic substances; protecting and restoring important habitats; and protecting human/ecosystem species health. These objectives closely align with Region 5 and Illinois EPA's joint environmental priorities and certain GLNPO activities may be described in those sections as appropriate. A LaMP Update was published in April 2002 and another update is scheduled for April 2004. Illinois EPA, Region 5 and GLNPO continue to work with other Great Lakes States regarding TMDL strategies for Lake Michigan as well as Great Lakes basin wide approaches, and strategies for the Waukegan Harbor Area of Concern as noted above.

a. LaMP/TMDL - Region 5 will continue to support and participate in the committee structure developed to direct and oversee implementation of the various priorities and initiatives in the Lake Michigan LaMP update to be published in April 2004, such as habitat, beach issues, and coordinated monitoring. Development of strategies to complete TMDLs or alternatives to TMDLs such as the Mercury reduction strategy and invasive species prevention measures are of particular significance among the LaMP objectives. Illinois EPA remains an active member of the Upper Illinois River Lake Michigan Invasive Fish Barrier Task Force and Rapid Response Team.

b. Great Lakes Basin Activities - Beyond initiatives of specific application to Lake Michigan, Illinois EPA will continue to participate in broader Great Lakes wide activities such as the U.S. Policy Committee, Binational Executive Committee (BEC), implementation and tracking of activities under the newly adopted Great Lakes Strategy as appropriate and resources allow.

2. Mercury Reduction -

Both Region 5 and Illinois EPA place a high priority on reducing mercury releases, both to limit the mercury levels in fish within Illinois, and to contribute to the broader efforts within the Great Lakes and globally to control the long-range transport of this pollutant. USEPA is taking the lead on the development of maximum available control technology (MACT) standards for the major mercury-emitting sectors, having already developed standards for medical and municipal waste incinerators. In FY04, USEPA will finalize MACT standards for chlor-alkali plants, industrial boilers, and iron and steel foundries, and propose regulations to reduce mercury emissions from electric utilities. Illinois EPA has the lead on implementation of MACT standards, on implementation of mercury collection programs, and on implementation of voluntary or mandatory programs to inform the public of the dangers of mercury, reduce the use of mercury and improve the management of mercury-containing wastes.

Illinois EPA's Bureau of Air will continue to participate, as resources allow, in the development of various National Emission Standards for Hazardous Air Pollutants (NESHAPs) and air toxic inventories. Furthermore, Illinois EPA will continue its participation with Region 5 in a series of regional toxics projects, including the Urban Air Toxics Strategy (UATIS), the Great Lakes Initiative, the National Air Toxics Assessment (NATA), and the Mercury Initiative. A group of sources for pollution prevention audits were identified and audits are being conducted, focusing on ethylene oxide emissions from hospitals and chromium emissions from electroplaters.

Lake Michigan - Illinois maintains a dialogue with other Lake Michigan states with regards to mercury pollution studies and sources of mercury entering the environment. New power plant permits contain a mercury component, addressing mercury content of the coal fuel as well as stack emissions.

Universal Waste Rule (WR) authorization (and all other RCRA authorization) is still being held up pending resolution of statutory issues between the State of Illinois and USEPA (OECA). In the meantime, Illinois has adopted the federal rule adding fluorescent lamps to the Universal Waste Rule.

Residential Mercury Collections - Illinois EPA will continue to collect elemental and mercury containing items at its household hazardous waste collections. In addition to containers of elemental mercury, items collected include thermostats, fluorescent light bulbs, batteries, switches, etc. The Agency plans on twenty to thirty one-day household hazardous waste collections and three long-term collections facilities, which are open every weekend.

Mercury Thermometer Exchange - In addition, USEPA and Illinois EPA have participated actively in the USEPA-Quicksilver group effort to improve mercury efforts nationally, including through the development of a National mercury action plan with State input, and the development of coordinated federal-state policies related to the storage or retirement of surplus mercury and the development of TMDLs for mercury. Region 5 will continue to facilitate information-sharing and coordination on mercury reduction opportunities through the Great Lakes Binational Toxics Strategy Mercury Workgroup and through regular calls among state and federal government staff who work on mercury issues in the Great Lakes. In FY04, the efforts of these regional groups will continue to focus on information sharing about policy options and technical tools related to limiting mercury releases from hospitals, dental offices, schools and steel production, and to the development of mercury pollutant minimization plans for sewage treatment plants. In addition, USEPA will host a meeting focusing on management of lamps to minimize mercury release.. Illinois EPA will participate actively in these information-sharing activities, and will continue and expand its efforts to promote mercury reductions in these sectors.

3. **Homeland security** - This continues to be a major national issue since the dramatic events that unfolded on September 11, 2001, and thereafter. These events changed the way we, as a nation, must prepare for future acts of terrorism within our borders. One facet of this issue deals with providing for environmental security with respect to potential terrorist acts.

    a. Illinois Terrorism Task Force - The Illinois Terrorism Task Force was created by executive order in May 2000. This order also defined the composition of the Task Force to include state agencies with response capabilities or resources that support training and response, including representatives from state/local fire service, hazardous materials response, emergency medical services, law enforcement, public works, public health, National Guard, and emergency management. Representatives from the FBI and FEMA are also included.

    The Task Force created the committees on Training, Bio-Terrorism, Crisis Management, Transportation, Public Information, Volunteer Coordination, and Communications. The committees included representatives from federal, state, regional and local governmental entities, as well as from public agencies, advocacy associations and private entities. Illinois EPA participates on three of these committees. The Task Force has accomplished the following:

    - Mobile Response Teams were created to assist local first responders and to coordinate the state's response.
    - A critical assessment of local health departments and hospitals was conducted for bioterrorism preparedness.

- A uniform training philosophy and curriculum for First Responder Training was developed. Terrorism and incident command system modules were incorporated into required law enforcement, fire service, and emergency management training.
- State and local emergency managers were trained in, and then tested pursuant to a statewide assessment of terrorism vulnerability and preparedness. This was used as the basis for a statewide three-year strategy to address deficits.
- A statewide mutual aid system for weapons of mass destruction (WMD) and other catastrophic disasters was put in place. This includes fire equipment, emergency medical service apparatus, and search and rescue capability.
- Equipment protocols and standardization guidelines were developed with respect to WMD-related procurements to enhance the efficiency of any response involving multiple responding agencies.
- WMD exercise guidelines were put in place to help focus local efforts on specific scenarios, scope of training, development and evaluation, and funding requirements.

In addition, Illinois EPA provides technical expertise on responses involving chemical materials to State and local response teams. Illinois EPA has participated in field-training exercises addressing potential terrorism scenarios with local response groups, as well as the State Weapons of Mass Destruction (SWMD) teams. Supporting and enhancing such efforts is a significant ongoing commitment for Illinois EPA.

Illinois EPA has played a significant role in many of the Task Force accomplishments. The most notable achievements were helping to create and equip the state response teams and in recommending standardized equipment and protocols for all response teams. Illinois EPA has completed counter-terrorism training for nine emergency responders that are located in three response offices across the State. The nine emergency responders have completed additional training to the HAZMAT Technician Level B certification, which included CBRN response operations. Illinois EPA's current capabilities to respond in the CBRN realm include:

- CBRN agent identification;
- Sampling and multi-media monitoring for agents; and
- Assistance with evidence collection, and decontamination.

b. Region 5 Counter-Terrorism Preparedness - During a terrorism incident, USEPA is authorized by Presidential Decision Directive #39 and Homeland Security Presidential Directive #5 to provide hazardous materials response support to the FBI and DHS-FEMA. Region 5 has ongoing counter-terrorism training for 36 On-Scene Coordinators (OSCs) that are located in six response offices across Region 5. Most of these personnel, including Emergency Response Branch management, have Secret or Top Secret level security clearances. The counter-terrorism teams have training in Level A, B, and C response operations involving chemical, biological, and radiological materials. The Region's current capabilities to respond in the CBRN realm include: CBRN agent identification, sampling and multi-media monitoring for agents, assistance with evidence collection, decontamination and other crisis management and/or consequence management activities. Region 5 has conducted

tabletop and full-scale field exercises addressing potential terrorism scenarios. During the "TOPOFF 2 WMD" exercise in 2003, USEPA coordinated response efforts closely with Illinois EPA, Illinois State Police, Illinois Emergency Management, and other State agencies. USEPA plans to continue to coordinate training and preparedness exercises with state emergency management and environmental agencies during the next several years.

Looking towards FY04 -

Detection and Analytical Capability -- The parties will conduct an evaluation of the mutual capability and capacity for our field deployable equipment and fixed laboratories to handle analyses for chemical, biological, and radiological agents. The objective is to develop an analytical pact for mutual support during crisis conditions. USEPA's Emergency Response Branch has opened a new office at the State of Illinois facility in Des Plaines. The presence of USEPA On-Scene Coordinator personnel and field response equipment located at this office will greatly improve communications, technical exchange, and response capabilities between USEPA and Illinois EPA personnel.

4. State Science Council

Region 5 and our state and tribal partners have established a State/Tribal Science Network to promote the use of the best available science in our environmental decision making. The Network will discuss and identify research needs, compare approaches to science policy, and promote the science communication within and between Region 5 environmental agencies and tribes. The Network will promote sound science principles such as conducting peer reviews and complying with the Information Quality Guidelines. The Network currently has an environmental agency staff representative from each of our six states and a representative from the Tribal Science Council.

Illinois EPA and Region 5 will actively participate in and support the State/Tribal Science Network.

5. Environmental Public Health Tracking Program

USEPA is actively involved in developing measures and methodology for better understanding and tracking the relationship between environmental conditions and human health outcomes (e.g.). Part of these efforts have included the recent Draft Report on the Environment, in particular chapter four, and the accompanying technical document. USEPA has also developed a Memorandum of Understanding (MOU) with the US Department of Health and Human Services (HHS) to work together to improve tracking of the linkages between environmental conditions and human health outcomes. A relatively recent report by the Pew Commission was influential in the increased emphasis in this area.

The Centers for Disease Control and Prevention (CDC) of HHS has established an Environmental Public Health Tracking Program to make progress toward developing these relationships. Seventeen states, three local health departments, and three schools of public health were awarded money by CDC in 2002 to develop an environmental public health tracking network and to develop capacity in environmental public health at the state and local level. The Illinois Department of Public Health (IDPH), with the support of Illinois EPA, is a recipient of a 2002 CDC Environmental Public Health Tracking Program competitive grant. IDPH was awarded between $600,000 - $800,000 per year for three years for an Enhancement and Demonstration developmental project. The project objective is to develop or enhance exposure or health effect surveillance systems and conduct projects to assess the utility of linking and reporting health effect data with exposure or hazard data. This information is intended to guide appropriate public health action or practice and ultimately improve the health of communities.

Illinois EPA and Region 5 agree to work together towards the goals of better environmental health tracking.

VI. PUBLIC INVOLVEMENT

Both Illinois EPA and the USEPA are publicly accountable government organizations that exist to protect human health and the environment. This agreement is an evolving public document that can inform and guide public debate on environmental problems, goals, priorities, strategies and accomplishments; a document whose development and content over time will be in part shaped by public involvement. The agencies commit to development and use of a mix of approaches to effectively achieve public outreach and involvement.

Public outreach and involvement have several fundamental purposes:

1. **Public information** - to increase public understanding of the critical environmental issues facing the State.

2. **Public education** - to share information with the goal of motivating environmentally desirable public behaviors.

3. **Public involvement** - to engage in dialogue with stakeholders in order to gather their input and feedback systematically, offering an opportunity to shape the content and direction of environmental programs. Stakeholders include the other governmental entities, the regulated community, interest groups, academia, and the general public.

4. **Coordination** - to engage in cooperative discussion and activities with other providers of environmental protection services (e.g., other state and federal agencies, local governments, public, private, and non-profit groups) to ensure that planning goals, strategies, and implementation measures maximize environmental benefits and minimize duplication, gaps, and inconsistencies.

VII. PROGRAM PERFORMANCE AND ACCOUNTABILITY

For this agreement, we have continued to refine the goals, objectives and indicators to fit the hierarchy ("SMART" Chart) agreed to by ECOS and USEPA. We have included the environmental goals and objectives, and program objectives and outcomes in the main text of the agreement. Program outputs are all listed as an attachment. This approach reflects our desire to emphasize focusing on environmental results.

Illinois EPA and Region 5 continue to evaluate the national environmental data and reporting systems for each major program to identify good candidates for streamlining, wherever possible. This effort is believed to be critical for realizing the full potential of the NEPPS. During FY98, a Reporting Requirements Inventory was completed (see attachment). Over time, we expect this master inventory to reflect the outcome of agreed reporting burden reductions or other changes.

Illinois EPA and, when applicable, Region 5 agree to the following multi-program performance deliverables for FY04:

- Program weaknesses or improvement needs that are identified in annual reports or assessments, in concert with USEPA's perspective on environmental conditions and program performance, will be appropriately addressed.
- National environmental information and reporting systems will be supported through timely submittal of data that is collected by the State and Region.
- Suitable fiscal controls will be operational and adequate financial reporting will be maintained.
- Core performance measures will be addressed as shown in the program-specific sections of this agreement.
- Performance strategies will be implemented and results achieved will be evaluated in the next annual performance report.

To accommodate what we are still learning about NEPPS, we may need to revise our performance expectations at appropriate times during the year. Both parties are amenable to being responsive to responsible requests for change as the circumstances may dictate.

- **Partnership Capacity Building**

1. **<u>Building Integrated Information Management and Sharing Capacity</u>** - Region 5 is working with Illinois EPA on a shared vision for information management and ensuring that such a vision is reflected in the performance partnership agreement and grant. The parties are also involved in related capacity building as follows:

    a. Illinois EPA utilized USEPA's One Stop grant funding to assist in developing an integrated facility management system known as the Agency Compliance and Enforcement System (ACES). At the core of ACES is a tie file subsystem to provide unique identifiers for each facility based upon the Environmental Council of States' (ECOS) recommendations in the Facility Identification Template for States (FITS). Illinois EPA has applied the current version of those recommendations, known as the

FITS 2 model. The tie file subsystem allows information pertaining to a facility's complete air, land and water compliance and inspection status to be readily accessible through ACES, since such data is linked via the single identification number assigned to the facility. The ACES tie file subsystem became operational in July of 2003. Another subsystem of ACES for compliance monitoring of landfill groundwater data was placed into production use during October 2003. Development of other subsystems, which will manage inspection, compliance and enforcement efforts agency-wide, is anticipated to be finished by the end of calendar year 2004. Upon delivery of those remaining subsystems, Illinois EPA will proceed with final testing and production implementation.

b. Illinois EPA will use USEPA's Network Readiness Grant funds to continue its progress in promoting the efficient and effective utilization of environmental data for the purpose of improving environmental conditions. In the next three years, Illinois EPA anticipates working toward providing new data flows to the National Emissions Inventory, Facility Registry System data, RCRA-INFO, STORET, AQS and UCMR. The data flows will be detailed in Trading Partner Agreements (TPAs) between USEPA and Illinois EPA and will necessarily involve the relevant program offices in the Region and Illinois EPA.

c. In addition, Illinois EPA will continue to develop an electronic Discharge Monitoring Report System (eDMR) that will provide for form completion and submittal via the Internet, with use of PKI technology to support digital signatures.

2. **Quality Management Plan** -The final quality management plan (QMP) was approved by Region 5 on September 4, 2001, and implementation began during FY02. Illinois EPA continues to implement the approved quality management plan, which is integrated with key aspects of the annual NEPPS process. The following work will continue for FY04:

a. QSC - The Quality Steering Committee will continue to meet on a monthly basis. The results of the meetings will be documented in meeting minutes. Some of the work done by the QSC includes; performing support work of the QMP; reviewing and revising the QMP; facilitating round table discussions on quality related issues; providing technical assistance; assessing training needs and courses; and establishing a clearing house of documents -SOPs, QAPPs, etc

b. Quality Assurance for Procurement (Contracts) - Illinois EPA developed and finalized generic language for contracts that involve data collection and analysis during the months of April and May of 2003. This language is intended to be used by all programs on a case-by-case basis.

c. Training - Training coordinators are assigned in each of the core programs. These coordinators work with the QSC to bring courses to Illinois EPA. Region 5 has provided quality assurance training, and Illinois EPA will request additional training in the future.

d. Annual Planning Workshop - Illinois EPA will evaluate the need for a planning workshop in FY04.

e. Master Inventory of Standard Operating Procedures - Illinois EPA has completed a master inventory of SOPs for the Agency. This inventory will be updated annually as changes are made.

f. Review of QMP - Since the present QMP expires in June 2004, the QSC will prepare a resubmission to USEPA in FY04.

g. MSR Audit - An MSR audit was performed of Illinois EPA's QMP by the Region 5 on August 18-21, 2003. At the closing meeting a number of preliminary findings were discussed. Region 5 has provided a draft report of the MSR to Illinois EPA for comment before completing a final report. Illinois EPA will respond to the comments made by Region 5. The findings of the MSR will inform the review/revision to the QMP as noted in item 6.

h. Annual Report and Work Plan - As it is required and documented in Section 2.2.8 of the Agency QMP, and Bureau and Division QMPs, during the third quarter of the Federal Fiscal year, Illinois EPA 's Agency Quality Assurance Manager will prepare, after consulting with the appropriate QAOs and the Agency's Quality Systems Coordinating Committee, a Quality Assurance Annual Report and Work Plan (QAARWP), reflecting the implementation status of Illinois EPA's QA Program. The Work Plan shall describe major planned QA activities for the coming federal fiscal year, including specific planned audits and audit responsibilities. It was agreed between the Region 5 and Illinois EPA to conduct a flexibility pilot on the integration of the QAARWP into the annual National Environmental Performance Partnership System (NEPPS) process. Illinois EPA's NEPPS performance partnership Agreement and the Annual Performance Report will include the information required in a QA Annual Report and Work plan. The annual performance report could address the results of evaluation reports. The PPA will serve as the vehicle for describing planned work as agreed to last year. We are continuing this pilot another year to ensure that the preferred approach is put into practice.

QMP progress statements will continue to be provided for the participating programs as a part of the annual performance report.

- **Flexibility Pilots - Third Round**

This agreement places special emphasis on partnership realization by identifying several flexibility pilots. These pilots are aimed at improving current operational practices or trying some alternative performance arrangements. For FY04, we will conduct or examine the following flexibility pilots:

1. **Environmental Management System Agreement for Combined Animal Feedlot Operations (CAFOs)** - Illinois EPA is currently in discussions with the USEPA on a revised proposal to address our EMSA Innovation Grant Proposal. The revised proposal would address Combined Animal Feedlot Operations (CAFOs). Those that choose to participate in the Environmental Management System (EMS) pilot project would have a selection of best practices for CAFOs to choose from in order to go "beyond compliance". In turn Illinois EPA would grant some administrative streamlining, such as opting out of the permit program. The EMS Agreement would document this and require some reporting. The goal is to have the grant proposal revised and approved by the USEPA by the end of February 2004.

2. Lake Michigan LaMP/TMDL - The components of the Lakewide Area Management Plan are very similar to the key elements for TMDLs. As one of four states that border Lake Michigan, Illinois cannot independently satisfy TMDL requirements. Effective involvement and coordination from USEPA is necessary to ensure a manageable outcome for both the LaMP and the TMDL processes. An integrated approach has been committed to in the Lake Michigan LaMP 2000 and should be pursued so that the final LaMP addresses eventual development of an approvable TMDL in a timely manner. For FY04, the agencies will participate in strategy and stakeholder meetings to develop the action plan.

MEDIA PROGRAMS

A. Clean Air Program

1. **Program Description** – The Bureau of Air (BOA or Bureau) is organized, functionally, around five priority program areas:

   a. Ozone - As of October 31, 2001, the Chicago severe ozone nonattainment area had three years of monitored attainment of the 1-hour ozone standard. Although Illinois EPA expected to submit all of the materials necessary to formally petition for redesignation to attainment in late Summer 2002, however, the area again measured nonattainment. Over the June 21- 24, 2002 time period, a non-typical combination of weather conditions (extreme heat, high solar intensity, low wind speeds, and a pronounced Lake Breeze effect) and poor air quality just upwind of the area and that ultimately moved into the Chicago nonattainment area resulted in a number of exceedances of the 1-hour ozone standard. The monitoring station at Chiwaukee, Wisconsin (included in the area's monitoring sites as a downwind site) now has four exceedances over a three-year period (2000, 2001, 2002). The design value of the area in 1991 was 190 ppb, however, if the design value were set based on the current air monitoring data, the design value would be 134 parts per billion (ppb), which is in excess of the standard of 125 ppb. (This design value remained unchanged after the 2003 ozone season.) Thus, while the area is again nonattainment, it has experienced significant improvement in 1-hour ozone air quality.

      Conditions in the Metro-East area continue to improve, and in May 2003, the area was redesignated to attainment of the 1-hour standard based on three years of air monitoring data (2000, 2001 and 2002), and continued to meet the 1-hour standard through the 2003 ozone season.

      Specifically, the BOA is undertaking the following activities with regard to ozone:

      - USEPA and Illinois EPA have made significant progress in regard to the NOx transport SIP. Illinois has completed all of its required submittals pertaining to the NOx transport SIP Call, and USEPA has approved these rulemakings. Illinois EPA attended USEPA/CAMD sponsored NOx SIP Call training in FY02 and FY03. Illinois EPA has issued all of its Early Reduction Credits under the NOx SIP Call allocated for EGUs, and is in the process of designing its implementation policies and procedures for the other elements of the program.

      - In addition, Illinois completed a statewide rate-based rule for large EGUs (Title 35 - Subpart V) to support attainment of the one-hour ozone standard in the Metro-East ozone nonattainment area that became effective May 1, 2003.

      - Illinois completed its one-hour ozone attainment demonstrations for the Chicago ozone nonattainment areas and the ozone attainment demonstration has been approved.

- In addition to our efforts to address 1-hour ozone nonattainment, we are tracking USEPA's actions regarding 8-hour ozone implementation policy. The ozone program includes all activities relative to ozone, from monitoring to rulemaking to participation in subregional assessments of ozone to operation of the enhanced vehicle emissions testing program to voluntary measures through the Partners for Clean Air Program and the Clean Air Counts Campaigns.

- The Bureau has submitted to Region 5 its proposed nonattainment designations for the new 8-hour ozone standard. The proposed designations are essentially the same as the Metro-East and Chicago 1-hour nonattainment areas, although Jersey County is included in the proposed Metro-East 8-hour nonattainment area. These same areas of the State (excluding Jersey County) are exceeding the new $PM_{2.5}$ standard based on 2000, 2001 and 2002 data, and monitoring and speciation of data continues. PM2.5 nonattainment designations are due to be submitted in February 2004.

- The Partners for Clean Air (PFCA) is a voluntary organization of businesses, local governments and other entities in the Chicago area that take certain actions on Ozone Action Days (days when meteorologists predict that the weather patterns are conducive to ozone formation). BOA forecasts Ozone Action Days based upon weather information and notifies the Partners, who along with their employees then take one or more actions to help reduce emissions of VOM. Such actions include staggered work hours to reduce rush hour traffic, telecommuting, and suspension of landscaping activities that involve use of small engines such as lawnmowers.

  In 2003, the number of Corporate Partners was over 400, from only 15 at the beginning of the program in 1995. Federal funds have been received from the Congestion Mitigation Air Quality program to support our efforts of public education and outreach.

  Significant public education and outreach efforts include:

  1. Paid radio advertisements throughout the Ozone Season featuring Breathe Easy Man.
  2. Dedicated website for up-to-date information about air quality, cleantheair.org. Between 5,000-7,000 visits are made to the site each month.
  3. Hiring an actor in costume to portray Breathe Easy Man at approximately 20 festivals and events, and news shows throughout the Chicago-land area, carrying the clean air message especially to children.
  4. Providing giveaways to promote clean air featuring Breathe Easy Man, including temporary tattoos and coloring books.
  5. Blast fax and e-mail services to notify the media, PFCA and interested citizens of Ozone Action Day declaration.
  6. Press releases were sent to Chicago media declaring the first Ozone Action Day on June 24, 2003.

Illinois EPA's public education efforts have also increased public awareness of actions that individuals can take to reduce ozone formation on Ozone Action Days.

"Green Pays on Green Days" Educational Program -
For the second year, Illinois EPA has partnered with the Partners for Clean Air, local businesses, Region 5, the City of Chicago and media groups to sponsor a summer-long ozone educational program called the "Green Pays on Green Days" Program. Through Green Pays on Green Days, residents of the Chicago metro area counties of DuPage, Cook, Kane, Will, Lake, McHenry, Grundy and Kendall in Illinois were able to enter the contest by pledging to take one or more "Green Actions" on Ozone Action Days when weather conditions are favorable for smog formation. The "Green Actions" are the top ten ozone tips formulated by the Partners for Clean Air and are designed to reduce ozone. By sending in their Clean Air Pledge, citizens were entered into drawings for environmentally friendly prize packages. The program ran from June 2, 2003, through September 1, 2003.

The pledge/entry forms could also be submitted online, or through mail-in forms from "Green Pays on Green Days" posters placed throughout the Chicago area. Throughout the summer, the Green Pays on Green Days campaign, along with Breathe Easy Man, Illinois EPA's air quality superhero, appeared at local festivals, including the Taste of Chicago, and minor league baseball games, to educate citizens about clean air.

The Green Pays on Green Days program awarded environmentally-friendly products, thus encouraging citizens to purchase and use these products in the future. Daily prizes included products such as energy efficient light bulbs, mass transit passes, and, drip-less gas cans and charcoal starters, to name a few. The Grand Prize was a 2004 Toyota Prius - an Ultra-Low Emissions/Electric-Hybrid Vehicle – donated by Chicagoland/Northwest Indiana Toyota Dealers, and was awarded at the end of the program.

On March 20, 2003, USEPA awarded Illinois EPA a Clean Air Excellence Award, recognizing Illinois' achievements under the "Green Pays on Green Days" program. For FY04, Illinois EPA will continue its role in providing leadership and play an active role in the PFCA.

Also, in FY04, we will continue to promote the voluntary actions that can be taken to reduce air pollution. We will also participate in significant public education and outreach efforts. We also hope to continue to sponsor a "Green Pays on Green Days" campaign during the 2004 ozone season, assuming Illinois EPA can raise sufficient contributions to fund this campaign.

b. Title V Program Implementation - This element of the Clean Air program includes the significant permitting activities required by the Clean Air Act. The primary focus in FY03 was to continue to issue all initial or first generation CAAPP permits. Illinois EPA came close to achieving that commitment, issuing all but the most controversial permits

(about 23) where notice, hearing and opportunity to comment were provided, but public objection continues. Illinois EPA staff is attempting to address the points of concern and intends to issue the remaining permits early in 2004. The Bureau of Air continues to maintain a very positive and mutually beneficial working relationship with Region 5. Region 5 has significantly decreased the amount of time spent on review of the Title V permits, consistent with our agreement. Further, our agreement for Region 5 to concurrently review proposed permits while they are at public notice has helped to speed up the federal review process.

As stated earlier, Illinois EPA formally committed to issue all initial CAAPP permits by December 31, 2003, and met all interim milestones. We are moving to issue the remaining 23 initial permits as expeditiously as possible, looking at early in 2004 for issuance. Illinois EPA continues to ensure that issuance of CAAPP permits receives high priority.

We also continue to participate in and track the development by USEPA of revisions to the New Source Review Program, amendments to Part 70, and other related actions. These actions will be fully evaluated prior to seeking amendments to the State program.

c. Air Toxics - As the result of the final agreement with the Sierra Club, USEPA has published the "new" Section 112(j) effective dates for the balance of the 10-year MACT standards. Illinois continues to be an active participant in the development and implementation of MACT standards under Section 112 of the Clean Air Act. Furthermore, Illinois EPA has been involved in the Section 112(f) residual risk issues for those facilities subject to MACT. Illinois EPA has also been an active participant in the Region 5/States Risk Assessment Groups that conducts bi-monthly conference calls.

Recently, Illinois EPA has been involved in significant outreach in the form of conferences, workshops and direct mailings to sources that were potentially affected by the Section 112(j) "Hammer" clause of the CAA. In many cases, affected sources have opted to take federally enforceable limits in the form of a FESOP or within the source's CAAPP permit. Illinois EPA has worked closely with the Section 112(j) sources to achieve compliance with the General Provisions requirements, as well as any case-by-case issues that may arise.

Illinois has been active on the development of the Cumulative Risk Initiative (CRI), recently renamed the Air Screening Assessment or "ASA", and the National Air Toxics Assessment (NATA) air toxics inventory updates to keep the CRI and NATA prospective application current. Illinois EPA was involved in the peer review of the 1999 NATA inventory and results.

Illinois established a national air toxics trend site at Northbrook on January 1, 2003, and air monitoring for selected air toxics continued throughout the calendar year. The associated data was reported to USEPA's AIRS database.

In FY04, we will include the effort to initiate the use of a computer enterprise system (relational databases) called "ACES." This will, in the short term, redirect some traditional compliance efforts and resources, but should, in the long term, significantly improve compliance and compliance tracking, and reporting capabilities. Initial implementation of the ACES system is expected to be fully operational in January 2004.

d. Compliance - Activities traditionally associated separately with field inspections and enforcement all come under the larger umbrella of compliance. The Bureau will proceed to update and implement the compliance workplan between it and Region 5, addressing these activities, including any special projects, routine inspections, report reviews, emissions testing and monitoring reviews, and other compliance activities. The Bureau will also participate in specific state and federal initiatives, including implementation of MACT standards as they are promulgated.

   The Enforcement Response Plan (ERP) and the Compliance Memorandum of Agreement were both signed by Region 5 during FY00 and are followed. Illinois continues the implementation of the High Priority Violation policy established in FY00. Effective communications are being maintained between Illinois EPA and Region 5 on an ongoing basis through meetings and regularly scheduled conference calls.

   In FY04, we will continue to include efforts to fully initiate the use of a computer enterprise system (relational databases) called "ACES." This will, in the short term, redirect some traditional compliance efforts and resources, but should, in the long term, significantly improve compliance and compliance tracking, and reporting capabilities.

e. Base Programs and National/Regional Priorities - Although the four program areas listed above are very focused priorities, the base programs must continue to function so as to maintain the progress we have achieved thus far both in the area of ozone reductions and with regard to other pollutants, such as sulfur dioxide (SO_2) and particulate matter (PM). Such base programs include air monitoring, state permitting and data management, among others. Although many of the activities implementing Illinois EPA's pollution prevention and small business programs are carried out by Field Operations Section inspectors and Permits Section analysts, coordination of these programs within the Bureau of Air is included in Base Programs. At the same time, there are key national and regional initiatives that should be included in our priorities, such as deployment of speciation monitoring network to assess fine particulate matter (PM2.5) and regional haze.

   Quality Management Plan -

   - In FY04, the Bureau will continue implementation of our Quality Management Plan (QMP). The Bureau will complete the evaluation of the Records Management System and will develop a comprehensive document management plan that will incorporate all documents filed within the Bureau. The document management plan will be developed and initial implementation will commence in FY05.

A commitment in our QMP is to conduct a review of the plan, revise if necessary, and obtain Region 5 approval. The Bureau plans to complete this task in FY04. In order to accomplish this task in an efficient and effective manner, we will be assessing the results and recommendations of the Management System Review that was conducted by a Region 5 quality review committee in the fall of 2003. The findings will be incorporated into our revised QMP as appropriate. We plan send a revised QMP to Region 5 for approval in FY04, provided we receive the committees findings in a timely manner.

2. **Program Linkage to Environmental Goal/Objectives** - Trends in air quality gauge the success of the air pollution control program. These trends are determined from a combination of air quality measurements and emission estimates. The planned program objectives and program activities of the air program contained in this agreement will contribute in a variety of ways to the improvements reflected in those trends. For example, the declining trend in air quality exceedances and the steadily improving air quality conditions measured through the Air Quality Index provide an indication of the quality of the pollution control regulations and the effectiveness of the compliance assurance program. Emission trends illustrate the direct relationship between the control program and reductions of the targeted pollutants in the atmosphere. A summary of our environmental goals, environmental objectives, and the measures that demonstrate progress towards these goals and objectives is as follows:

Environmental Goal	
Illinois should be free of air pollutants at levels that cause significant risk of cancer or respiratory or other health problems. The air should be clearer (i.e., less smog), and the impact of airborne pollutants on the quality of water and on plant life should be reduced.	
Environmental Objectives	*Environmental Indicators*
General Air Quality:	
1. Maintenance of 90%[1] "good" or "moderate" air quality conditions in the areas of the State outside the Lake Michigan and Metro-East 1-hour ozone nonattainment areas.	Air Quality Index levels outside the 1-hour ozone nonattainment areas.
2. Maintenance of 90% "good" or "moderate" air quality conditions in the two 1-hour ozone nonattainment areas.	Air Quality Index levels in the 1-hour ozone nonattainment areas.
3. Maintenance of attainment status for pollutants other than ozone[2], especially in urban areas.	Trends in monitored levels of each criteria pollutant other than ozone.
Ozone:	
4. Attainment of the 1-hour ozone standard by 2007.	Trends in the relationship between the number of days in exceedance of the 1-hour ozone standard in the nonattainment areas and the number of days conducive to the formation of ozone.
Program Objectives	*Program Outcome/Measures*
1. For the Chicago ozone nonattainment area, 2004 total ozone season weekday VOM emissions will be at or below 750 tpd.	Seasonal VOM emissions in the Chicago area 1-hour ozone nonattainment area by sector.
2. For the downstate ozone attainment area, 2004 total ozone season weekday NOx emissions will be at or below 1560 tpd.	Seasonal NOx emissions outside the Chicago 1-hour ozone nonattainment area by sector.
3. Reductions in emissions of hazardous air pollutants.	Trends in hazardous air pollutants as reported through the National Toxics Inventory.
4. Minimize the number of days of violation at high priority sources.	Average number of days for significant violators to return to compliance or to enter into enforceable compliance plans or agreements.

[1] The Air Quality Index, which replaced the Pollutant Standards Index, includes the 8-hour ozone and $PM_{2.5}$ standards. It also includes six categories of air quality: good, moderate, unhealthy for sensitive groups, unhealthy, very unhealthy, and hazardous.

[2] USEPA has not finalized its Implementation Policy for the 8-hour ozone standard or the PM2.5 standard. Thus, there is currently no regulatory schedule for implementing the fine PM and 8-hour ozone standards. Illinois has submitted its proposed designations for 8-hour ozone nonattainment areas to USEPA and will submit its designations for the PM2.5 in February 2004. Because the Implementation Policy for the new standards is pending, as well as the attainment dates, meeting these two new NAAQS will not be a specific goal of this FY04 NEPPS. However, Illinois will continue to meet its obligations to monitor these pollutants and will timely respond to any USEPA action on these standards.

3. **Performance Strategies** - Performance strategies include the daily activities performed by the Bureau of Air that ensure that our environmental goal and program objectives and outcomes are being met. The performance strategies are described below as program activities. Attaining the 1-hour ozone standard in the Lake Michigan region remains a priority with Illinois EPA, and the planning activities related to it have been identified as an area of program activities. However, Illinois EPA has begun to shifts its focus toward attainment of the PM2.5 and 8-hour ozone standards. The program activities performed in the other four priority areas described below support the progress we have made towards attainment of the 1-hour ozone standard, and will also support our efforts to attain the 8-hour ozone and PM2.5 standards. For example, a source's permit includes conditions that limit the source's emissions of ozone precursors as well as other pollutants so that the source's emissions do not cause or contribute to exceedance of any air quality standard.

   a. Ozone – The State of Illinois is not in attainment for the 1-hour and 8-hour ozone standards. Therefore, attaining these standards is a priority for us, and it deserves attention separate from the other, more functional programs in the Bureau of Air.

      - General - Illinois EPA will continue and expand upon our previous progress towards obtaining voluntary episodic emission reductions through the Partners for Clean Air, including measurement of program support, assessment of SIP credit potential, and continuation of our public education efforts. If sufficient funding can be obtained, we will sponsor a "Green Pays on Green Days" educational giveaway program during the 2004 ozone season. Additionally, we will participate in ozone forecasting and mapping projects.

      - 1-Hour Ozone - When USEPA has completed its remand rulemaking establishing limitations on NOx emissions from internal combustion engines, Illinois EPA will adopt and submit the necessary rules to Region 5. Illinois EPA will submit the annual statewide emission inventory of major sources including ozone precursors in NET format. Illinois EPA will also continue participation in the Clean Air Counts campaign between communities in northeastern Illinois and Region 5 in an effort to find creative means of obtaining reductions of VOM and NOx to further enhance air quality in the area.

      - 8-Hour Ozone - Illinois EPA will track and timely respond to USEPA's final designations of the 8-hour ozone standard, and its development of planning guidance for implementing the 8-hour ozone standard. Illinois EPA will begin preparation of the 2002 base year inventories for the Chicago and Metro-East ozone nonattainment areas for incorporation into the SIP, future rate-of-progress plans, and as base data for ozone modeling analysis.

      - Mobile Source Programs - Illinois EPA will continue to add programs and initiatives for motor vehicles and fuels, with an emphasis on clean, alternative fuels and advanced vehicle technologies. The Clean Fuel Fleet Program, the Illinois Alternate Fuels Rebate Program, and the Stage I, Stage II, and Tank Truck certification programs for vapor recovery will continue. Staff will continue to work on new

initiatives and projects with the State's Clean Cities coalitions and select companies to promote clean fuel vehicles, and development of fuel infrastructure and niche markets for clean, alternative fuels with federal and state funding. In addition, the Illinois Green Fleets Program was recently launched. Green Fleets provides recognition and additional marketing opportunities for those government and business fleets in Illinois that implement alternative fuels and vehicles into their fleet. Designated "green fleets" will be highlighted in newsletters and on a website.

- On-Board Diagnostics (OBD) - Following legislation to allow OBD testing, Illinois EPA began "clean-screen" OBD testing in July 2002, and will move to full pass/fail OBD testing in January 2004. These rules have been adopted by the Illinois Pollution Control Board. Illinois EPA will also make a SIP revision to USEPA for pass/fail OBD testing.

b. Title V Program Implementation - Illinois EPA will continue to improve its rate of issuance of Clean Air Act Permit Program (CAAPP - Illinois' Title V program) permits, and ensure that sources in the State are aware of their obligations to comply with their CAAPP permits. Illinois EPA committed to a schedule for issuing all initial Title V permits by December 2003. Illinois EPA will also continue to provide Region 5 with draft/proposed permits for federal review concurrent with public notice and review. Improving our rate of issuance of CAAPP permits and CAAPP permit renewals is a necessary and important element of our air program that assists Illinois in meeting its environmental and program objectives of attaining the ozone standard and maintaining attainment of the other NAAQS. The Bureau of Air and Region 5 will jointly determine and address any required revisions to the Title V program resulting from adoption of USEPA's final amendments to 40 CFR part 70 and any permitting issues. We will process construction permit applications, including PSD and New Source Review evaluations, as appropriate. The Bureau will improve its rate of input into the RACT/BACT Clearinghouse.

c. Air Toxics - The Bureau of Air's air toxics program reflected very active participation at the national level in the development of MACTs, at the state/regional level through our participation in the mercury initiative and the Great Lakes project, and at the state level in the development of data relative to toxic pollutants other than HAPs that Illinois has identified as being of concern in this State. However, the Bureau has lost key staff in this area. Illinois EPA will continue these activities as staffing allows, with emphasis on the following:

- MACT Development – As staffing allows, we will continue to participate in development of MACT standards during FY04.

- Section 112 Implementation - Illinois EPA will continue implementation of Section 112 major HAPs requirements consistent with the Delegation Agreement between Illinois and Region 5. Moreover, Illinois EPA will work with Region 5 in implementation of Section 112(k) through the various community-based initiatives identified below, as part of the Urban Air Toxics Strategy.

- Monitoring - Illinois EPA commits to continue its data collection and monitoring for PAMS the designated National Air Toxic Trends Sites (NATTS). Monitoring data will be quality assured and submitted to AIRS on the same schedule as the PAMS data is submitted. Illinois EPA will cooperate with Region 5 on the evaluation of the monitoring data results and interpretation of historical monitoring data.

- Urban Toxics Strategy - Illinois will work with Region 5 within the framework of the Integrated Urban Air Toxics Strategy, including evaluation of the impact of the strategy on Illinois source sectors, evaluation of federal/state roles, and determination of the significance of sectors not affected by MACT standards. Illinois EPA will identify high priority sectors after reviewing the most recent, updated toxics inventories and look for emission reduction opportunities in Chicago through pollution prevention and other voluntary reduction efforts. This includes stationary source measures as well as those for mobile sources such as a diesel retrofit program, lawnmower by-back program, etc. Illinois will continue to work with the City of Chicago's Departments of Environment and Aviation to provide technical assistance regarding ways to reduce toxic emissions from area and mobile sources through the use of lower emitting paints and coatings, and the use of clean alternative fuels.

  - National Air Toxics Assessment (NATA) - Illinois EPA commits to tracking the development of the NATA. Illinois EPA and Region 5 will collaborate to interpret NATA results and examine where these results can be useful in local-scale assessments.

  - Great Lakes Project - Illinois will continue its work on air toxics inventory enhancement in conjunction with the Great Lakes Project. Additionally, Illinois will collaborate with Region 5 and the other Great Lakes states to develop a long-range regional plan to address air deposition.

  - Mercury Initiative - Illinois will continue its work with other Region 5 states to identify the uses of mercury, and through Region 5's Binational Toxics Strategy Mercury Workgroup, to reduce releases of mercury in the Great Lakes Basin. As resources allow, Illinois EPA will deploy state-of-the-art mercury monitors to provide more specific information regarding mercury deposition.

  - Inventory Update and Development - We will continue to work with Region 5 to refine Illinois' air toxics inventory as part of NATA, including the quality assurance and completion of the 2002 inventory of HAPS in NEI format and development of 2002 database modeling parameters. Illinois EPA will work to ensure that HAP emissions data is being reported as required through Illinois' Annual Emissions Report and that reported data is input into its computerized emissions inventory system.

d. Compliance - All compliance matters, including field inspections and enforcement, are addressed under this category.

The Field Operations Section will execute the inspection plan established in conjunction with Region 5. The plan will utilize a comprehensive approach to planning all compliance activities, including a priority/resource based analysis of inspections and other inspector related activities. This includes sources with Clean Air Act Permit Program permits and Federally Enforceable State Operating permits, agricultural facilities, refineries, steel companies, chemical manufacturers, Emission Reduction Market System participants, other large emitters, asbestos demolition and renovation projects, complaint and enforcement follow-up investigations, and complicated emitters. As FY04 proceeds, we will use this method to refine our analysis and resource allocation to ensure the most effective inspection program possible based on available resources.

In addition to our inspection efforts, we have intergovernmental agreements with the City of Chicago Department of Environment and the Cook County Department of Environmental Control. The agreements outline specific inspection and other activities that they perform on our behalf. These activities are mostly related to dry cleaners, asbestos removal activities and complaint investigations.

The Compliance and Enforcement Section of the Bureau of Air will facilitate the comprehensive and effective compliance and enforcement activities of the Bureau of Air. The Section will support any state, federal or joint state and federal initiatives. The Section will support routine compliance activities that yield information regarding a source's compliance status. Specifically, the Section will pursue noncompliance identified through inspections, permit reviews, records reviews, emissions testing and monitoring reviews, or any other activities. Emphasis will be placed on the following: NESHAP sources, major sources of VOM, NSR/PSD sources, Title V annual compliance certifications and emissions testing and monitoring issues. The Section will continue to participate in the development and implementation of the Agency Compliance Enforcement System (ACES). Additionally, the Section will ensure compliance with the ERMS, including trades. Illinois EPA will continue its annual performance review and report as provided in the ERMS rules.

e. Base Programs and National/Regional Priorities - The base programs are those areas of the air program that continue every day to assure clean air in the State. This element of the air program includes, for example, air monitoring and analysis and speciation of fine PM. National/regional priorities are those specific areas of air pollution control that USEPA or Region 5 has identified as deserving of particular attention.

- Air Monitoring - The Bureau of Air will compile a complete and valid air quality database sufficient to meet program needs and USEPA's requirements. We will operate the air monitoring network pursuant to USEPA's guidelines. Additionally, we will continue to obtain data from the PM2.5 monitoring system and will deploy the remaining five chemical speciation sites as federal funding allows. It is important that federal funding pursuant to Section 103 be continued and be timely. We will work with Region 5 to conduct audits on CEMs.

- State Permitting - The Bureau of Air will continue to process construction and "lifetime" operating permit applications for state (non-Title V/non-FESOP) sources and provide proposed construction permits to Region 5 as appropriate.

- PM2.5 - Through multi-state workshops coordinated by LADCO, Illinois and the other LADCO states' staffs have begun developing the process to expand the state inventories to include emissions of PM2.5 and PM2.5 precursors.

- PM10 - Funds for an October 1, 2002 through June 30, 2004 project extension grant to address PM10 nonattainment areas have been used by Illinois EPA to hire two interns to update the PM10 emission inventories for Lake Calumet and McCook. The interns began their efforts on August 18, 2003. Illinois EPA will include these emission inventories in maintenance plans for these areas as part of state and federal rulemaking processes to allow redesignation of these areas to attainment for PM10.

- Regional Haze/BART - The Bureau of Air has worked with the Midwest Regional Planning Organization (LADCO) and other Midwestern states to develop and actively participate in a process to address the requirements of the 1999 Regional Haze Rule. The Bureau of Air will continue to participate in conferences and workshops necessary to address regional haze.

- Vehicle Programs - The Bureau of Air has implemented its Clean Fuel Fleets Program and will continue its programs addressing vapor recovery (Stage I, Stage II, and Tank Truck Certification). Although funding for the Alternate Fuels Rebate program had ended on June 30, 2002, funding was reinstated in July 2003. Illinois EPA will also continue operation of this program established pursuant to the Illinois Alternative Fuels Act, which is to encourage the use of alternative fuels in the State, partially through encouraging establishment of a refueling infrastructure.

- Data Management - Data management is a program important to the Bureau of Air's ability to efficiently handle the vast amounts of data generated through permitting, inspections, inventory development, air quality planning, and monitoring, and so forth. It is an element of our program that supports our efforts to attain the ozone standard and to maintain attainment with the other NAAQS.

    - ERMS Database Implementation - The Bureau of Air will continue to collect and maintain all relevant data, including HAP data, and thereby evaluate the performance of the program.
    - Annual Emissions Reporting - The Bureau of Air has revised the Annual Emission Report rules to encompass special ERMS reporting of HAPs, as well as other changes in reporting requirements since it was last amended.
    - Integrated Comprehensive Environmental Data Management System (ICEMAN) - We will continue to expand the capabilities of ICEMAN. Areas of importance include: extracting modeling-ready data, web access by the public to appropriate data and modifications, as necessary, to implement the Compliance Monitoring Strategy (CMS) requirements.

- Agency Compliance and Enforcement System (ACES) - In cooperation with other parts of Illinois EPA, we expect to complete the detailed design and the implementation of ACES at an Agency-wide level by October 2004.

- Community Relations - The Bureau of Air is committed to involving the public (citizens, community leaders, and company representatives) in various Bureau activities. The Bureau of Air, through the Office of Community Relations, disseminates information and promotes public involvement in various Bureau programs through a variety of outreach mechanisms, including public meetings and hearings, workshops and conferences, fact sheets and pamphlets, news releases, and responsiveness summaries. Community Relations is engaged in an ongoing process to maintain a dialogue with individuals and groups to ease public concern, raise public awareness, and increase public trust.

- Multimedia Programs - The Bureau of Air will continue its active participation in Illinois EPA's public education program, including actions to educate the public regarding measures individuals can take to help reduce pollution. Illinois EPA's Pollution Prevention Program is assisted by the Bureau of Air principally through Permits and Field Operations Sections. Pollution prevention assistance will continue to be a routine part of inspections performed by Bureau of Air inspectors. Inspectors and permit analysts will assist small businesses in their awareness and understanding of existing and proposed MACT standards and air pollution regulations. As described above under Air Toxics, we will continue our participation in the Great Lakes Project.

- National/Regional Priorities - As described above, we will continue active participation in the development of MACT standards. Illinois EPA will continue to participate in Section 112(f) residual risk committees for targeted MACT standards. Section 112(f) is expected to be a component in the Urban Air Toxics Integrated Strategy development over the next five years. Also, as described above, we will participate with Region 5 in performing audits of CEMS, particularly those for SO_2 and NOx. Region 5 will help the State in its participation on a national level in the development of ozone policies and will work with the Bureau of Air to streamline Title V. The Bureau of Air will participate in the Chicago Compliance Initiative and the Clean Air Counts campaign.

4. Clean Air Program Resources

Federal Resources	51 FTE
State Resources	364 FTE
TOTAL	415 FTE

5. Federal Role - The Region 5 Air and Radiation Division (ARD) commits to support the Bureau of Air in all efforts necessary to achieve Illinois EPA's mission of Clean Air. A priority will be playing a leadership role in the identification and resolution of program issues at the national level which impact state implementation. Region 5 will work with

Illinois EPA to assess issues of concern and develop possible solutions. Region 5 will facilitate issue resolution through the Headquarters' process to ensure answers are timely and responsive to State concerns, while reflecting appropriate national consistency. Specifically with regard to SIPs, Region 5 will provide technical assistance, review, and testimony where requested, before and during state rulemaking. Completeness reviews will be completed within 60 days, but no later than six months from the date of submittal, and Region 5 will prepare Federal Register actions as expeditiously as possible, while striving to achieve statutory deadlines for rulemaking actions. Administratively, ARD will continue to provide Illinois EPA timely information regarding available resources and competitive grants throughout the year and will work with the State to expeditiously apply for and receive appropriate awards.

Region 5 will seek innovative ways to address broad regional priorities, including community based environmental protection, pollution prevention, and compliance assistance. Region 5 will assist Illinois EPA in implementation of the MACT program, provide technical support on mobile source issues and voluntary mobile source emission reduction programs, and HAP emission inventory development. Region 5 will provide timely notice of and information on funding opportunities for community-based air toxics projects, including assessments and mitigation efforts. Region 5 will work towards providing training opportunities related to air toxics in an effort to build air toxics program capacity in the State and Region. ARD will complete the Cumulative Risk Initiative (CRI) (a.k.a. the Air Screening Assessment or ASA), the result of the TSCA Petition submitted to USEPA regarding cumulative risk issues and incinerators. Region 5 plans to finalize this study during FY04. The Region has put in place a grant with the Delta Institute to identify facilities that may be emitting high hazard pollutants for pollution prevention and ISO 14000 activities. Region 5 and the Delta Institute have selected these facilities after consulting with Illinois EPA. Finally, Region 5 and Illinois EPA will continue to educate the general public, through the news media and public service messages, about burn barrel hazards and waste reduction opportunities.

Region 5 has been actively involved in the Clean Air Counts campaign in the Chicago area, with a diverse network of stakeholders to create new strategies for attaining Clean Air Act standards while achieving redevelopment goals. These strategies will influence municipal and private actions such as Brownfield redevelopment, investments in transit, greening, and other infrastructure, pollution prevention, and land use decisions. Region 5 continues to be involved in various workgroups that were formed to concentrate on pieces of the campaign. These include clean air technology, aggregation, incentives and credits, development and energy. Out of these workgroups, we will identify activities to be implemented in both the short and long term that enable specific actions to occur that are necessary to combine cleaner air with redevelopment activities. These actions and activities may also qualify as reductions under the State Implementation Plan (SIP) or may improve the livability within a nonattainment area.

Regional activities in the State's broad program components include the following that ARD will undertake:

a. Ozone

- Provide technical assistance to Illinois in the implementation of the NOx SIP Call, particularly the federal NOx trading program.
- Provide Illinois with guidance on the status of the NOx SIP Call development.
- Provide technical assistance and advice in development of upcoming reasonable further progress plans for the 8-hour ozone standard.
- Assist Illinois in the implementation of the new MOBILE6 mobile source emissions model and provide technical assistance to address any issues.
- Provide technical assistance in addressing issues and in resolving problems associated with demonstrating conformity of transportation and general programs, plans, and projects to the State Implementation Plan.
- Work with the State to continue implementing and improving upon existing Ozone Mapping System.

b. Title V

- Facilitate timely resolution of permit issuance rate impediments identified with State.
- Promote timely resolution of national issues, and common sense solutions for addressing newly identified concerns in a manner, which promotes continued issuance of good quality Title V permits.
- Work with State and USEPA, Headquarters to streamline Title V where national opportunities exist and where state-specific efforts are feasible, including reviewing draft/proposed permits concurrently with public review.
- Provide technical assistance as requested by the State for issues such as applicability determinations.
- Review a broad range of draft permits consistent with the Permits Memorandum of Agreement and provide feedback at the staff level on permit content, organization, and structure during program start-up and on draft permits of concern where there is reason to believe that public scrutiny will be high, while minimizing review of those permits that include federally enforceable permit conditions to limit applicability of various regulatory thresholds, particularly where the State has issued similar permits previously.
- Provide all information relative to changes in Title V regulations and guidance in a timely manner.
- Provide general training opportunities as appropriate.
- Provide the State with specific concerns with regard to Title V approval, including enforcement and compliance provisions.
- Consult with Illinois EPA during the development of federal rules and policy to the extent feasible.
- On a quarterly basis, Region 5 will submit the following information to Illinois EPA during Title V/NSR conference calls.
    i) Any sources with CAAPP applications pending for which significant public interest or a concern over environmental justice has been identified by USEPA;

ii) Any sources with CAAPP applications pending in which Region 5 has any special interest, with explanation; and

iii) Any source with an issued CAAPP permit for which a petition for review by USEPA has been submitted, pursuant to Section 505(b)(2) of the Clean Air Act.

c. Air Toxics

- Provide assistance in implementing MACT. In particular, provide assistance in any applicability determinations and control requirements of the NESHAPs.
- Work with Delta Institute and target facilities in exploring pollution prevention opportunities for reducing HAP emissions.
- Provide timely notification of funding opportunities for community-based air toxics projects.
- Coordinate and advance the understanding of mercury impacts and seek reductions as appropriate.
- Coordinate efforts to develop state toxics inventories and assist in the QA.
- Provide technical assistance on air toxics program issues or concerns.

d. Compliance Assistance and Enforcement

- Region 5 FY02 (DATE) initiatives include coal fired utilities, refineries, MACT (secondary aluminum production, reinforced plastics composites), HON sources, chemical sector sources, minimills, federal facilities, portland cement plants, ozone sources, a stack testing initiative in geographic priority area, and NSR/PSD/FESOP/Title V.

e. Base Programs and National/Regional Priorities

Air Monitoring:

- Conduct Quality Assurance (QA) system audits of Illinois EPA ambient air quality monitoring network and provide the service of QA performance audits when needed in coordination with Illinois EPA.
- Continue to provide assistance and technical support for the Photochemical Assessment Monitoring Stations (PAMS) in coordination with Illinois EPA.
- Work with the State to implement Lake Michigan PAMS data analysis plan.
- Work with the State in reviewing and approving annual NAMS/SLAMS network plans.
- Provide Illinois EPA the resources needed to support the national trend site for PM2.5 speciation.
- Provide Illinois training in quality assurance and data reporting for PM2.5.
- Support Illinois' efforts to secure Section 103 funding for PM2.5 monitoring. Assist Illinois EPA in conducting PM2.5 analyses.
- Assist the State in obtaining additional funding for toxics monitoring. Assist the State in the implementation of the air toxics monitoring network and conduct data analysis.

Permitting (other than Title V):

- Facilitate timely resolution of permit problems, including resolution of national issues and common sense solutions for addressing identified concerns.
- Provide technical assistance as requested by the State for issues such as applicability determinations.
- Review draft permits consistent with the Memorandum of Agreement, including FESOP, netting, all PSD permits and permits of concern where there is reason to believe that public scrutiny will be high.
- Provide all information relative to changes in construction permit program regulations and guidance in a timely manner.

Small Business

- Promote regional communication and information exchange through quarterly conference calls and an annual conference.
- Address questions, complaints, and compliance efforts regarding the Stratospheric Ozone Protection programs throughout the State.
- Work with the State to develop a mechanism to assess how well small business MACT outreach is furthering compliance goals.
- Continue to host quarterly calls with state/local dry cleaner contacts.
- Continue to provide ongoing technical assistance to state/local dry cleaner contacts. Region 5 will continue to provide a conduit for state/local dry cleaner contacts having issues to be addressed by USEPA and will continue to assure access for these contacts to federal documents, information and other resources that become available.

Public Outreach and Education

- Continue to support the Ozone Action Days and Partners for Clean Air programs through mailings of materials and other outreach activities.
- Continue to be a "Partner for Clean Air."
- Participate in community forums on urban sprawl and hold at least another community workshop in the East St. Louis area on urban sprawl.
- Pursue opportunities for public education and outreach using its Ozone Action Days brochures, particularly focusing on our geographic initiative minority communities, finding ways to effectively provide this information to parents of children that may be especially vulnerable.
- Expand and enhance ARD's Homepage to provide both general and State-specific information on environmental problems and conditions in a manner that is readily understandable.
- Region 5 will continue to collaborate with Illinois EPA and environmental providers in Illinois to build and expand state capacity in environmental education.
- Continue outreach on asthma and its relationship to air pollution in the Greater Chicago area.
- Provide outreach information and educate stakeholders by establishing meetings, seminars, and materials, particularly in the form of Q/A, regarding the National Air Toxics Assessment (NATA).

6. **Federal Oversight** - As part of the planned output for the air program, Illinois EPA will submit information to the USEPA's data system in addition to providing a variety of summary reports and analyses. The oversight arrangements listed here anticipate that Region 5 will avail itself of such information as part of its oversight program. The remainder of this section discusses special arrangements, including on-site inspections for specific parts of the air program.

   a. Ozone
      - Vehicle Inspection and Testing - The Illinois Auditor General's Office has completed a nearly seven month intensive audit of Illinois' Vehicle Inspection and Testing Program. Based on the report issued by the Auditor General, this program is functioning at a high level. Therefore, on-site audits or inspections of routine program are not recommended. Illinois EPA will address all findings of the Auditor General.

   b. Title V
      - FESOPs - Federally enforceable permit programs (e.g., NSR, PSD, FESOP, Title V) will receive review sufficient to ensure programmatic integrity. Draft permits will be made electronically accessible to Region 5 with paper copies and supporting documents provided upon request. Region 5 will minimize the review given to CAAPP permits that are substantially similar to previously-issued permits that have been reviewed.

      - Region 5 will work with Illinois EPA to jointly develop a complete and accurate source inventory. USEPA continues to develop source listings under regulatory development (i.e., ICRs, SEPs, etc.). This information should be available to Illinois to enhance source inventory data.

   c. Base Programs and National/State Priorities
      - Air Monitoring – Region 5 will review results of National Performance System Audit program and perform limited on-site audits or inspections on a case-by-case basis pursuant to joint agreement on the needs specific to the State program. For source emissions monitoring, Region 5 will participate in witnessing selected stack tests in conjunction with the State.

B. Clean Land Program

1. Program Description

The Bureau of Land (BOL) implements the Clean Land Program. BOL's goals are to minimize generation of wastes, maximize proper management of waste generated, and maximize restoration of contaminated land. To achieve these goals, BOL has divided its resources into six broad environmental focus areas and 16 BOL programs:

Hazardous Waste Management

a. *RCRA Subtitle C Program* regulates the generation, transportation, treatment, storage, or disposal of hazardous wastes to ensure that hazardous wastes are managed in an environmentally sound matter.

b. *Underground Injection Control Program* regulates the underground injection of liquid hazardous waste into deep wells to ensure underground sources of drinking water are protected from contamination. The program also prohibits the underground disposal of hazardous waste into or above underground sources of drinking water except where associated with USEPA or State approved cleanup provisions of the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA). (Note: This program also regulates the injection of liquid non-hazardous waste as a disposal method.)

Nonhazardous Solid Waste Management

c. *RCRA Subtitle D Program* regulates municipal solid waste landfills. Although source reduction, reuse, recycling, and composting diverts a portion of the municipal solid waste from disposal, landfilling remains the most popular waste management practice.

d. *Household Hazardous Waste Collection Program* diverts municipal waste containing hazardous materials (e.g., waste oils, petroleum distillate-based solvents, oil based liquid paints, pesticides) from landfills through one-day collection events and long-term collection facilities.

e. *High School Hazardous Waste Collection Program* provides school districts with hazardous educational waste collections associated with one-day household hazardous waste collection events.

f. *Partners for Waste Paint Solutions Program* offers consumers the opportunity to return paint products to paint retailers, local units of government, recycling centers, and material recovery facilities participating in the program.

g. *Used Tire Program* ensures used tires are managed properly and are recycled or converted to tire-derived fuel (TDF) for energy recovery or other beneficial use and that improperly stored/disposed used and waste tires are removed for proper disposition.

h. *Industrial Materials Exchange Service* provides an information exchange for hazardous and nonhazardous waste by-products, off-spec items, and overstocked or damaged materials with a potential for industrial reuse.

i. *Underground Injection Control Program* regulates non-hazardous industrial waste injection wells, septic systems, storm water drainage wells, and other wells that inject fluids below the land surface. (Note: This program also regulates the underground injection of liquid hazardous waste into deep wells.)

Federal Cleanups

j. *National Priorities List Program* investigates and cleans up Superfund[1] sites (i.e., the most serious hazardous waste sites in Illinois, as well as the nation).

k. *Federal Facility Program* provides oversight to federal agencies implementing CERCLA at federal properties pursuant to Executive Order 12580 and provides assurance to local communities that federal facility sites have been cleaned up satisfactorily.

l. *The Office of Site Evaluation* collects and evaluates environmental information on uncontrolled hazardous waste sites that pose an unacceptable risk to human health and the environment. The information is gathered to screen sites for no further action determinations, to advance sites in the Superfund investigation process, or for Brownfields redevelopment.

State Cleanups

m. *Response Action Program* administers cleanup at sites where State or responsible party resources are necessary to clean up hazardous substances.

n. *Site Remediation Program* provides participants (remediation applicants) with the opportunity to voluntarily clean up contaminated sites with Illinois EPA oversight.

Leaking Underground Storage Tank Cleanups

o. *Leaking Underground Storage Tank Program* directs the cleanup of properties where petroleum or hazardous substances have leaked from state and federally regulated underground storage tanks and the Illinois Emergency Management Agency has been

[1] Superfund generally refers to the federal program administered by the United States Environmental Protection Agency under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA or Superfund) and the implementing regulations of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300.

notified. BOL also administers the Underground Storage Tank (UST) Fund to help tank owners and operators pay for these cleanups. A portion of LUST program staffing is paid from the federal LUST Trust Fund.

Other Environmental Areas

p. *Office of Brownfields Assistance* promotes the cleanup and redevelopment of abandoned or underutilized commercial and industrial properties.

2. Program Linkage to Environmental Goals/Objectives

BOL utilized the SMART framework to illustrate the multi-level relationship between program and environmental objectives, and Bureau-specific goals.

ENVIRONMENTAL GOAL Safe Waste Management and Restored Land	
Environmental Objectives	*Environmental Indicators*
1. By 2005, reduce or control risk to human health and the environment at 90,000 acres with contaminated soil, contaminated groundwater, or unmanaged waste.	[CORE] Acres of land where human health risk is reduced or controlled
2. By 2005, no significant releases from waste management facilities that harm off-site groundwater, human health, or the environment.	Percentage of facilities in detection monitoring
3. By 2005, reduce the waste disposed in Illinois from in-state sources to 34 million cubic yards per year.	Cubic yards of waste disposed in Illinois from in-state sources
Program Objectives	*Program Outcome/Measures*
1. By 2005, reduce the annual amount of hazardous waste managed at commercial treatment/disposal facilities by 10%. 2. By 2005, 25% of the municipal waste stream generated in Illinois will be recycled.	• Tons of hazardous waste managed at commercial treatment/disposal facilities annually • Tons of municipal waste recycled • Amount of municipal waste diverted from solid waste disposal facilities through Illinois EPA-sponsored collection events and alternative management methods

Program Objectives	Program Outcomes
3. By 2005, 60% of operating waste management sites with groundwater monitoring systems will be in detection monitoring. 4. By 2005, 95% of waste management sites with groundwater monitoring systems have no significant releases that harm off-site groundwater, human health, or the environment.	• Percentage of hazardous waste management facilities conducting detection • Percentage of hazardous waste management facilities conducting assessment/compliance monitoring
5. By 2005, 90% of RCRA-regulated and inspected sites will be in full compliance within 180 days of the inspection date.	• [CORE] Significant Non-Compliers (SNC) rate within compliance monitoring program • Success rate of Compliance Assistance Program (% of generators in compliance at the beginning of compliance assistance surveys; % of generators in compliance at the end of compliance assistance surveys; and % of generators in compliance within 90 days after compliance assistance surveys) • [CORE] Average number of days for SNC to return to compliance or to enter enforceable compliance plans or agreements • [CORE] Percent of SNC at which new or recurrent violations are discovered (by reinspection or compliance order monitoring) within two years of receiving a final order in an enforcement action • [CORE] Percent of hazardous waste managed at Treatment, Storage, and Disposal facilities with approved controls in place • [CORE] Description of environmental benefits that are achieved due to resolution of enforcement cases that involve P2, SEPs, etc., when information is readily available
6. By 2005, ensure proper closure and post-closure of all inactive landfills.	• Number of inactive nonhazardous landfills closed • Percentage of GPRA Baseline Post-Closure Universe landfills facilities brought under control • Number of closure plans approved

Program Objectives	Program Outcomes
7. By 2005, clean up 16,411 sites (about 91,285 acres): • 14,900 state and federally regulated Leaking Underground Storage Tank (LUST) sites (26,075 acres) • 1,453 voluntary cleanup sites (9,600 acres) • 27 identified abandoned landfills (1,800 acres) • 24 National Priorities List sites (4,810 acres) • 7 Federal facility sites (49,000 acres)	• Acres remediated annually at LUST sites based on the issuance of No Further Remediation (NFR) Letters • Acres remediated annually at site remediation programs based on the issuance of NFR Letters and 4(y) Letters • Acres remediated annually at abandoned landfills through the State Response Program based on constructions completed • Acres remediated annually at National Priorities List sites based on constructions completed • Acres remediated annually at Federal facilities based on the issuance of NFR letters, 4(y) letters and Findings of Suitability for Transfer

3. Performance Strategies

Performance strategies are plans to optimally employ resources and effectively direct BOL's efforts to achieve the three environmental objectives identified above. BOL's strategies for FY04 are: (1) reduce the quantity and hazardous nature of waste generated (particularly those wastes containing Waste Minimization Priority (WMP) constituents; (2) increase recycling and reuse; (3) manage pollution and waste; (4) clean up releases of wastes and hazardous substances; and (5) provide incentives for cleanup and redevelopment of underutilized industrial and commercial properties. Each of these strategies affects at least one of the six environmental focus areas. The effectiveness of BOL in implementing the strategies will be measured through the accomplishment of the program objectives (listed above) by the different BOL programs. Below is a description of program activities for the six environmental focus areas for FY04.

Hazardous Waste Management

a. *Help companies identify and apply cleaner technologies and practices*. BOL and Illinois EPA's Office of Pollution Prevention (OPP) assist generators in identifying in-plant practices that may reduce the volume and toxicity of wastes (particularly those containing Waste Minimization Priority constituents). BOL prepares Pollution Prevention Feedback Summary forms summarizing pollution prevention topics discussed with the generators. Completed forms are submitted to Illinois EPA's Office of Pollution Prevention for follow-up assistance.

   For FY04, BOL will support pollution prevention activities through continuing education of their staff, conducting joint inspections (with Office of Pollution Prevention) at RCRA generators, and by promoting pollution prevention opportunities during surveys/inspections.

b. *Integrate pollution prevention into BOL's compliance and enforcement programs*. For FY04, enforcement cases will be evaluated to incorporate supplemental environment projects[2] that include pollution prevention measures (particularly in the area of Waste Minimization Priorities).

c. *Permit facilities that treat, store, and dispose of hazardous waste*. Region 5 and BOL require owners and operators of hazardous waste management facilities to obtain and comply with permits prescribing technical standards for design, safe operation, and closure of their facilities. BOL has adopted the following permitting action plans in cooperation with Region 5:

- BOL will ensure the safety and reliability of hazardous waste combustion by implementing the *Combustion Initiative's* permitting strategy: (1) establish higher priority for combustion facilities resulting in the greatest environmental benefit or the greatest reduction in overall risk to the public; (2) ensure employment of sound science in technical decision-making; and (3) include public involvement in permitting decisions. For FY04, BOL and Region 5 will take final action on a draft permit for Trade Waste Incineration, Inc. (Sauget, Illinois).[3] Other activities planned are the completion of closure for the incinerator at Eastman Chemical (Carpentersville, Illinois) and its review of the Akzo Chemical (Morris, Illinois) Part B permit application.

d. *Ensure compliance by inspecting and monitoring individuals and waste management facilities that generate, transport, treat, store or dispose of hazardous waste and take enforcement measures when necessary.* To implement this strategy, BOL has adopted the following activities:

- Compliance Assistance Program - BOL will promote environmental compliance via compliance assistance surveys targeted at small businesses regardless of the volume of waste generated. The purposes of the survey are: (a) to educate business owners and operators of their regulatory obligations under RCRA; (b) to achieve compliance through assistance rather than enforcement; and (c) to identify pollution prevention opportunities (particularly in the area of Waste Minimization Priority). BOL will notify a business of deficiencies in writing within 45 days of the survey[4]. A Compliance Evaluation Inspection will be conducted and appropriate enforcement actions will be taken if the business fails to correct all identified deficiencies within 90 days of the initial survey.

---

[2] Supplemental environmental project is an environmentally beneficial project a violator agrees to undertake in settlement of an enforcement action, but which the violator is not otherwise legally required to perform.

[3] Illinois' only commercial hazardous waste incinerator.

[4] If a substantial and imminent danger is identified during a survey, BOL will cancel the survey and immediately initiate a Compliance Evaluation Inspection.

For FY04, BOL will conduct 100 compliance assistance surveys. All compliance-related data generated at businesses[5] with Federal identification numbers will be entered into *RCRAInfo*. BOL will include the results of all compliance assistance surveys conducted in the FY04 Annual Performance Report. BOL will reflect the effectiveness of the Compliance Assistance Program through the calculation of the Compliance Assistance success rate. Illinois EPA will continue to participate in the annual RCRA Roundtable.

- Compliance Evaluation Inspections - BOL will conduct inspections to verify compliance status with RCRA requirements. BOL pursues compliance through the use of inspections, Violation Notices/Non-compliance Advisories, and enforcement actions, where appropriate.

  BOL has identified forty-two (42) active TSDs in the RCRA INFO operating universe in Illinois. For FY04, BOL has committed to conducting 42 inspections at 36 TSD's. An inspection is a: CEI, CSE, CME, OAM, CVI, or an FRR. Since Section 3007 requires TSDs to be thoroughly inspected no less often than every two years, a full CEI at 42 of these active TSDs will be done to satisfy the requirement. BOL will inspect 165 generators regulated under RCRA. There are several criteria for selecting those 165 generators for inspection. Generators targeted for inspection may include any combination of the following criteria:

  i. Filed a 2001 Hazardous Waste Annual Report indicating they are an active large-quantity generator (LQG) of hazardous waste;
  ii. Produce hazardous waste containing Waste Minimization Priority (WMP) constituents;
  iii. Have a history of non-compliance;
  iv. Have an active enforcement order issued against them;
  v. Are identified in RCRA Info as a G1 and notified after January 1, 1990;
  vi. Filed a Hazardous Waste Annual Report (as an LQG) in the past but no longer file reports;
  vii. New generators;
  viii. Small-quantity generators outside of the Des Plaines Region;
  ix. Permit Evaders; and
  x. Never inspected facilities.

  In some BOL regions, the LQG universe has been inspected in the past two to three years. In those instances, BOL will focus on other categories of RCRA generators that meet one or more of the criteria identified above. BOL anticipates these inspection activities may identify some LQGs that are currently non-filers.

[5]Percent of generators in compliance through the conduction of the compliance assistance survey; percent of generators in compliance at the conclusion of the compliance assistance survey; and percent of generators in compliance within 90 days after completion of compliance assistance survey.

BOL will also conduct "other" inspections as required including sampling inspections, citizen complaint investigations, follow-up inspections, case development inspections, non-financial record reviews, etc. If necessary, BOL will conduct observation/training inspections with new Region 5 inspectors for the purpose of providing training and education.

- BOL's field staff will continue its participation in Illinois' aggressive criminal/enforcement program by providing technical assistance in gathering media samples and other environmental data/evidence for case development by law enforcement agencies.

  BOL is a member of the Illinois Environmental Crimes Investigators Network, a partnership between the Illinois Attorney General, Illinois EPA, Illinois State Police, Illinois Department of Natural Resources, the Illinois State's Attorney's Association, and local law enforcement. For FY04, BOL will continue to be an active member of the Network through its civil and criminal environmental investigations, response to Network Environmental Crime Hotline referrals from the Illinois Attorney General's Office, and contribution to the Network newsletter.

  BOL also represents Illinois EPA as a member of the Midwest Environmental Enforcement Association (MEEA), an alliance of regulatory, law enforcement, and prosecutorial agencies from Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Ontario, and Wisconsin. MEEA provides local, state, and Federal enforcement agencies with training and professional networking opportunities for the exchange of enforcement-related information. For FY04, David Jansen (BOL Springfield Regional Manager) continues to serve on the MEEA board as Illinois' Executive Committee member.

- BOL will verify the safety and reliability of hazardous waste combustion in conjunction with the *Combustion Initiative.* For FY04, BOL and its contractor will monitor Onyx Environmental Services (Sauget, Illinois) by emissions testing activities. In addition, BOL will conduct two Compliance Evaluation Inspections at this facility.

e. *Review and approve closure plans for units where waste management facilities once stored, treated or disposed of hazardous waste.* Many facilities that previously stored, treated or disposed of hazardous waste have elected not to obtain a RCRA permit for these activities. These facilities must complete closure of all the units where they conducted hazardous waste management activities. Closure must be carried out in accordance with plans approved by BOL.

- BOL will ensure that 90% (or 50 of 56) of the Government Performance & Results Act Baseline Post-Closure Universe[6] will have "approved controls in place" by FY05. Approved controls in place mean: (a) a post-closure permit has been issued for the unit, or an existing permit at the facility has been modified so that the unit in `question is subject to the post-closure permitting standards; (b) the unit has achieved clean closure, as verified by BOL; (c) the unit has properly closed with waste in place, as verified by BOL, (d) a post-closure plan or similar enforceable document (such as a consent order) covers appropriate post-closure obligations, including 40 CFR Part 264 Subparts F and G, groundwater monitoring and cap maintenance requirements; (e) the unit is situated among solid waste management units, and closure and post-closure obligations at the unit are covered by a corrective action order or a similar enforceable document (including 40 CFR Part 264 Subparts F and G groundwater monitoring and cap maintenance requirements, as applicable); (f) the unit has been accepted by one of the State or Federal cleanup programs for remediation; or (g) the application of other controls approved by BOL (as determined on a case-by-case basis).

  At the end of FY03, 89% (or 50 of 56) of the Government Performance & Results Act Baseline Post-Closure Universe had approved controls in place.

  For FY04, BOL will issue one additional post-closure permit, increasing the percentage of facilities on the Government Performance & Results Act Baseline Post-Closure Universe with controls in place to 91%.

f. *Require investigation and cleanup of releases at hazardous waste management facilities*. The investigation and cleanup of hazardous substances at RCRA facilities is called corrective action. Facilities generally are brought into the RCRA corrective action process when there is an identified release of hazardous waste or hazardous constituents, or when BOL and Region 5 are considering a facility's RCRA permit application. The elements of corrective action are an initial site assessment, an extensive characterization of the contamination, and an evaluation and implementation of cleanup alternatives, both immediate (e.g., drum removals) and long-term (e.g., groundwater pump and treat). BOL has authority to direct corrective action at facilities permitted after April 1990, while Region 5 is responsible for directing corrective action at all other permitted facilities. Corrective action at closed facilities or those undergoing closure of all regulated units can only be directed by Region 5.

   BOL will initiate the following action plans in FY04:BOL will ensure that human exposure will be controlled at 27 of the 30 (or 90%) Cleanup Baseline Universe[7] facilities

[6]Government Performance & Results Act Baseline Post-Closure Universe are those facilities undergoing closure of all of its hazardous waste management land-based units (e.g., landfills, waste piles, surface impoundments) as of October 1, 1997.

[7]USEPA developed the RCRA Cleanup Baseline Universe list in conjunction with the states as a result of a mandate in the Government Performance & Results Act, requiring USEPA to measure and track the program progress. There is a total of 1,712 facilities on the RCRA Cleanup baseline. There are 56 Cleanup Baseline Universe facilities in Illinois.

and groundwater releases will be controlled at 21 of the 30 (or 70%) Cleanup Baseline Universe facilities by FY05. Human exposures have been controlled at 25 facilities, while groundwater releases have been controlled at 26 facilities. During FY04, BOL will ensure that (1) human exposures are adequately controlled at three more Baseline facilities; and (2) groundwater releases are adequately controlled at two more Baseline facilities.

- BOL is currently responsible for directing corrective action at 45 RCRA permitted facilities, 3 of which are currently bankrupt. BY FY05, BOL will ensure that corrective measures have at least begun at all of the 42 currently permitted facilities, which are still active. Presently, corrective measures have been completed at 18 permitted facilities, while some type of corrective action has been initiated at 20 other facilities.

- BOL will seek the FY04 supplemental funds for RCRA corrective action environmental indicator determinations at GPRA baseline facilities.

  As they are submitted, BOL will review (a) new RCRA permit applications for interim-status or new facilities, and (b) Part B RCRA permit renewal applications. This will increase the universe of facilities for which Illinois EPA has corrective action authority.

g. *Submit Authorization Revision Application (ARA) in accordance with federal schedules*. Since January 31, 1986, Illinois EPA has been authorized by Region 5 to implement the RCRA hazardous waste program in Illinois. BOL has been granted authority to implement additional parts of the RCRA Program that USEPA has since promulgated (e.g., Corrective Action, Land Disposal Restrictions, etc.). Final action on ARA applications are being held up due to several statutory issues identified by USEPA's Office of Enforcement and Compliance Assurance. Region 5 and Illinois EPA are currently working together to address these issues and possible statutory revisions.

h. *Participate in Geographic Initiatives*. A geographic initiative represents an area deemed by USEPA to have sensitive environmental problems requiring extra attention. In addition, several of the geographic initiatives may include areas with environmental justice concerns.

   Great Lakes Basin Initiative covers counties in all six Region 5 states (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin). In Illinois, the eastern most sections of Cook County and Lake County are within this geographic area. This Initiative brings together federal, state, tribal, local, and industry partners in an integrated approach to protect, maintain, and restore the chemical, biological, and physical integrity of the Great Lakes.

i. *Illinois EPA is seeking the full amount of the Clean Sweeps (PBT) supplemental funding for FY04, if available.*

Nonhazardous Solid Waste Management

j. *Enhance recycling and reuse opportunities*. BOL encourages environmentally sound solid waste management practices that foster recycling and that maximize the reuse of recoverable material. BOL administers the following solid waste management programs and services that reuse or reclaim materials from the municipal waste stream:

Program/Service	Waste Types	Recovery Method
Household Hazardous Waste Collection	Paints, flammable solvents, oils, aerosols, household batteries	Fuel blended, recycled
Partners for Waste Paint Solutions	Paints	Fuel blended, recycled
Used/Waste Tires	Whole or shredded tires	Supplemental fuel for power plants and industrial facilities, stamped rubber parts, playground cover, flooring in horse arenas, crumb rubber for various applications. Use in civil engineered applications and other beneficial uses
Industrial Materials Exchange Service	Acids, alkalis, other organic chemicals, solvents, oils and waxes, plastics and rubber, textile and leather, wood and paper, metals and metal sludges, etc.	Industrial reuse

BOL also permits facilities that recycle and reuse waste materials as a part of their operations, such as landscape waste composting facilities, transfer stations, material recovery facilities, and storage/treatment facilities.

k. *Foster waste disposal habits that promote a cleaner and safer environment*. Illinois has implemented landfill bans[8] and a variety of environmental programs that promote safe waste management through the segregation of municipal waste streams. BOL administers three environmental collection programs that aggregate waste containing hazardous constituents: (a) Household Hazardous Waste Collection Program; (b) High School Hazardous Waste Collection Program; and (c) Partners for Waste Paint Solutions. These collections provide an opportunity for the wastes to be reused or safely disposed in facilities designed to treat or dispose of hazardous waste. These programs also include public education elements that identify: (a) household wastes containing chemicals that make their disposal in municipal waste landfills or incinerators undesirable; (b) safe use and storage procedures for household hazardous materials; and (c) consumer practices to reduce the amount and toxicity of household products discarded.

BOL also administers an industrial materials exchange service that helps divert materials from the industrial waste stream to businesses that can reuse the materials.

[8]In Illinois, the following municipal waste materials are banned from landfill disposal due to their volume and/or toxicity: (a) used and waste tires; (b) landscape waste; (c) white goods (i.e., domestic and commercial large appliances) that have not had their hazardous components removed; (d) lead-acid batteries; and (e) liquid used oil.

For State FY04, BOL will conduct at least 35 household hazardous waste collections. These one-day collection events will help divert municipal waste containing persistent, bioaccumulative, and toxic constituents (e.g., mercury-containing lamps) from solid waste landfills.

l. *Ensure used and waste tire handlers operate in compliance with state standards and remove used and waste tires that have been improperly disposed*. Illinois EPA focuses on used tires as a recyclable material separate from a solid waste. Used tires improperly managed pose significant environmental risks as prime breeding habitat for disease-carrying mosquito species and as a fire hazard. In fact, waste tires (improperly discarded/managed used tires) represent the most significant form of mosquito breeding habitat among artificial containers. Unfortunately, over the years many large accumulations of waste tires have been abandoned around the state. Illinois EPA has removed (or is in the process of removing) the known universe of waste tire dumps through statutory notices and formal enforcement actions to force the property owner and/or waste tire accumulation operator to remove the dump. BOL pursues cost recovery and punitive damages after the removals are conducted. Using our allocation from the Used Tire Management Fund, Illinois EPA has removed more than ten million used and waste tires from the environment over the past ten years. This is accomplished by conducting approximately 100 waste tire cleanup activities resulting in the removal of more than 1 million passenger tire equivalents (PTE) annually. These used and waste tires are sent to the fuel, recycling, and engineered application markets. In addition, known waste tire dumps are treated to prevent mosquito proliferation until the removal is conducted.

To prevent the formation of future waste tire dumps, the Illinois' statutes and regulations require used tire handlers to meet management standards designed to minimize the hazards posed by used tires. To this end, Illinois EPA conducts more than 1,000 inspections and complaint investigations annually at used and waste tire sites. These activities include inspections at more than 600 tire retailers, all tire storage sites (approximately 200), and more than 30 registered transporters annually.

In an effort to reduce the Illinois' reliance on tire-derived fuel (TDF) as a means of disposing of the more than 12 million used tires generated annually throughout the state and to diversity our markets for used and waste tires, the BOL has begun to use shredded used and waste tires in various applications at abandoned landfill remediation projects under the 33 Landfill Program. Over the past two years, nearly 20,000 tons of shredded used and waste tires have been used as a drainage layer under the cap of two landfills and as a gas migration layer under the cap of a third landfill. These applications are accompanied by engineering studies to evaluate the effectiveness of such applications for future consideration.

m. *Ensure proper closure and post-closure care of all old landfills by 2005*. BOL has identified 54 inactive landfills potentially subject to 1985 closure requirements,[9] but where the regulatory status is uncertain. Some of these landfills may be determined closed and covered subject to older regulatory standards and may not be required to complete further closure or post-closure care. In FY04, the BOL will continue to evaluate the regulatory status of these 54 landfills to determine whether or not each is required to complete closure and conduct a program of post-closure care. Each landfill owner or operator will receive a written determination from the BOL identifying all obligations to close, maintain and monitor the facility. BOL field staff will inspect each facility to ensure compliance and initiate vigorous enforcement, if necessary.

   Ensure that Solid Waste Management (Subtitle D) facilities operate in compliance with State standards. BOL field staff will inspect all permitted landfills, permitted compost facilities and permitted transfer stations on a regular basis.

n. *Continue to work with Region 5 on the UIC Program Innovation Agreement*. Illinois EPA and Region 5 have agreed to a regulatory innovation project for Class V wells subject to the new Underground Injection Control rules. The project will allow Illinois EPA to use limited resources in the most productive manner and identifies the responsibilities for addressing wells subject to the new regulations. The regulatory innovation project does not fully address the UIC Program funding issues.

o. *Evaluate the compliance status of all operating RCRA Subtitle D landfills required to monitor groundwater quality pursuant to State and Federal law by 2005*. Illinois' solid waste landfill regulations[10] require RCRA-regulated facilities that routinely monitor groundwater quality as a permit condition to report all detections of certain contaminants. In FY04, BOL will continue to identify and evaluate the status of each operating RCRA Subtitle D landfill required to monitor groundwater quality to determine its regulatory status according to the following categories:

   Detection monitoring: These facilities are performing groundwater monitoring but have not detected concentrations of regulated contaminants.

   Assessment monitoring: These facilities have detected contaminants and are evaluating the source of the exceedance.

   Corrective action: These facilities are taking corrective measures to control the source of exceedances and/or actively mitigating groundwater contamination.

---

[9] Illinois' regulations adopted in 1990 (35 Ill. Adm. Code Section 814.501) required all municipal solid waste landfills which were unable to demonstrate regulatory compliance at the time or which subsequently initiated closure prior to September 18, 1992, to complete all closure requirements in accordance with regulatory standards adopted in 1985 (35 Ill. Adm. Code Part 807).

[10] 35 Ill. Adm. Code 811-814.

Federal Cleanups

p. *Address immediate dangers first, and then move through the progressive steps necessary to evaluate whether a site remains a serious threat to public health or the environment*. Superfund provides resources for removal and remedial actions at uncontrolled or abandoned hazardous waste sites. Various parties, including citizens, State agencies, and USEPA, discover such sites. Once discovered, sites are entered into USEPA's computerized inventory of potential hazardous substance release sites (i.e., Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)). BOL then evaluates the potential for a release of hazardous substances from the site by investigating site conditions. The data collected is used in an assessment and scoring system called the Hazard Ranking System to evaluate the dangers posed by the site. Sites that score above 28.5 on this System are eligible for listing on the federal National Priorities List (NPL).

BOL's Office of Site Evaluation priorities are to: (a) identify potential hazardous waste sites; (b) determine the need for time critical removal action; (c) evaluate the backlog of sites on USEPA's computerized inventory of potential hazardous substance release sites; and (d) propose listing of appropriate sites on the NPL.

For FY04, BOL will address these priorities through the following activities:

Activity	Planned for FY2004
Pre-CERCLIS Screening Action	15
Immediate Removal Coordination	12
Combined Site Assessment	4
Expanded Site Inspection	6
Hazardous Ranking System	1
Preliminary Assessment	5
TOTAL	**43**

q. *By 2005, complete construction on 54% (or 24) of the 44 Superfund sites*. Superfund sites are CERCLIS sites addressed through Federal cleanup laws (i.e., CERCLA, SARA, or NCP). The most serious Superfund sites are listed on the NPL. Since each Superfund site presents unique challenges, BOL employs a systematic approach to develop a cost-effective cleanup acceptable to the State and local community. This approach is composed of a five-phase remedial response process[11] consisting of: (a) investigation of the extent of site contamination (remedial investigation); (b) study of the range of possible cleanup remedies (feasibility study); (c) selection of the remedy (Record of Decision (ROD)); (d) design of the remedy (remedial design); and (e) implementation of the remedy (construction completion). In Illinois, there are 44 NPL (Superfund) sites. The benchmark set for 2003 to 2004 is to issue two Record of Decision's and complete construction at two Superfund sites:

Records of Decisions Planned for FY2004	
Site Name (City or County)	**Illinois EPA Inventory Identification Number**
Beloit Corporation NPL Site (Rockton)	2010355004
Parsons Casket Hardware NPL Site	0070050017

Superfund Construction Completions Planned for 2003 – 2004		
Site Name (City or County)	**Acres**	**Illinois EPA Inventory Identification Number**
Evergreen Manor NPL Site	5	20104000150
Interstate Pollution Control NPL Site	3	2010300018
Yeoman Creek Landfill NPL Site	61	0971900005

r. *By 2005, determine and conduct necessary remedial actions at seven federal facilities and complete the transfer of property at six of these federal facilities*. Federal facilities are properties where the federal government conducted a variety of industrial activities. Due to the nature of such activities, federal installations may be contaminated with hazardous waste, unexploded ordnance, radioactive waste, fuels, and a variety of other toxic contaminants.

[11]Sections 300.430 - 300.435 of the NCP

Under federal law,[12] federal facilities must be investigated and cleaned up to the same standards as private facilities. Due to their size and complexity, compliance with environmental laws and regulations may present unique management issues for these facilities. Illinois EPA, USEPA, U.S. Department of Defense, and U.S. Department of Interior are conducting cleanup activities at 43 federal facilities.

Base Realignment And Closure (BRAC) sites remain the focus of BOL, USEPA, the U.S. Department of Defense, and other federal agencies because these sites are scheduled for closure and their reuse offers an opportunity for economic recovery of communities associated with those bases. Upon successful completion of the cleanup, a Finding of Suitability for Transfer (FOST) is issued by the Department of Defense and other federal agencies, with concurrence of Region 5 and Illinois EPA. The FOST validates that site closeout requirements have been met and identifies any institutional controls (i.e., restrictions on land use).

At Fort Sheridan, BOL will assist the U.S. Army in completing all planned remedial actions for the property that will be retained by the federal government (the DOD Operable Unit) during calendar year 2004.

During FY04, BOL will assist the U.S. Army with the transfer of approximately 3,000 acres of the former Joliet Army Ammunition Plant to the United States Department of Agriculture. Illinois EPA will evaluate the environmental suitability of this property for transfer through review of the Environmental Conditions of Property (ECOP) reports.

In addition to BRAC sites, BOL conducts environmental restoration activities at sites formerly used, leased, or otherwise operated by the U.S. Department of Defense or any of its components. These sites (commonly referred to as FUDs) were closed and the property transferred to private, federal, state or local government ownership (i.e., the U.S. Department of Defense no longer controls). BOL has identified 36 FUDs to date requiring further response actions.

[12] Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, and Executive Order 12580.

Site Name (Total Acres)	Illinois EPA Inventory Number	Acres Evaluated with No Further Action (NFA)	Acres Left to be Evaluated or Remediated	Acres Realigned	Acres Transferred (FFY 2003 Acres)	Acres Remaining to be Transferred
Naval Air Station Glenview (1,120)	0311025007	800+/-	0	93 (now considered part of Great Lakes Naval Training Center)	1,023 to Village of Glenview (0)	0
Libertyville Training Site (164)	0978110003	149	0	0	164 to City of Vernon Hills(5)	013
Fort Sheridan (712)	0970555001	344	0	400 (U.S. Army Reserve and U.S. Navy	312 (Lake County Forest Preserve District; City of Highwood; City of Highland Park/(0)	0 - BRAC cleanup was completed in 2001
O'Hare Air Reserve Station (352)	0316760003	321.58	30.42	0	12 to City of Chicago/(0)	340
Fort Dearborn (16)	0312765079	16	0.395	0	0/(0)	16
Chanute Air Force Base (2,125)	0198170001	706.714	1,420	0	705/(0)	1,42015
Savanna Army Depot Activity (13,062)	0158100002	3120	13,018	3,076 (anticipate US Fish & Wildlife Service to receive 6,018 additional acres)	44/(44)	9,543
Joliet Army Ammunition Plant (23,542)	1970450027	18,250	4,358 (4,025 of USDA lands; 333 JADA lands)	16,062 (15,080 to USDA; 982 to VA)	2804: 455 to Will County; 2,349 to JADA/(0)[16]	4,968 (4,025 of USDA lands; 943 of JADA lands
Crab Orchard National Wildlife Refuge (25,867)	1998620014	7,314	18,55317	018	0/(0)	0

[13] Illinois EPA approved the final Record of Decision for Libertyville Training Site in March 2003.

[14] The U.S. Air Force previously transferred 705 acres. All of these properties are located in Operable Unit 1. The Environmental Baseline Survey did not capture all the areas of concern in OU 1. As a result the Air Force will include some transferred properties in the upcoming Remedial Investigations. The additional 1.7 acres represents a LUST No Further Remediation letter issued in FFY 2003.

[15] While 1,420 acres remain to be transferred, this will not occur until after 2005. The primary reason is the slow progress of the Remedial Investigation. The Air Force is forecasting completion of remedial action in 2008. This schedule revision occurred during FFY 2002.

[16] The T4 FOST (305 acres to the LRA) will be issued in FFY 2004 rather than FFY 2003, as previously projected.

[17] The following operable unit acreages remain to be evaluated or remediated: Additional and Uncharacterized Sites Operable Unit (31 sites, 18,427 acres); Polychlorinated Biphenyl OU (TCE groundwater, 73 acres; Miscellaneous OU (Sites 14 and 36, 50 acres); Water Tower OU (3 acres).

[18] Congress transferred all of this property to the Department of the Interior in 1947.

s. *By 2005, conduct 50 Brownfield assessments using BOL staff*. Redevelopment assessments are evaluations of contaminants at abandoned or derelict industrial properties with a potential for redevelopment and productive use. These assessments are funded by USEPA.

Since FY1995, BOL has completed over 40 redevelopment assessments. For FY04, BOL will conduct five redevelopment assessments.

State Cleanups

t. *By 2005, clean up 9,600 acres at 1,453 sites through the voluntary cleanup program*. The Site Remediation Program is one of the oldest state voluntary cleanup programs in the nation. Remediation Applicants may elect to clean up all contamination at the site or specific chemicals. Remediation objectives are developed by the Remediation Applicant using a risk-based approach, which allows the use of engineered barriers and institutional controls. Successful completion of all program requirements results in a No Further Remediation Letter[19] for the site.

In FY03, the voluntary Site Remediation Program will continue to assist Remediation Applicants in various stages of the cleanup process. BOL has targeted dry cleaning facilities and manufactured gas plants because these industries initiated sector-specific strategies (e.g., financial incentives, marketing programs, etc.) to deal with environmental cleanup issues.

u. *By 2005, clean up 27 of 33 abandoned landfills under the 33-Abandoned Landfill Program*. The General Assembly has dedicated $50 million over the next five years to clean up 33 abandoned landfills that pose a safety and environmental threat.

In FY03, BOL completed construction of the following landfills: (1) the 29-acre Prior 1,2,3,4 landfill; (2) the 7.75-acre Prior Blackwell landfill; (3) the 40-acre Bi-State Landfill; and (4) the 20-acre Lewis Landfill. The benchmark set for 2004 is to complete construction at the following seven landfills:

Abandoned Landfill Construction Completions Planned for 2004		
Site Name (City or County)	**Acres**	**Illinois EPA Inventory Identification Number**
Triem (Chicago Heights)	69	0310450005
Bishop Landfill (Litchfield)	15	1358150003
Anna Municipal Landfill (Anna)	80	1818520001
Paxton I (Chicago)	57	0316000002
Chicago Heights Refuse Depot	29	0310450009
H&L Disposal	56	1838040007
McHenry County Sanitary Landfill	40	1118010002

[19] 35 Ill. Adm. Code 740

Leaking Underground Storage Tank ("LUST") Cleanups

v. *Protect human health and environmental quality by cleaning up leaking underground storage tank systems*. The State of Illinois administers a comprehensive underground storage tank program under a cooperative agreement negotiated with Region 5. The terms of this agreement require the Illinois State Fire Marshal to enforce preventive measures and BOL oversees the remediation of releases from state and federally regulated underground storage tanks.

Through the end of September 2003 there were over 22,288 confirmed releases reported. BOL has an objective to clean up approximately 14,900 of these releases (or 26,075 acres) by 2005.

For FY04, BOL will implement the following action plans to improve the cleanup of state and federally regulated leaking underground storage tanks:

- BOL will help underground storage tank owners and operators understand and comply with the regulatory requirements by expanding the availability of program information through printed materials, computer-based informational media, and speaking engagements. Illinois EPA will take appropriate formal (i.e., referrals to the Attorney General's or State's Attorney's Offices) and informal enforcement actions, as needed, to ensure that cleanups are proceeding to protect human health and the environment.

- BOL will oversee two UST Fields pilot projects in FY04, one for the City of Waukegan and one for the City of Freeport. BOL will direct its contractors to remediate these properties to ensure that the remediation is consistent with the proposed future use of the property. In addition, BOL will oversee a Brownfield project with the additional $100,000 received from USEPA in FY04.

- BOL will pursue regulatory amendments to the Illinois Pollution Control Board as a result of PA 92-0554. This Public Act replaced the site classification process with site investigation.

Other Environmental Areas

w. *Provide financial incentives and technical support to initiate and advance self-sustaining efforts by local governments and private parties to clean up Brownfield sites and establish state, community and federal partnerships to promote Brownfields redevelopment*. Below are the financial incentives and technical support objectives for Brownfields redevelopment in Illinois.

- By 2005, provide Brownfield grants to 80 communities to investigate, assess and remediate contamination. The Illinois Municipal Brownfield Redevelopment Grant Program (MBRGP) offers grants worth a maximum of $240,000 each to municipalities to investigate and remediate Brownfield properties. Brownfield

Redevelopment Grants may be used to perform environmental site assessments to determine whether a Brownfield property is contaminated, and if so, to what extent. These grants may also be used to develop cleanup objectives, prepare cleanup plans, and implement cleanup activities. Grant recipients are required to share in any grant award through a 70/30 match and to spend the grant within three years. The Office of Brownfields Assistance seeks out MBRGP grant recipients, evaluates grant applications, monitors grant activities, and reviews reimbursement requests to ensure eligibility and reasonableness of costs.

- Brownfields representatives from the Office of Brownfields Assistance assist communities with extremely complex issues of Brownfields cleanup and redevelopment. The Office also guides communities through both the grant application and implementation processes and will meet with community officials before they file a formal grant application to help determine cleanup potential and maximize grant dollars. After grants are awarded, the Brownfield representatives continue to assist grantee by providing continuous assistance with clean-up and clean-up issues.

- Illinois EPA issued 78 grants as of November 15, 2003. One additional grant application is currently in-house and under review. Brownfields representatives are assisting over a dozen additional communities with preparation of grant application for submittal.

- By 2005, award $3.5 million from USEPA BCRLF Cooperative Agreement funds. Cooperative Agreement funds will be awarded to eligible municipalities under an Intergovernmental Agreement (IGA).

  The maximum amount awarded under an IGA for a specific project is $425,000. The maximum award amount to a municipality is $1 million. Funds will pay for remediation costs performed under a Remedial Action Plan approved by the Site Remediation Program.

  As of November 15, 2003, the Office of Brownfields Assistance has awarded entered into two IGA with two separate communities and awarded a total of $850,000. The Office is working with two additional municipalities for two new awards estimated to total $250,000. Additionally, the Office is working with one of the municipalities on amending the existing IGA to include an additional site for an additional $425,000

  - By 2005 the Office of Site Evaluation will have completed 40 Targeted Site Assessments on a number of Brownfield properties throughout the State. Working in close coordination with local mayors and city managers, personnel of the Office of Site Evaluation will first identify viable candidate sites, and then conduct (free of charge to the municipality) an environmental investigation of the property to determine if the site contains contaminants that may act as a deterrent to local redevelopment efforts.

- By 2005, participate in four leveraged Brownfields grant projects with Region 5. The Office of Brownfield Assistance and Region 5 developed the first-of-its-kind joint state/federal grant initiative wherein USEPA Demonstration Pilot Grant funds were used to meet state grant match requirements so Illinois EPA Brownfields Redevelopment Grant funds could be provided to Illinois municipalities. This objective has been met through the following Brownfield's projects funded in part or whole by a combination of grants from USEPA and Illinois EPA:

  Southland 5 Brownfields Coalition,
  Lacon Woolen Mill,
  Canton International Harvester,
  Belvidere Riverfront Expansion, and
  Waukegan Lake Area Redevelopment.

Cross-Bureau Initiatives

Below are three major initiatives that will require resources from more than one BOL focus area for their development and implementation.

x. *Geographic Information System*. By 2005, the BOL intends to publish on the Internet Geographic Information System (GIS) formatted data on the internet for all significant BOL sites. The BOL is standardizing its databases to meet State and Federal Geographic Standards. Geographic data gaps are being identified and corrected. By the end of FY04, the BOL will have point or polygon locations for all significant BOL sites. As part of the ACES database development, more complete GIS information has been identified for nearly all BOL sites, and for all significant sites. The ACES tie file (inventory) final development has been delayed, but is now expected to be finalized sometime in December 2003.

y. *By 2005, integrate protection of natural resources into cleanup programs*. BOL is in the process of developing a screening methodology and cleanup criteria to assure that cleanups protect plants and animals (eco-risk) as well as human health. This effort has been ongoing for about a year and will continue over the next several years, culminating in adopted rules by 2005.

z. *Community Relations*. BOL is committed to involving the public (e.g., citizens, community leaders, Illinois EPA personnel and company representatives) in the development and implementation of waste management and cleanup activities. BOL, through the Office of Community Relations, disseminates information and promotes public involvement and education on the various Bureau programs through a variety of outreach mechanisms (e.g., public meetings and hearings, workshops and conferences, fact sheets and pamphlets, news releases, and responsiveness summaries). Community Relations is engaged in an on-going process to maintain a dialogue with individuals and groups impacted by a site or facility, which can ease public concern, raise public awareness, and increase public trust.

4. Program Resources

Projected resources for the BOL are identified by the environmental focus areas:

Program	Federally-Funded Work Years	State-Funded Work Years	Total Work Years
Hazardous Waste Management	60	56	116
Solid Waste Management	0	84	84
Federal Cleanups	43	0	43
State Cleanups	0	92	92
Leaking Underground Storage Tanks	30	45	75
Other Environmental Areas (Brownfields)	12	1	13
TOTAL	145	278	423

5. Federal Role

Hazardous Waste Management

- *RCRA Subtitle C Program*

  - Provide compliance assistance to regulated entities subject to new federal regulations.
  - Provide compliance assistance to qualifying small businesses in priority sectors (i.e., industrial organic chemicals and metal services).
  - Provide assistance to Illinois EPA, if requested by Illinois EPA's BOL and/or Illinois' Small Business Program for Illinois EPA delivery of compliance assistance in accordance with USEPA's "Policy on Compliance Incentives for Small Business," issued May 20, 1996, effective June 10, 1996, for RCRA authority regulations.
  - Coordinate compliance monitoring and enforcement efforts developed through the Greater Chicago Senior Managers Enforcement Committee.
  - Discuss with, and/or explain to Illinois EPA: (a) new or revised federal RCRA rules, (b) new or revised Strategic Plans affecting HW, (c) USEPA's Hazardous Waste Civil Enforcement Response Policy, (d) USEPA's RCRA Civil Penalty Policy, (e) USEPA's computerized programs to determine financial status of RCRA-regulated entities, (f) USEPA's sector-, waste-, or rule-specific enforcement strategies, (g) RCRAInfo and other U.S. data management developments.
  - Provide assistance to Illinois EPA in conducting financial analyses of violators' claim of inability to pay for injunctive relief and/or monetary penalties in formal enforcement actions brought by the State of Illinois.
  - Inspect installations handling hazardous waste: Criteria for USEPA's selection of installations include (a) statutory mandate (i.e., installations managing hazardous waste in a manner for which RCRA requires a permit, which are owned and/or operated by State and/or local governments; and treatment, storage, and disposal

facilities receiving CERCLA waste from off-site locations), (b) requests from Illinois EPA, (c) Federal facilities, (d) installations subject to open Federal enforcement judicial and/or administrative decrees/orders, (e) treatment, storage, and disposal facilities subject to RCRA permit conditions issued, administered, and enforced by USEPA, and (f) installations whose hazardous waste includes napthalene and lead as part of the Regional initiative on persistent/bioaccumulative/toxic chemicals, and (g) installations that have never been inspected in the past.

- Investigate and, if necessary, inspect installations in Region 5's National Priority Sector, such as those handling certain commercial and/or industrial wastes in manners that illegally evade RCRA requirements for permits.
- Issue enforcement responses to RCRA violations detected by USEPA, or referred to Region 5 by Illinois EPA, in accordance with USEPA's Hazardous Waste Civil Enforcement Response Policy, USEPA's RCRA Civil Penalty Policy, and relevant USEPA enforcement strategies.
- Conduct inspections at state and local TSDFs and coordinate any enforcement efforts with BOL.
- Work with BOL to inspect all federal TSDFs and coordinate any enforcement efforts with BOL.
- Work with BOL to identify and integrate the various RCRA facility universes. These universes include: GPRA baseline for CA high priority under the National Corrective Action Prioritization System (subject to corrective action), land disposal, treatment/storage. In addition, the Region will work with BOL in re-evaluating select facilities as requested by either party.
- Implement a plan for imposing corrective action at GPRA baseline facilities, which do not or will not have RCRA permits.
- Work with BOL to develop an agreement for addressing the renewal of the corrective action portion of expired RCRA permits. The corrective action portion of all RCRA permits issued prior to 1990 were addressed by Region 5. However, the future workload will be shared by Region 5 and BOL under the agreement.
- Assist BOL with an expedited review and approval of ARAs submitted.
- Work with BOL and other Region 5 states to explore ways to expedite and improve the authorization process.
- Provide technical assistance and training (as needed) for the review of RCRA requirements.
- Provide RCRAInfo support and training as needed and requested by BOL. In addition, Region 5 will continue to maintain the Handler Identification module of RCRAInfo.

Solid Waste Management

- *RCRA Subtitle D Program*

  - Work with the Superfund Division to ensure the completion and submittal of all Hazardous Waste Management Annual Reports and all Nonhazardous Waste Shipped Out-of-State Annual Reports.

- Provide technical information to BOL regarding the implementation of RCRA Subtitle D Part 258 through continued exchanges of information between approved States utilizing the Listserver and an annual meeting.

Federal Cleanups

- *National Priorities List Program*

  - Provide guidance, policy decisions, and program updates in a timely manner that may impact the State's program.
  - Provide Core, Site Assessment, and other cooperative agreements yearly funding for effective implementation of the State's programs.
  - Support State activities through participation in meetings, community involvement, co-hosting conferences, seminars, information sessions, as appropriate.
  - Provide technical expertise wherever possible.
  - Pursue new approaches to allow new technologies to be used in Superfund.
  - Review and provide assistance on State work as requested or required.
  - Provide lab analytical services if possible when requested by the State.
  - Develop comfort letters and/or prospective purchaser agreements.
  - Respond to requests to assist with transfer of federal properties for re-use or redevelopment.
  - Complete and submit all Hazardous Waste Management Annual Reports and all Nonhazardous Waste Shipped Out-of-State Annual Reports.
  - Inform BOL of any additional grant opportunities (e.g., Brownfields grants) that become available through Region 5.

Leaking Underground Storage Tank Cleanups

- *Leaking Underground Storage Tank Program*

  - Provide forums to exchange ideas and information.
  - Assist in locating and/or providing specific training needs identified by BOL.
  - Provide projections on LUST funding, procedure and policy changes, and other information that will affect BOL's administration of the LUST program.
  - Inform BOL of any additional grant opportunities (e.g., Brownfields grants) that become available through Region 5.

UIC Program

- Use state reported data, state self evaluations, and discussions with staff to assess and identify significant issues and trends that have occurred in the UIC program and follow up as appropriate.
- Provide BOL the opportunity to have input on the development of all major regulations, guidance, policy documents and on important national issues.
- Use the negotiated Innovation Agreement with Illinois EPA as a means of developing Illinois EPA's outreach and regulatory capacity for the UIC program.

Under the innovation agreement, the following activities apply:

- Explore opportunities for Class V well compliance assistance and outreach activities.
- Work in partnership with Illinois EPA to permit or close the Class V well at the selected pilot facility.
- Follow up with Illinois EPA on the review and analysis of deep disposal well logs. These logs help identify leaks from the well or fluid migration from the permitted injection zone both of which could result in ground water contamination. Region 5 provided training in this area in May of 2003 and will explore the possibility for a second training if needed.
- Work with Illinois EPA to determine the current status of Motor Vehicle Waste Disposal Wells in their inventory.
- Work with the Bureau of Water in coordination with the Bureau of Land to identify Class V wells in source water protection areas.
- Revisit the innovation agreement periodically to identify successes and needs for meeting the terms of the agreement.
- When the terms of the Innovation Agreement are met, assess results and determine next steps for program implementation.

6. Oversight Arrangement

This agreement was developed under the National Environmental Performance Partnership System (NEPPS) guidance dated May 17, 1995. The oversight arrangements and BOL/ Region 5 relationship will follow the provisions of the NEPPS for the programs identified below.

RCRA Subtitle C Partnership Arrangement

Considering BOL's past performance and the cooperative working relationship with Region 5, BOL will assume an independent self-management role in RCRA implementation and look to Region 5 for support and assistance in more specialized areas. To ensure an efficient and effective program, BOL will conduct the file audits and program self-assessments/self-evaluations in order to demonstrate the program's success and areas of concern. In particular, BOL will:

(a) Meet once in December 2003 to discuss the *State's Performance Report for the Performance Partnership Grant*;
(b) Conduct an annual mid-year program conference call in May 2004 to discuss the *State's Self-Assessment;*
(c) Conduct at least quarterly program component (e.g., permit/corrective action, enforcement, RCRA Info) conference calls;
(d) Conduct joint inspections; and
(e) Investigate and respond to inquiries from Region 5 concerning facilities that do not appear to have been timely and/or appropriately addressed under Illinois'

enforcement program. This will include at least one annual meeting between Region 5 and Illinois EPA to discuss the file audit results. Final file audit procedures will be developed and documented during FY04.

- **Superfund Partnership Arrangement**

Region 5 and BOL support each other's activities throughout the Superfund process, including reviews of work plans, investigations, community relations plans, risk assessments, remedial designs, etc. In order to streamline our efforts and reduce duplication of effort, the Superfund Memorandum of Agreement identifies the oversight roles of Region 5 and BOL. These roles are outlined in the table below.

Document for Review	Federal Role	State Role
Community Relations Plan	A (limited)	RC
Health & Safety Plan	RC	AUD
Quality Assurance Project Plan	A (limited)	AUD
Sampling Plan	RC	RC
Field Remedial Investigation Activities	AUD	AUD
Draft Remedial Investigation Report	RC	CNC
Final Remedial Investigation Report	AUD	AUD
Feasibility Study Work Plan	AUD	AUD
Applicable or Relevant and Appropriate Regulations Review	RC	RC
Draft Feasibility Study	RC	RC
Final Feasibility Study	AUD	AUD
Proposed Plan	A	RC
Record of Decision	A	CNC
Responsiveness Summary	RC	AUD
Final Design (Fund Lead)	RC	RC
Final Design (Enforcement Lead)	AUD	AUD
Remedial Action Change Orders (Fund Lead)	RC (subject to Block Grant initiatives)	RC
Preliminary and Final Inspections	P	P
Preliminary and Final Closeout Reports (Fund Lead)	A	A
Preliminary and Final Closeout Reports (Enforcement Lead)	CNC	CNC
Five-Year Reviews (Fund Lead)	RC	RC
Five-Year Reviews (Enforcement Lead)	AUD	AUD

Where:

A	Approve	Each agency fully approves each document before the document can be considered final.
AUD	Audit	Prior approval or a response to the document is not required; however, the support agency may do a review after the fact to determine conformance with established procedures. If there is a deficiency identified and the parties concur, then steps shall be taken to correct the deficiency. Non-concurrence on deficiencies should be elevated to the appropriate management levels.
RC	Review and Comment	The support agency will review and comment on the designated document. The lead agency does not need to receive an approval from the support agency to produce a final document.
CNC	Concur or non-concur	The support agency may either concur or non-concur on the document. Non-concurrence will require that the issues relevant to the document are elevated to the appropriate management level for potential resolution of the dispute.
P	Participate	The support agency will be given adequate notice and supporting documentation to attend meetings.

LUST Oversight Arrangement

The BOL/Region 5 oversight arrangement will be similar to previous years. BOL will:

(a) Conduct semi-annual meetings (at mid-year and end-of-year) with Region 5 to discuss the current status of the LUST program, changes in legislation, regulations, policies and procedures;
(b) Provide semi-annual financial status reports; and
(c) Report the progress of the leaking underground storage tank program in the Environmental Performance Partnership Self-Assessment report.

C. Clean/Safe Water Program

1. **Program Description -** The program elements are designed to protect and maintain water resources in Illinois. Three principal efforts work together to fully address all aspects of water resource protection and management. Several program elements serve all efforts and are consolidated. These functions include data management; compliance assurance (including formal enforcement management systems approved by Region 5) for both facility operational parameters and competency of facility operating personnel; infrastructure financial assistance; program administration; and quality control and quality assurance for environmental monitoring.

   a. Water Pollution Control - Illinois EPA's point and nonpoint source program efforts are managed using a watershed management approach and two permit systems to control the discharge, treatment or disposal of wastewater. The program serves to manage and protect existing water resources; restore and maintain water quality in those waters which have degraded due to natural causes or human actions; monitor water quality and water resource conditions; manage watersheds and drinking water aquifer recharge areas; limit discharges into water resources; ensure operational compliance through facility inspection and evaluation; participate in educational activities to ensure that both owners and operators understand operation, compliance and administration requirements; provide compliance assistance and initiate informal and formal enforcement procedures; and administer financial assistance programs. Program operations are authorized by primary delegation for federal Clean Water Act (CWA) and its regulations, specific delegation agreements for the National Pollutant Discharge Elimination System (NPDES) and grant/loan activities, and through requirements of the Illinois Environmental Protection Act. Illinois EPA will use its Clean Water State Revolving Fund capitalization money to fund eligible wastewater treatment works projects, in accordance with its priority list and its annual intended use plan. Reporting on all compliance provisions contained in statute is done through the Permits Compliance System (PCS). The PCS is utilized for the NPDES program that is operated by Illinois EPA via the NPDES Memorandum of Agreement (MOA) between Illinois EPA and Region 5. NPDES dischargers send discharge monitoring reports (DMRs) to Illinois EPA, who in turn places the data in those DMRs into the PCS that is maintained by USEPA. Submittal of DMRs to Region 5 may occur as a result of an inspection and enforcement action or permit condition. Program emphasis is being restructured to focus upon compliance through pollution prevention measures, using watershed management as the basis for redirecting and more closely coordinating existing activities, as well as the framework for developing new activities.

   b. Public Water Supplies - Public water supplies program efforts focus on the provision of an adequate quantity of safe drinking water to Illinois consumers consistent with USEPA negotiated Public Water Supply System (PWSS) program guidance. Program activities are administered through the inspection and evaluation of water supply sources, treatment, distribution, administration and operation; water quality monitoring at the source, treatment entry point and distribution system; permitting of new or modified water supply facilities or treatment processes; administration of a Community Water

Supply Testing Fund (CWSTF) program that provides analytical services and assistance with monitoring related requirements; provision of compliance assistance and initiation of formal enforcement procedures; participation in educational activities to ensure that both suppliers and operators understand operation, compliance and administration requirements; administer financial assistance programs; and delivery of an annual report on the compliance history of all water supplies within the State. A source water protection program, which is closely coordinated with the watershed protection initiative of Illinois EPA is being used to protect surface and groundwater sources and to achieve ongoing compliance. Program operations are authorized by primacy delegation for federal Safe Drinking Water Act (SDWA) regulations and through requirements of the Illinois Environmental Protection Act.

Enforcement of the federal Lead Ban is primarily accomplished through the Illinois Plumbing Code. Plumbing inspectors test flux and solder and examine pipe in both new and remodeled installations as a part of routine inspections to ensure that lead free materials are being used. Records of these inspections are maintained in a Lead Ban Compliance Report by Illinois EPA Field Operations Section. Lead Ban compliance for public water supplies is enforced through Board regulations.

The Illinois Department of Public Health (IDPH) has responsibility for the non-community water supply (NCWS) program through a MOA that requires program operation to achieve compliance with federal SDWA and Board regulations. The MOA was modified to include the source water assessment initiatives, which was required by the 1996 SDWA Amendments. Through the MOA, the IDPH is completing potential contamination source identification within 1000 feet of NCWS wells. Other activities under the MOA include inspection and evaluation of NCWSs, water quality monitoring, provision of technical assistance, enforcement activities, operator training and demonstration of competence for non-transient non-community water supply operators, and source water protection programs. IDPH has contracted program responsibility to some County Health Departments. Those County Departments perform inspection services, prepare reports, and provide data input and update and enforcement case referral to IDPH. Compliance reports for federal requirements are coordinated quarterly. These reports will be submitted at the same time as Illinois EPA reports.

Illinois EPA provides analytical services for all chemical (non-radionuclide) and bacteriological contaminants for which a maximum contaminant level (MCL) has been set by the Board. In order to be able to provide this service, the CWSTF Program was passed by the Governor and General Assembly in 1990. This voluntary program provides analytical services for all required chemical (non-radionuclide) and bacteriological monitoring including repeat and confirmation samples for an annual fee. A voluntary program to analyze community drinking water samples for radionuclides and authorize the Illinois Department of Nuclear Safety to assess a fee for such services was established under the provisions of the 2001 amendments to the Nuclear Safety Law. In 1996, IDPH obtained the legislation and resources required to support specific NCWS monitoring efforts through a Laboratory Fund Program. The program establishes fees for specific analyses. Analytical services are available to all NCWSs serving fewer than 100

persons. Free analytical services are provided for schools. NCWSs serving more than 100 persons are required to use a private laboratory for analytical services.

c. Source Water Assessment and Protection (SWAP) - Public water supplies in Illinois rely on both surface water and groundwater as the source for water being delivered to their customers. Many of these sources of water are susceptible to contamination from land use activities near their points of withdrawal. Regulations pursuant to the federal SDWA require that a Source Water Assessment (SWA) identifying potential source of contamination be prepared for all public water supplies in the State. Illinois EPA essentially completed the SWA program in May 2003. A SWA Internet geographic information system (GIS) has been developed and is being made available to Illinois EPA and, on a limited basis (based upon proper security procedures), to the public. Illinois EPA is continuing the development and refinement of this system to make it more interactive for internal and external stakeholders, as well as, more comprehensive for both SDWA and CWA information.

Illinois EPA continues to work, based upon available resources, with communities to develop source water protection management programs to minimize the risk posed by identified potential sources of contamination. Illinois EPA acknowledges that source water management plans are not statutorily required and do not need Illinois EPA approval should a public water supply choose to prepare one. However, a number of State and Federal programs and regulations provide assistance to drinking water supplies wishing to protect their source water. These programs include: NPDES permits for upstream discharges; restrictions in construction and operating permits for wastewater facilities in proximity of surface water intakes and well setback zones; expansion of well setback zones establishing maximum setback zones; establishing regulated recharge areas; enforcement of technology control regulations; requirements for minimal hazard certification; and enforcement of groundwater quality standards. In addition, supplies participating in the vulnerability monitoring waiver program are required, through a special exception permit, to implement source water protection area management.

2. **Program Linkage to Environmental Goals/Objectives** - The environmental goals, objectives and indicators include various water-related conditions. These indicators were chosen to reflect statewide progress in areas of water quality, safety of the drinking water provided to Illinois citizens and overall reductions in water-related pollutant loading.

ENVIRONMENTAL GOAL Clean Water - Illinois' rivers, streams and lakes will support all uses for which they are designated, including protection of aquatic life, recreation and drinking water supplies	
Environmental Objectives	*Environmental Indicators*
1. Waterways with Good water quality conditions will increase 5% from 2000 levels by the year	The number and percentage of waterways that are classified as Good, Fair or Poor based on assessment

2005. (Stream mileage in Good condition for aquatic life use reported in the cycle 2000 305(b) report was 62.5%.)	of designated use attainment for a) fish and shellfish consumption; b) recreation; c) aquatic life support; d) drinking water supply. (Source: 305(b) report or electronic supplement)
2. The percentage of lakes in Good or Fair condition will remain constant from 2000 to the year 2005. (Lake acreage in Good or Fair condition for overall use reported in the cycle 2000 305(b) report was 97.0%).	The number and percentage of inland lakes classified as Good, Fair, or Poor based on assessments of designated use attainment for a) fish and shellfish consumption; b) recreation; c) aquatic life support; d) drinking water supply. (Source: 305(b) report or electronic supplement)
3. The percentage of open shoreline miles in Good condition remains constant from 2000 to the year 2005. (Lake Michigan shoreline mileage in Good condition for open waters aquatic life use reported in the cycle 2000 305(b) was 100%.)	The number and percentage of Lake Michigan open shoreline miles that are classified as Good, Fair, or Poor based on assessments of overall use support attainment for a) fish and shellfish consumption; b) recreation; c) aquatic life support; d) drinking water supply. (Source: 305(b) report or electronic supplement)
Program Objectives	*Program Outcomes*
4. Maintain or improve the NPDES compliance rate for major dischargers to 95% or better by the year 2005.	The percentage of major dischargers in compliance with their NPDES permits on an annual average basis (Source: End of Year Report) *Percent of facilities implementing wet weather control measures. (Source: End of Year Report)

*Core Performance Measure (CPM). Type of measure (i.e., indicator, outcome, or output) reflects USEPA's view of the CPM hierarchy and does not necessarily imply concurrence by Illinois EPA.

ENVIRONMENTAL GOAL

Safe Drinking Water - Every Illinois Public Water System will provide water that is consistently safe to drink

Environmental Objectives	*Environmental Indicators*
1. The percentage of the population served by community water supplies who receive drinking water with no short term (acute) or long term (chronic) adverse health effects increases to over 95% by the year 2005 (an increase of 5%).	The percentage of persons served by community water supplies that have not incurred violations of any acute MCL, chronic MCL, acute treatment technique, chronic treatment technique or health advisory during the year for drinking water standards that have been in effect for more than 3 years. (Source: Annual Conditions Report) Number of: a) community drinking water systems and percent of population served by community water systems, and b) non-transient, non-community drinking water systems, and percent of population served by such systems, with no violations during the year of any federally enforceable health-based standard
Program Objectives	*Program Outcomes*
2. 50% of the community water supplies in the State with source water protection programs in place by 2005.	Estimated number of community water systems (and estimated percent of population served) implementing a multiple barrier approach to prevent drinking water contamination.

ENVIRONMENTAL GOAL

Groundwater - Illinois' resource groundwater will be protected for designated drinking water and other beneficial uses

Environmental Objectives	*Environmental Indicators*
1. A declining trend of groundwater contaminants in community water supply wells will occur through year 2005.	Trends for groundwater contaminant exceedances in community water supply wells using unconfined aquifers. (Source: CWA Section (305(b) Report)
Program Objectives	*Program Outcomes*
2. The percentage of groundwater recharge areas (acres) with protection programs established or under development will increase to 45% by the year 2005. Furthermore, 90% of the State's population utilizing community water supply groundwater sources will have protection programs in place, or under development, by the year 2005.	The percentage of total recharge groundwater recharge areas (acres associated with water supply wells) using unconfined aquifers that have protection programs established or under development. The population served by groundwater dependent community water supplies with protected source water. (Source: Biannual Source Water/Groundwater Protection Electronic Reporting)

* CPM. Type of measure (i.e., indicator, outcome, or output) reflects USEPA's view of the CPM hierarchy and does not necessarily imply concurrence by Illinois EPA.

- **Shared Environmental Goals** – Region 5 and the six states have worked closely to develop a set of five shared environmental goals to enhance our joint efforts to protect and restore our valuable water resources and to measure our accomplishments. The enumeration of these goals is a significant step in collectively defining our long-term vision for clean and safe water. The goals will be used to more comprehensively report on the progress in, and status of, improving water quality in the Great Lakes Region. The five agreed upon Shared Goals are:

  Goal 1 - All waters in Region 5 will support healthy aquatic biological communities.
  Goal 2 - All waters in Region 5 will support fish populations with safe levels of contaminants.
  Goal 3 - Designated swimming waters in Region 5 will be swimmable.
  Goal 4 - All people in Region 5 served by public water supplies will have water that is consistently safe to drink.
  Goal 5 - The quantity and quality of critical aquatic habitat in Region 5, including wetlands, will be maintained or improved.

  These goals will assist Region 5 and Illinois EPA in joint priority setting and planning to more effectively target our programmatic work. Most of the shared goals are already a part of Illinois EPA's planning and implementation process, as identified in this document. Implementation and assessment program activities conducted for the purpose of attaining Shared Goals 1, 2, and 3 are planned for and carried out by Illinois EPA pursuant to authority provided by the federal CWA. Shared Goal 4 activities are planned for and conducted pursuant to authority provided by the federal SDWA, and the groundwater protection provisions in the Illinois Environmental Protection Act. Attainment of Shared Goal 5 will largely be the responsibility of the Illinois Department of Natural Resources (IDNR), the lead State agency responsible for wetland maintenance and improvement. As mentioned later in this report, Illinois EPA intends to work with Region 5 and other State agencies like IDNR to identify objectives and approaches to monitoring wetland resources within the State. Illinois EPA will also continue current wetland protection programs conducted under its jurisdiction (i.e., Section 401 Water Quality Certification, Section 319 funding and implementation).

3. Program Goals for 2004

WATER POLLLUTION CONTROL

a. Point Source Control

1. NPDES Permit Backlog – Illinois EPA has a backlog of expired NPDES permits as of November 15, 2003, of 35% for all permits and 19% for major permits. While a backlog is never a desirable condition, the expired permit conditions remain in effect until a new permit is issued. For facilities where permit requirements are not expected to change significantly over time, the impact of operating under an expired permit is minimal. Illinois EPA has taken significant steps to reduce the backlog through the use of general permits, more efficient use of limited resources, and prioritization of workload. We will

further minimize the impact of permit backlog by targeting permit resources on reissuance of expired permits in priority watersheds with point source impacts and major discharges. Illinois EPA will also issue additional general permits for Concentrated Animal Feeding Operations (CAFOs) and non-coal mine activities (sand and gravel operations) and is also evaluating issuance of general permits for groundwater remediation projects and non-contact cooling water discharges. Illinois EPA will prioritize the backlog reduction efforts by identifying permits which have been expired more than two years and issue those permits sooner.

Illinois EPA has been in full support and actively participated in the joint initiative of Region 5 states and Region 5 management to streamline the NPDES permit process. Illinois EPA will evaluate and pursue recommendations continued in the Joint Report on Streamlining dated October 30, 2002. Illinois EPA will pursue recommendations for public participation and educational efforts in an overall effort to streamline future operations and utilize resources more efficiently. Illinois EPA will also rely more on accessibility of information on Illinois EPA's website to reduce present time-consuming informational requests.

By February 29, 2004, Illinois EPA will provide a list of major and minor permits that will be issued during CY2004 and CY2005 in accordance with Illinois EPA's Backlog Strategy. Illinois EPA must commit to issuing the permits that have been expired for more than two years first and that must be incorporated in the Backlog Strategy. By March 31, 2004, Region 5 and Illinois EPA will have reached agreement on a specific Backlog Strategy that will reduce the backlog and strive to achieve the national backlog goal of 10% by December 31, 2004, or as soon as possible.

Of the major permits, Illinois EPA will commit to issuing all but two by the end of the CY2005. The exceptions being B.F. Goodrich (Noveon) IL0001392 and Outboard Marine Corporation (OMC) IL 0002267. The reasons for not issuing these permits are contained in other documentation provided by Illinois EPA. One half of the permits will be issued in CY2004 and the other half in CY2005. The table of backlogged Major NPDES permits below gives the expected calendar quarters for public notice action.

<u>Coal Mines</u>: Issuance/reissuance of the 56 backlogged coal mine permits is delayed in approximately 60% of the cases because of conflicts between Illinois' existing permitting regulations applicable to coal mines that provide an exemption from water quality standards for coal mines and Federal regulations at 40 CFR 122.44(d) that require NPDES permits to implement water quality standards. To resolve this issue, Illinois is attempting to collect the data necessary to update its water quality standards and replace an existing water quality criterion for total dissolved solids with separate criteria for sulfates and chlorides. Collection of the first round of toxicity data for selected invertebrates was completed this winter. Additional data will be collected this spring that should support derivation of a criterion for sulfate. At that time, Illinois EPA will propose revisions to the Illinois Pollution Control Board that are expected to eliminate the coal mine exemption and adopt protective criteria for sulfates and chlorides. Once the revised standards are approved by Illinois EPA, the backlogged coal

mine permits will be issued. The number of coal mine facilities in the backlog is 56 facilities.

Sand and Gravel: The general permits for sand and gravel operations is scheduled in June 2004. This would affect approximately 184 facilities. Individual notices of intent will be processed for the permitted universe. The coverage letters for these permits will be issued by December 2004. This category will cover 45 permits.

Livestock: The coverage letter for these permits will be issued by September 2004. The number represents 25 permits. General permit for CAFO facilities is scheduled for April 2004.

Industrial, Municipal and Semi-Publics: This group of individual permits (454) will have action taken at a rate of approximately 57 per quarter which will result in all actions taken by the end of CY2005. Illinois EPA will prioritize actions in these categories based on the oldest permit applications being the highest priority for processing.

General Permits: Illinois EPA is currently working to develop general permits for public water supplies and non-contact cooling water. Illinois EPA would appreciate Region 5's cooperation so that these permits may be public noticed by the end of the second quarter of 2004. Coverage of these two groups of permittees will account for 111 of the 135 backlogged general permits. With Region 5's prompt review of General Permits, it is anticipated that all of these permittees may be issued coverage by December 2004. Illinois EPA has seen a marked decrease in the number of LUST remediation site NPDES permit applications in the last three years and does not anticipate the development of another general permit to cover these discharges.

Note: Facilities listed below are by oldest date first.

Facility Name	***NPDES***	***Expiration***	***County***	***Public Notice***
BOMBARDIER-WAUKEGAN	IL0002267	06/01/92	LAKE	*
GOODRICH, B.F.-HENRY	IL0001392	12/01/95	MARSHALL	*
FORMOSA PLASTICS-ILLIOPOLIS	IL0001350	10/24/96	SANGAMON	June 2004
MARATHON ASHLAND PETROLEUM,LLC	IL0004073	09/30/97	CRAWFORD	June 2004
MODINE MANUFACTURING-MCHENRY	IL0001279	11/01/97	MCHENRY	June 2004
MCHENRY SOUTH STP	IL0066257	04/30/98	MCHENRY	March 2004
CITGO PETROLEUM CORPORATION	IL0001589	06/01/98	COOK	September 2005
SHELL OIL CO.-WOOD RIVER	IL0000205	06/15/98	MADISON	June 2004
WOOD DALE NORTH	IL0020061	06/30/98	DU PAGE	June 2004

Facility Name	***NPDES***	***Expiration***	***County***	***Public Notice***
STP				
WOOD DALE SOUTH STP	IL0034274	08/31/98	DU PAGE	June 2004
MWRDGC HANOVER PARK STP	IL0036137	09/30/98	COOK	June 2004
MWRDGC KIRIE WRP	IL0047741	09/30/98	COOK	June 2004
WHEATON S.D.	IL0031739	09/30/98	DU PAGE	September 2004
ARGONNE NATIONAL LABS	IL0034592	07/01/99	DUPAGE	September 2004
SALT CREEK SANITARY DISTRICT	IL0030953	05/31/00	DU PAGE	September 2004
BARTLETT WWTP	IL0027618	07/31/00	DU PAGE	June 2005
EXELON GENERATION-BRAIDWOOD	IL0048321	09/01/00	WILL	December 2004
DEERFIELD WRF	IL0028347	09/30/00	LAKE	March 2005
THORN CREEK BASIN S.D.	IL0027723	09/30/00	COOK	September 2004
BOLINGBROOK WRF #2	IL0032735	11/30/00	WILL	June 2005
BOLINGBROOK WRF #4	IL0032727	11/30/00	WILL	June 2005
MIDWEST GENERATION,LLC-JOLIET	IL0064254	11/30/00	WILL	June 2005
MIDWEST GENERATION,LLC-JOLIET9	IL0002216	03/31/01	WILL	June 2005
PLAINFIELD WWTP	IL0020508	07/31/01	WILL	September 2004
ELMHURST WWTP	IL0028746	08/31/01	DU PAGE	June 2004
ITASCA STP	IL0026280	09/30/01	DU PAGE	December 2004
LOCKPORT STP	IL0029611	09/30/01	WILL	December 2004
LTV STEEL-CHICAGO COKE PLANT	IL0002593	03/31/02	COOK	June 2005
R. LAVIN AND SONS,INC.-CHICAGO	IL0002755	03/31/02	LAKE	December 2004
BP AMOCO CHEMICAL-JOLIET	IL0001643	05/31/02	WILL	March 2005
DURA AUTOMOTIVE SYSTEMS	IL0003751	06/30/02	JO DAVIESS	June 2004
CREST HILL WWTF	IL0064998	07/31/02	WILL	June 2005
EAST DUNDEE WWTP	IL0028541	07/31/02	KANE	September 2004
MANTENO WATER POLL. CNTRL CNTR	IL0025089	07/31/02	KANKAKEE	June 2004
MORTON STP #2	IL0030015	08/31/02	TAZEWELL	June 2004
BELVIDERE STP	IL0027685	09/30/02	BOONE	June 2005

Facility Name	*NPDES*	*Expiration*	*County*	*Public Notice*
HARVARD STP	IL0020117	09/30/02	MCHENRY	March 2005
KANKAKEE RIVER METRO AGENCY	IL0021784	09/30/02	KANKAKEE	March 2005
MARSEILLES STP	IL0021059	09/30/02	LA SALLE	June 2005
ROCK RIVER W.R.D. STP	IL0027201	09/30/02	WINNEBAGO	September 2004
ST. CLAIR TWP	IL0048232	09/30/02	ST CLAIR	March 2005
CATERPILLAR INC.-PONTIAC	IL0061361	10/31/02	LIVINGSTON	June 2005
DYNEGY MIDWEST GENERATION-BALD	IL0000043	01/31/03	RANDOLPH	September 2005
DIXON STP	IL0026450	02/28/03	LEE	December 2004
EQUISTAR CHEMICALS, LP	IL0002917	02/28/03	GRUNDY	September 2005
PREMCOR REFINING	IL0001244	03/31/03	MADISON	June 2004
OTTAWA STP	IL0030384	04/30/03	LA SALLE	March 2005
U.S. STEEL-GRANITE CITY	IL0000329	04/30/03	MADISON	June 2004
WOODSTOCK SOUTH STP	IL0034282	04/30/03	MCHENRY	March 2005
EXXONMOBIL OIL-JOLIET REFINERY	IL0002861	05/31/03	WILL	September 2004
PEKIN STP #1	IL0034495	05/31/03	TAZEWELL	March 2005
UNITED STATES STEEL CORP	IL0002691	05/31/03	COOK	June 2004
IBP INC.-GENESEO	IL0003913	06/30/03	ROCK ISLAND	September 2004
AMEREN CIPS – GRAND TOWER	IL0000124	07/31/03	JACKSON	March 2005
AMEREN ENERGY-MEREDOSIA	IL0000116	04/30/03	MORGAN	March 2005

** These permits are impossible to determine the Public Notice for reasons described in paragraph 4 of this section.*

The following excerpt is from the Permit Integrity document concerning issues on the permit backlog. This explanation supplements the above backlog strategy.

Program Integrity: The most significant implementation issue Illinois EPA is currently facing is a high backlog of unprocessed applications for renewal of expired permits. Based on national numbers, only seven of the 50 states have a backlog higher than Illinois. As of February 29, 2004, Illinois EPA currently has a backlog universe of 55 majors and 721 minors, which is a total of 776 backlogged permits. Illinois EPA will

provide a listing of the minor permits with projected quarterly issuance dates by February 29, 2004. Region 5 will be closely monitoring the quarterly commitments and if dates are not achieved, then Illinois EPA should submit an exception report and new milestone dates must be provided.

The most impactive issue that is contributing to the backlog is increased public participation by environmental groups and the general public, which has resulted in more requests for information on many permits and comment letters requiring response letters. We have also received more public hearing requests, which results in resource intensive efforts on numerous permits. Illinois EPA has also immensely modified the public notice/fact sheets, which required more time in their preparation.

The complexity of permits also contributes to the overall problem. A significant bulge in the re-issuance backlog developed during the late 1990s attributable to a moratorium on issuance of permit renewals for discharges containing ammonia (primarily POTWs). This was directly related to a challenge in the State ammonia water quality standard and necessitated adoption and federal approval of permitting procedures for applying water quality based ammonia permit limits.

A similar conflict in State regulations governing coal mining related discharges developed in the year 2000 has significantly slowed re-issuance of NPDES permits for coal mine discharges. Illinois also recently passed a new antidegradation regulation, which requires more staff time and analysis on new discharges or expansions of treatment plants.

Illinois EPA will utilize identified streamlining tools to lower the backlog numbers. One of these tools, greater reliance on general permits for minor dischargers, will be utilized. Specific discharge categories targeted for general permits include:

- hydrostatic test water related to pipelines installation and maintenance
- sand and gravel quarries
- stormwater from coal mining operations
- CAFOs
- Non-contact cooling water and boiler blow down
- public water supply discharges

Other streamlining tools that will be utilized are:

- Group public notice and issuance or bundling of minor on a geographic or watershed basis;
- Expedited and abbreviated reviews for small facilities with no significant changes since previous permit issuance; and
- Possible utilization of federal contractual staffing assistance.

By February 13, 2004, Illinois EPA will provide an updated list of permits identified as having significant environmental impacts and issuance will result in positive

environmental impacts, thereby permitting for environmental results (PER). Once Region 5 approves the list, Illinois EPA will provide an annotated list with milestones and commitments to ensure issuance of the permits by September 31, 2005. By March 31, 2004, Illinois EPA will provide a schedule for issuing the permits on the PER list.

Illinois EPA will provide support to USEPA's contractor to ensure completion of the legal authority review.

Illinois EPA will assist Region 5 in the completion of the state specific profile, which is based upon the State Self-Assessment, which is an important part of the NPDES National Program Integrity Review, by March 31 2004. Region 5 reserves the right to schedule a conference call, site visit or file review based upon its review of Illinois EPA's program commitments.

Federal Role - As new federal regulations are issued that affect different industrial sectors, Region 5 will identify specific issues that could impact expired permits and work with Illinois EPA to develop appropriate language for permit issuance. Region 5 will facilitate information exchange between the states on watershed protection, innovative approaches, etc., that could be used by Illinois EPA in this effort. Region 5 will also expedite the review of the draft general NPDES permits, which will require approval during FY04, so that the use of general permits continues to be a significant element of the permit backlog reduction effort. USEPA will participate in the National Program Integrity Workgroup along with the designated Region 5 states.

Joint Role - Illinois EPA needs to identify its assistance needs. Region 5 is willing to provide technical assistance, including preparing permits, LTCPs, etc.

2. Point Source Compliance - Emphasis will be placed on managing those point sources that cause or contribute to water quality problems. These sources will include both major industrial and municipal dischargers and significant minor dischargers. Illinois EPA will track progress in reducing non-compliance from these sources as a measure of success in implementing this aspect of the watershed program.

   Illinois EPA will provide an inspection strategy and a plan for use of inspection resources at the beginning of the federal fiscal year. The strategy will identify the percentage of majors covered and address Combined Sewer Overflows (CSO), Sanitary Sewer Overflows (SSO), stormwater inspections, CAFO inspections, pretreatment audits and inspections, and minor facilities. (CAFO and pretreatment inspections are discussed more fully in later sections.) We will continue to focus on inspecting facilities in priority areas while addressing instances of noncompliance and maintaining a base level of oversight on a statewide basis at both major and minor dischargers. However, for FY04, staff resource limitations will continue to impact the level of inspection coverage. The inspection plan will be provided via PCS and include major facilities and pretreatment programs targeted for inspection and the type of inspection planned. Region 5, upon request by Illinois EPA, will negotiate and provide supplemental

inspection resources to assist with meeting national program goals and commitments identified in the national MOA. The MOA typically requests coverage of 70% of the majors. If Illinois EPA will not meet the 70%, Region 5 would like to see a 2:1 offset coverage of minors, with rationale for how the minors were selected. In addition, State and Tribal Assistance Grant funds and CSO/SSO training will be available in FY04 to perform the statistically valid noncompliance rate (SVNCR) project which was designed by USEPA Office of Compliance to benefit state programs by developing a national compliance rate for CSO facilities with the required nine minimum controls (NMC). Scheduling is based on factors including facility compliance histories, consideration of areas with identified water quality impairment, instances of noncompliance identified during the year through sampling, review of reports, citizen complaints, requests for assistance from plant operating staff and support for other Illinois EPA programs. Also, we will continue the program of technician reconnaissance inspections at wastewater treatment facilities. The level of approximately 8,500 site visits annually will be maintained to keep abreast of overall plant condition, equipment malfunction, poor effluent quality, or bypassing.

CSO and SSO inspections will be scheduled on a case-by-case basis in response to complaints, water quality problems, OECA MOA initiatives or noncompliance with permit requirements. Inspections of NPDES permitted stormwater discharges will include both scheduled inspections and response to citizen complaints. Emphasis will continue on construction site stormwater inspections in rapidly developing areas and areas where runoff from these sites is significantly impacting receiving waters.

Federal Role – Region 5 acknowledges the shift in program emphasis from major discharges to sources impacting priority watersheds. Pre-issuance oversight of individual permits has been essentially discontinued except for an annual negotiated small listing, and available federal resources on the permitting side will be focused on resolving common permitting issues associated with existing, new or revised federal policies or effluent guidelines, identifying and resolving issues associated with state delegation and initial operation of the sludge program. In addition to the permits selected for review prior to issuance, Region 5 will review a number of randomly selected issued permits for conformance with federal requirements and an evaluation of the quality of those permits. Region 5 will also be responsible for advising Illinois EPA of their interest in the NPDES permits for dischargers located in the USEPA place-based efforts such as Gateway or Greater Chicago. Available federal resources for compliance and enforcement will be focused on compliance monitoring in priority sectors, including wet weather, CSOs, SSOs, Stormwater Phase II, sludge inspection and support to Illinois EPA for its efforts in priority watersheds, or where federal enforcement action is requested or warranted, as resources allow. In those areas where Region 5 has identified "place-based" initiatives, such as Greater Chicago, the Chicago Area Rivers, American Bottoms, and the Gateway areas, Region 5 will take the lead on working out a process to provide adequate program coverage that takes best advantage of the resources of both agencies, and other partners. Region 5 will work with Illinois EPA in these place-based initiatives, to schedule direct assistance for the following activities:

i. Performing wet-weather inspections with emphasis on CSO and SSO inspections.
ii. Continuing seminars for pretreatment Publicly Owned Treatment Works (POTWs).
iii. Setting up seminars for industrial users of specific POTWs.

Region 5 will provide this assistance as its staff resources allow and in consideration of the needs for similar assistance by other states in Region 5.

3. Sludge Program - Illinois EPA will continue with rulemaking that will allow State assumption of the federal sludge authority. Work completed during FFY98 identified a need to proceed with rulemaking before the Board as well as Illinois EPA proceeding with its portion of the rules through its own course of action. During FY 99, work on development of the rulemaking drafts proceeded through the development of the basic drafts. During FY04, Illinois EPA will have the necessary rules in place and initiate discussions with Region 5 concerning submission of a delegation application. Sludge rulemaking proposals will be submitted to Region 5 early in development so that issues or concerns may be identified. The goal of Illinois EPA's Sludge Management Program is 54% beneficial reuse of biosolids.

   Federal Role - Expeditious review of the sludge rulemaking proposals as they are presented so that any fatal flaws are identified early in the process

4. Pretreatment Program – Delegated programs, which have not been audited in the last five years will be identified as a priority for audit in FY04. Illinois EPA will maintain Water Enforcement National Database elements and PCS, which includes inspections from all identified and inspected Categorical Industrial Users (CIUs) in non-pretreatment POTWs (approximately 20 percent each year), issue construction and operating permits to such Industrial Users (IUs) that are consistent with federal regulations, review Annual Reports submitted by POTWs with approved Pretreatment Programs and provide follow-up as necessary and conduct pretreatment audits of approved POTW programs at least once every five years, along with pretreatment compliance and reconnaissance inspections as appropriate in intervening years (for a total commitment of 50% of POTWs inspected per year). IU and POTW inspections will be entered into PCS. We will also discuss the format and contents of a pretreatment effectiveness report with Region 5 during the year and prepare a report in a mutually agreed upon form, and continue to report annually on program performance measures (i.e., high quality sludge, POTW NPDES compliance rates, compliance statistics), and status of program activities.

   Federal Role - Region 5 will continue to review and approve new POTW pre-treatment programs that have been required through NPDES permits, and modifications to approved POTW pretreatment programs. Region 5 will work with Illinois EPA to public notice new programs and modifications, and incorporate same into POTW NPDES permits. Region 5 will also coordinate with Illinois EPA to provide oversight of POTW pretreatment programs and CIUs in non-approved POTWs and requests copies of all pretreatment inspection reports generated by Illinois EPA for both POTWs and CIUs in

non-approved POTWs, as well as all correspondence regarding review of reports. Continue to implement strategy to identify CIUs in non-pretreatment POTWs, obtain information to help verify their status as CIUs and their compliance status, and conduct inspections and compliance follow-up. Provide an updated list of known CIUs to Illinois EPA. Such a strategy would have the added benefit of furthering the goals of the Metal Finishing Strategic Goals Program, by addressing the facilities operating outside the regulatory system. Comments on Illinois EPA's POTW annual report format were provided in FY02. Region 5 will work with its states to develop a consistent annual report format. Region 5 will similarly work with the states to revise the checklist used to conduct pretreatment audits.

5. Wet Weather Initiatives – Illinois EPA will continue the efforts of controlling wet weather flows which include inspections of Stormwater related construction sites, industrial Stormwater facilities, and facilities with SSOs and CSOs. Maintaining stormwater related compliance and enforcement is a priority. Illinois EPA will reissue the Rockford Phase I MS4 permit. Illinois EPA will focus on CSO and SSO issues including reissuance of expired or expiring NPDES permits with CSO control requirements and industrial and construction activities covered under the Phase 1 Stormwater regulations. Illinois EPA will issue CSO permits consistent with the national CSO Policy. Priority will be given to those Stormwater facilities which: (a) have failed to apply for coverage under NPDES permit, (b) failed to develop and implement the required Best Management Practices, and (c) cause significant water quality problems. Illinois EPA currently has an existing permit which covers Phase I and Phase II construction sites. Regarding SSOs, State regulations prohibit overflows from sanitary sewer systems. Illinois EPA will continue to use its enforcement authority to gain correction of these overflows when they are discovered. By March 31, 2004, an inventory of SSOs, and an enforcement and compliance assurance implementation strategy for SSOs, will be undertaken. We will also continue to monitor the development of Federal regulations and make any changes to our programs that are necessary.

   Illinois EPA will issue permits to assure that CSOs do not cause or contribute to violations of water quality standards. Illinois EPA has developed standard permit conditions requiring implementation of the NMC and development of long term controls plans (LTCP). Illinois EPA will continue to incorporate these requirements into permits through reissuance or modification, giving highest priority to discharges to sensitive areas at highest risk for human health exposure, such as waters used for potable water supply, swimming and recreational activities. Illinois EPA will strive to meet the national goal of 100% of CSO communities under permits or enforcement actions with NMC and LTCP requirements consistent with the national CSO Policy.

   The Ohio River Valley Sanitation Commission (ORSANCO) is beginning to develop an enforcement strategy related to Wet Weather. Illinois EPA commits to participate in discussions regarding the strategy.

Federal Role - Facilitate regular conference calls to address Stormwater Program implementation issues. Review proposed CSO permits and track progress in reissuing permits with NMC and LTCP requirements consistent with CSO Policy.

Region 5 will focus on CSO municipalities as a priority for regional enforcement using the CSO Policy as guidance. Region 5 will work to ensure that all enforcement actions for CSO cases in which implementation of a LTCP will take more than 5 years, will be incorporated into a judicial action. Prioritizing CSO enforcement will take place based on the following criteria:

- High priority beaches as defined by USEPA or Illinois EPA
- A LTCP that extends beyond the life of the current permit
- Complex treatment systems with known problems related to wet weather
- A location in a priority area as identified by either the USEPA or Illinois EPA (sources for such determination will likely include 305(b) reports and 303(d) lists)
- Existing compliance problems
- Proximity to 1453 area
- Potential for use of a battery of compliance assistance tools
- Satellite communities (tributary to larger systems) that have SSO problems

Region 5 will sponsor the Train-The-Trainer MS4 training in the first quarter of 2004. Region 5 will provide travel funding in support of 2 people per state, at an average of $800 per person, to ensure state participation.

Region 5 will provide information on P2 and Animal Feeding Operations (AFO) to Illinois EPA.

6. Onsite Wastewater Treatment Systems - Private sewage disposal systems serving fifteen people or less, as well as all systems with a subsurface discharge, are regulated by the IDPH as stated in a MOA between Illinois EPA and the IDPH. The Illinois Private Sewage Disposal Act defines population equivalent as the average waste loading produced by one person, which is defined as 100 gpd.

   Roughly 13,000 private home sewage treatment systems are installed, replaced, or repaired each year in Illinois. More than 5,000 new surface discharging systems are permitted by IDPH each year. Many of these discharges reach curb sides, ditches, storm sewers and surface waters. The IDPH estimates there may be as many as 133,000 surface discharging private sewage disposal systems in Illinois.

   Nationwide, onsite treatment systems have served 25% of households since the 1960s, however, 33% of new homes are served by onsites. Fifty percent (50%) of onsite systems are in urban areas. Illinois EPA estimates between 10% to 30% are failing and they are documented contributors of pathogens responsible for numerous beach closings, shellfish bed closures, public drinking water standard violations, and are a significant contributing factor of additional contaminants in many of the nation's 10,000 impaired water bodies.

The purpose of USEPA's *National Guidelines for Management of Onsite/Decentralized Wastewater Treatment Systems* is to raise the level of onsite treatment performance through management by state and local health officials. Success of onsite management programs in Illinois is dependent on cooperation among the IDPH, County Health Departments and Illinois EPA.

Issues requiring inter-agency coordination include CWA requirements. For example, under the CWA, discharges to surface waters are subject to the NPDES Permits Program and Municipal Separate Storm Sewer Systems are required to identify and eliminate illicit discharges to storm sewers, including unpermitted (under the NPDES), onsite wastewater treatment system discharges. Over the next year, Illinois EPA will continue to work towards appropriate integration of on-site systems into the NPDES program.

Under the SDWA, discharges from large capacity septic systems and cesspools are regulated as Class 5 Wells by the Underground Injection Control (UIC) Program. The Source Water Assessment Program identifies significant potential threats to public drinking water systems. The Source Water Protection Program depends on cross-program regulatory coordination and voluntary local initiatives to protect both surface and ground drinking water sources.

7. Livestock Waste Management - Illinois EPA has operated a livestock waste management program for many years, and has had field inspection staff specifically assigned to the program for over 20 years. Watershed Management Section staff and Illinois EPA's Agricultural Advisor provide additional resources for the program.

   Illinois EPA will issue a general NPDES permit for CAFOs including those with 1,000 or more animal units before the end of calendar year 2003 unless unforeseen resource limitations occur. Authorization for coverage under the general NPDES permit will be issued for eligible facilities. Individual NPDES permits will be issued to CAFOs including those with 1,000 or more animal units that may need additional permit conditions beyond those in the general NPDES permit. Through ongoing efforts, Illinois EPA will solicit notices of intent to CAFOs or applications for individual NPDES permits, as the case may be. Until the regulatory permitting deadline passes for CAFOs with 1,000 or more animal units, Illinois EPA will enforce the duty to apply for an NPDES permit in the event that a facility is subject to enforcement for a water pollution violation or violations. Similarly, for CAFOs with more than 300 but less than 1,000 animal units that are subject to enforcement for a water pollution violation or violations, Illinois EPA's enforcement will result in either (1) a change in the design or operation of the facility, or both, such that the facility no longer is a CAFO point source, or (2) the submission of an application for a NPDES permit. Illinois EPA will continue to work with Region 5 to review and revise as may be appropriate current Illinois EPA strategies for dealing with CAFOs in the context of the existing federal strategy and emerging guidance including permitting, inspections, compliance, priority ranking criteria and enforcement.

Illinois EPA will continue to respond to complaints and follow up on previously identified problem facilities. It will also continue to initiate inspections consistent with available resources, working toward a goal of inspecting 20 percent of the known universe of, as well as any newly discovered, CAFOs over 1000 animal units annually.

Illinois EPA will continue to use Section 319 funds in FY 04 for development of a program to assist operators with livestock waste nutrient management plans and construction of livestock waste handling facilities that will correct water quality problems identified in the 305(b) report.

Federal Role – Region 5 will work with Illinois EPA in developing its strategy for NPDES permitting, inspections and enforcement. Region 5 and Illinois EPA will work cooperatively to conduct inspections and take enforcement actions as planned and required.

b. Watershed Management

Illinois EPA continues to work toward utilizing a watershed approach in the development and implementation of its ground and surface water programs. Development of comprehensive Watershed Implementation Plans (WIP) are underway on two watersheds selected from the Unified Watershed Assessment 1999-2000 Restoration Schedule for Category I Watersheds in Need of Restoration. The development of watershed plans in targeted watersheds utilizing 104(b)(3) funding has been implemented and project work has been completed in 15 watersheds. Watershed staff is in place in regional offices to promote and assist watershed planning groups in the development of comprehensive WIPS. The National Nonpoint Source Monitoring Program Lake Pittsfield Watershed pilots many of the management practices utilized in predominantly rural watershed settings. This watershed is in the Upper Mississippi basin, and will continue to be monitored until the close of the National Monitoring Program's 10-year cycle on August 31, 2004. The WIP has been incorporated into the Nonpoint Source (NPS) Management Program as the format to be utilized in development of the Total Maximum Daily Load (TMDL) implementation strategy. These strategies will thereby be in a watershed plan format upon completion. An update to the current draft Watershed Implementation Planning document will be occurring during 2004. This update will include the nine minimum elements as specified in FY04 USEPA Guidance for Section 319 funds. Once completed this document will be introduced in three workshops around the State. These one-day workshops will be free to watershed stakeholders to help them navigate watershed planning for the future. Once finalized and review has been completed by stakeholders as well as Region 5, the Watershed-based Planning document will be incorporated into the NPS Management Program, replacing the WIP as the format to be utilized in development of the TMDL implementation strategy.

Illinois EPA will work with Region 5 to coordinate the implementation of agricultural and environmental programs. Illinois EPA will work in concert with Region 5 on the Illinois STC to help identify and direct resources to implementation efforts in impaired watersheds consistent with the goal of attaining water quality standards.

Illinois EPA will maintain and update the State Water Quality Management Plan (QMP), which identifies goals and objectives pertaining to activities having water quality impacts. The Continuing Planning Process (CPP) provides a description of the Illinois water pollution control program. Illinois EPA will work with Region 5 to update the CPP as appropriate. Utilizing funding provided through Section 604(b) of the CWA, Illinois EPA will also continue to support Section 205(j) water quality management planning activities performed by Areawide Planning Agencies. Activities of these agencies will be reported separately to Region 5 on a semi-annual basis.

Federal Role – Region 5 will promote watershed management through continued financial support through Section 104(b); by supporting Region 5 Watershed workgroup; by working with Illinois EPA in the finalization and promotion of the WIP and revisions to the CPP; by providing technical assistance to other watershed projects; and by continued training of staff in watershed management planning methodologies.

Region 5 will provide technical assistance on environmental indicators development and planning issues and review of the Section 604(b) grant. Region 5 will provide technical assistance to Illinois EPA through membership on the Watershed Management Committee, including development of the Watershed Implementation Planning Program. Region 5 will fully participate in the Illinois STC meetings toward working in partnership with agricultural and environmental organizations to target or prioritize efforts to implement activities on a watershed basis, which improve water quality.

Region 5 will promote watershed management through the American Bottoms and the Chicago River projects such as the Chicago Waterways Joint Priority and the Chicago Area Rivers Restoration Initiative, and through cooperation with Illinois EPA on the Illinois River Initiatives.

1. Illinois River Initiatives - Within the State of Illinois, the Illinois River Basin has been identified as a major priority. The Illinois River Watershed is one of the most significant natural resources in Illinois. The watershed includes more than 90 percent of the State's population, consists of approximately 60 percent of the total land area of Illinois, and is a principal corridor for drinking water, recreation and commerce. Protection and enhancement of this natural resource is a priority concern of Illinois. Illinois EPA has identified numerous sub-watersheds that include rivers, streams, lakes or groundwater resources that represent high quality water resources worthy of protection and actions of a preventative nature to protect these resources. In order to focus public attention and identify resource needs, several initiatives are underway which are worthy of attention:

    A. Conservation Reserve Enhancement Program (CREP) - To initiate the objectives of protection and enhancement of the Illinois River watershed, Illinois has successfully negotiated with the United States Department of Agriculture/Farm Services Agency and Commodity Credit Corporation resulting in Illinois obtaining 100,000 acre CREP for the Illinois River watershed. The State Enhancement Program proposed a total acreage of 232,000. Additional acreage eligibility will be based on successful landowner sign-up in the initial program. These additional funds will be used to

achieve the goals of reducing soil erosion and sedimentation, improve water quality, and enhance wildlife and fish as detailed in the Lt. Governor's Integrated Management Plan. The estimated total costs for the CREP for the Illinois River watershed is $438,978,000 over 15 years. Illinois will cost share 20 percent, or $91,733,600. As of August 11, 2003, a total of 110,854.3 acres were enrolled in the State side of the program. Total dollars allocated as of August 11, 2003 for the Illinois program (all told) is $46 million, Illinois budget for FY04 is currently $4.8 million.

Illinois EPA is assisting this effort by providing financial support to those counties needing additional assistance to process sign-ups and assist landowners. It is expected that a successful and positive experience in this program will enhance sign-up in other counties having Unified Watershed Assessment Strategy Category 1 waters within their jurisdiction or waters/watersheds not meeting their designated uses, requiring the preparation of a TMDL.

B. Region 5 and Illinois EPA Detailed Work Plans - Both agencies will continue to work with local watershed interests in high priority watersheds, as identified in the Unified Watershed Assessment and Watershed Restoration Priorities. This will include providing guidance for preparing watershed plans, and tools for motivating the public to become involved. Progress regarding watershed planning within the Illinois River basin will be reported to the Illinois River Coordinating Council, of which, Region 5 is a member. Both agencies will continue to explore ways in which Region 5 can provide additional technical assistance. This includes Region 5's continuing participation on the federal, state or community action Illinois River Coordinating Council subcommittees and providing support for River Day in September 2004.

2. Nonpoint Source Programs – Illinois EPA will continue to emphasize NPS Management Programs using funding made available from Section 319 of the CWA. Illinois EPA will implement the NPS Program consistent with the approved NPS management strategy. Additional base program activities in those watersheds impacted by nonpoint sources will include expanded monitoring, consultation and technology transfer/awareness programs directed at contributing watershed land owners, intergovernmental working agreements, increased attention to permitted and unpermitted storm water sources and accelerated implementation of program activities identified in the approved NPS Management Plan. During FY04, Illinois EPA will focus increasing attention of its NPS program on implementation of TMDLs and implementation within impaired waters. This implementation will focus on those waters impaired due to sedimentation, nutrient enrichment, or loss of habitat. Any additional Section 319 funding will focus development of implementable watershed plans. Additional resources will be focused on development and implementation of watershed restoration action strategies and support of the Illinois TMDL efforts. Illinois EPA will provide Region 5 in the first (March) biennual report, a description of the methodology to be utilized. Illinois EPA will continue to provide data on NPS activities through the Grants Reporting and Tracking System (GRTS) system to enhance timeliness and accuracy of

information and share information with other states. Illinois EPA will focus more on program evaluation during 2004.

Federal Role - Region 5 will support the expanded funding of NPS monitoring and control activities that are part of the overall watershed program. In some cases, this may require consideration of activities that have not historically been considered for NPS support at the federal level; however, activities must be eligible under Section 319 for funding.

Region 5 anticipates that Illinois EPA will be submitting grant applications to support the NPS program and to fund NPS demonstration projects. Region 5 will review these applications and provide assistance as needed. Also, Watersheds and Wetlands Branch (WWB) will continue to work with Illinois EPA in the completion of grants previously awarded.

WWB will continue to provide technical assistance to Illinois EPA and local agencies regarding practices that will minimize pollution from nonpoint sources such as proper pesticide management and no-till practices. Region 5 will support use of NPS funds to support clean lakes projects where appropriate criteria is met. Region 5 will participate in the Watershed Management Committee at the State level and provide technical and financial support as feasible.

Region 5 will provide analysis of impairments and suspected sources/causes for consideration in targeting NPS implementation actions (including monitoring).

Region 5 will focus more on program evaluation during 2004.

3. Wetlands Activities - Illinois EPA anticipates receiving approximately 1500 applications for Section 401 certification within the next year. Many of these proposed projects involve wetlands. These applications, and plans for other projects submitted on a preliminary review basis, will be reviewed for compliance with the applicable water quality standards. Illinois EPA will evaluate and respond as required to applications for 401 certification.

   Isolated wetlands have become a major focus in Illinois since the United States Supreme Court ruling issued in the case of the Solid Waste Agency of North Cook County (SWANCC) that isolated wetlands do not fall within the jurisdiction of the CWA. New State legislation may be enacted to establish State policy on protection and management of those wetlands affected by the SWANCC decision. Illinois EPA will track activities and participate in dialogue and development efforts within the State.

   Beginning on February 22, 2002, the anti-degradation standard was applied to the 401 review process. As applied, the new anti-degradation standard requires an assessment and publication of alternatives, and the assessment must address the current status and designated uses of the waters and wetlands that may be impacted. All anti-degradation

assessments for 401 certification projects are posted on Illinois EPA's web page for public review and comment.

Federal Role – Region 5 anticipates that eligible applicants in Illinois will be submitting requests for grants to support the wetlands program consistent with wetland grant guidelines. Region 5 has the responsibility to review grant proposals and make funding decisions. In cases where an agency other than Illinois EPA applies for a grant which relates to wetland program development planning activities, Region 5 will coordinate its review with Illinois EPA as appropriate. Also, WWB will continue to work with Illinois EPA in the completion of grants previously awarded.

WWB will continue to review selected Section 404 permits for compliance with the tenets of the CWA. Significant violations of the provisions of Section 404 (wetlands) will result in Region 5 enforcement actions. Enforcement actions in which Region 5 and Illinois EPA have mutual responsibilities will be coordinated.

As resources allow, technical assistance will be provided to the State and other agencies upon request or referral for assistance, in such areas as wetlands training, field identification and implementation of other USEPA programs.

4. Lake Management Programs - The Governor's "Conservation 2000" program, initiated in SFY96, provides a wide range of conservation initiatives to be implemented by the Illinois Departments of Agriculture and Natural Resources, as well as Illinois EPA. Many of these activities are expected to directly or indirectly compliment the watershed program, particularly in the area of NPS pollution control. Conservation 2000 includes funding to implement the Lake Management Framework Plan, a comprehensive program for improvement of Illinois' inland lake resources. This program includes expanded technical and educational assistance to lake owners interested in developing restoration and protection plans; expanded ambient and volunteer lake monitoring efforts for assessment and management purposes; and limited financial assistance programs (the Illinois Clean Lakes Program and Priority Lake and Watershed Implementation Program) to provide grants for lake planning and implementation activities. Lakes with watersheds on the priority list will be given first access to the funding and technical assistance provided by the Conservation 2000 program.

   Federal Role - The Illinois Clean Lakes Program is essentially the same as the federal Clean Lakes Program authorized under Section 314 of the CWA administered by USEPA. Although Section 314 funding is no longer available, Region 5 will support the use of Section 319 funds to implement appropriate lake management measures both within the lake and their watersheds as set forth in approved clean lakes program plans and where consistent with the Illinois NPS Management Program.

5. TMDL - TMDL process is an important tool for developing watershed-based solutions and therefore, an important component in watershed restoration efforts. Illinois EPA will continue to rely on the 305(b) reporting process for the identification of water quality limited waters in need of TMDLs in accordance with Section 303(d) of the CWA.

Illinois EPA will deliver final TMDLs to Region 5 for approval for the following waterbodies by the date indicated:

Illinois EPA will initiate development of the following TMDLs in FY04:

2004 Completed TMDLs				
TMDL	**Segment**	**Causes**	**# of Causes**	**Delivery to Region 5**
West Branch DuPage River	GBK 05	Chloride	1	3/31/04
	GBK 07	Chloride	1	3/31/04
	GBK 09	Chloride	1	3/31/04
	GBK 12	Chloride	1	3/31/04
East Branch DuPage River	GBL 05	TDS/Conductivity, Chloride, DO	3	3/31/04
	GBL 08	DO	1	3/31/04
	GBL 10	Chloride, DO	2	3/31/04
Salt Creek	GL 03	TDS/Conductivity, DO	2	3/31/04
	GL 09	TDS/Conductivity	1	3/31/04
	GL 10	TDS/Conductivity	1	3/31/04
	GL 19	DO	1	3/31/04
	GLA 02	TDS/Conductivity, Chloride, DO	3	3/31/04
	GLA 04	Copper, DO	2	3/31/04
	GLB 01	DO	1	3/31/04
	GLBA	DO	1	3/31/04
	RGZX	Phosphorus	1	3/31/04
Fox River	CH 02	DO	1	3/31/04
	RCC	Phosphorus, DO	2	3/31/04
	RCB	Phosphorus, pH	2	3/31/04
Little Muddy River	NE 05	Manganese, Sulfates, TDS, pH, DO	5	6/30/04
Big Muddy River	RNC	Mercury, pH	2	6/30/04
	N 12	Manganese, Sulfates, pH, DO	4	6/30/04
Casey Fork	NJ 10	Manganese, TDS, DO	3	3/31/04
	NJ 14	Manganese, DO	2	3/31/04
	NJC	Manganese, DO	2	3/31/04
Bonnie Creek	NCDC01	Sulfates	1	6/30/04
	NCD 05	Manganese, DO	2	6/30/04
	NCD 03	Silver, Sulfates, TDS	3	6/30/04
	NCDB	Manganese, Sulfates, TDS	3	6/30/04
Beaucoup Creek	RNM	Phosphorus, DO	2	6/30/04
	NC 03	Sulfates, TDS, DO	3	6/30/04
	NC 10	DO	1	6/30/04
	NCI 01	Manganese, DO	2	6/30/04
	NCK 01	Manganese, Sulfates, DO	3	6/30/04
	NCC 01	Manganese, Sulfates, TDS	3	6/30/04
Vandalia Lake	ROD	Phosphorus, pH	2	3/31/04
Little Wabash River	RJC	Phosphorus	1	3/31/04
Dutchman Creek	RAM	DO	1	3/31/04
	ADD 02	DO	1	3/31/04
Total 12	**39**		**74**	

Illinois EPA will deliver a schedule for final TMDLs for 2005 for Region 5 approval by October 1, 2004.

Illinois EPA will initiate development of the following TMDLs in FY04:

2002 303(d) High Priority Waters

WSID/ FIGURE	WATER BODY SEGMENT	WATER BODY NAME	SIZE MILES / ACRES	DESIGNATED USES	CAUSES	SOURCES
ILDAG01 (Figure 18)	**RDZP**	PALMYRA-MODESTO	35.00	F20, P1, P42, P44, P50, X21	H1000, H1200, H1220, H2210, H3000	200, 1000, 1050, 1100, 7000, 7400, 8700, 8960
	RDF	OTTER	765.00	F20, F21, P1, P42, P44, P50	H2210, H3000	200, 1000, 1050, 1100, 7000, 7400, 7550, 7700, 7900
	SDZF	HETTICK	110.00	F1, F20, F21, F50, P42, P44	H1200, H1220, H2210, H900, H910	1000,7000,7400,8960
ILOIL01 (Figure 24)	**ROL**	GLEN SHOALS	1350.00	F20, F21, P1, P42, P44, P50	H1200, H1220, H2210, H3000, H900, H910	1000, 1050, 1100, 7000, 7400, 7550, 7700, 7900, 8960
	ROT	HILLSBORO OLD	108.70	F20, F50, P1, P42, P44, X21	H1200, H1220, H2210, H3000, H900, H910, M500, M580	1000, 1050, 1100, 7000, 7400, 7550, 7700, 8500, 8700,8960
ILBPG09 (Figure 29)	**RBD**	VERMILION	608.00	F20, F21, P1, P42, P44, P50	H1100, H1200, H1220, H2210, H900, H930, S2100, S925,	1000, 1050, 1100, 7000, 7400, 7550, 7700, 8700, 8960, 9000
	BPG 09	N. Fk. Vermilion R.	5.91	F1, F20, P42	T1700	9000
ILCA03 (Figure 31)	**CA 05**	Skillet Fk.	10.96	P1, P20, P21, P42, P50	T3100, T410, T3000, T1000, T1100, T1200, T2100, T500, T900, T920, T1700	1000, 1050, 1100, 7000, 7100, 9000
	CA 03	Skillet Fk.	7.18	F42, P1, P20, P21	H410, T560, T1000, T1100, T1200, T2100, T500, T530, T900, T910, T920	1000, 1050, 1100, 1800, 7000, 7100, 9000
ILDA04 (Figure 18)	**RDG**	CARLINVILLE	168.00	F20, P1, P42, P44, P50, X21	T1100, T1200, T2100, T2210, T900, T910, T920, T930	900, 1000, 1050, 1100, 7000, 7550, 7700, 8700
	DA 04	Macoupin Cr.	19.73	F1, F20, F21, N42	T1700	9000
	DA 05	Macoupin Cr.	43.89	F21, P1, P20	T1200, T1600, T900, T910, T920	200, 1000, 7000, 7100, 7550, 7700
	DAZN	Briar Cr.	3.97	P1, P20	T1200, T1600, T900, T910, T920	200, 7000, 7100, 7550, 7600
	RDH	BEAVER DAM	56.50	F20, F21, N44, P1, P42, X50	T1100, T2200, T2210, T900, T910	7550, 7700, 8500, 8960
ILBM02 (Figure 30)	**RBX**	PARIS TWIN WEST	56.70	F21, N42, P1, P20, P44, P50	T1200, T2210, T900, T910, T920, T930	1000, 1050, 1100, 7550, 7700, 8300, 8930, 8960
	BM 02	Sugar Cr.	12.87	F1, F20, P42	T1700	9000

	BM C2	Sugar Cr.	2.95	P1, P20	T1100, T1200, T1500, T900	200, 7000, 7400
	RBL	PARIS TWIN EAST	162.80	F21, F50, P1, P20, P42, P44	T2100, T2210, T600, T900, T910, T920, T930	1000, 1050, 1100, 7550, 7700, 8300, 8930, 8960
ILDK17 (Figure 14)	**SDA**	EVERGREEN	700.00	F20, F21, P1, P42, P44, P50	T1000, T2210, T600, T900, T920, T930	1000, 1050, 1100, 7550, 7700, 8960
ILOKA01 (Figure 24)	**OKA 01**	N. Fk. Kaskaskia R.	10.25	F21, P1, P20, P42, P50	T3000, T3100, T1100, T1200, T2100, T500, T900, T910, T920, T1700	1000, 1050, 1100, 5000, 5500
	OKA 02	N. Fk. Kaskaskia R.	15.31	P1, P20, P42, P50	H3000, H3100, T1200, T500, T520, T1700	1000, 1050, 1100
ILBEZX01 (Figure 30)	**RBP**	OAKLAND	23.40	F21, N42, P1, P20, P44, P50	T2100, T2210, T500, T600, T900, T910, T920, T930	1000, 1050, 1100, 1800, 7550, 7700, 9000
	RBK	WALNUT POINT	58.70	F20, P1, P42, P44, X21, X50	T1100, T1200, T2100, T2200, T2210, T900, T910, T920, T930	1000, 1050, 1100, 8500, 8960
ILODL02 (Figure 25)	**ROZA**	HIGHLAND SILVER	550.00	P1, P20, P21, P42, P44, P50	H300, T1100, T1200, T2100, T2210, T410, T900, T910, T920, T3100	1000, 1050, 1100, 1350, 1400
ILOK01 (Figure 24)	**OK 01**	E. Fk. Kaskaskia R.	17.13	F42, P1, P20, P50	T1000, T1100, T1200, T2100, T500, T900, T910, T920, T3100	1000, 1050, 1100
ILBPJ03 (Figure 29)	**BPJ 03**	Salt Fk. Vermilion R.	9.97	F1, F20, P42, P50, X21	T1700, T930	9000
	BPJ 08	Salt Fk. Vermilion R.	3.17	F1, F20, P50	T930	9000
	BPJ 10	Salt Fk. Vermilion R.	13.60	F1, F20, P50	T930	9000
	RBO	HOMER	80.80	F20, F21, P1, P42, P44, X50	T2100, T2210, T500, T600, T900, T910, T920, T930	1000, 1050, 1100, 3000, 3200, 7550, 7700, 8960
ILDD04 (Figure 18)	**SDL**	MAUVAISSE TERRE	172.00	F21, N42, P1, P20,P44, P50	T1100, T2100, T2210, T900, T910, T920, T930	1000, 1050, 1100, 7000, 7400, 7550, 7700, 8960
	DD 04	Mauvaise Terre R.	36.55	F21, N42, P1, P20	T1600, T2100, T900, T910, T1700	200, 1000, 7000, 7100, 7550, 7600, 7700
ILBO07 (Figure 29)	**RBS**	GEORGETOWN	46.10	N42, P1, P20, P44, P50, X21	T1100, T1200, T2100, T2210, T900, T910, T920, T930	1000, 1050, 1100, 1350, 1400, 4000, 8500, 8960
	BO 04	Little Vermilion R.	2.77	F1, F20, P50	T930	9000
	BO 05	Little Vermilion R.	0.37	F1, F20, P50	T930	9000
	BO 07	Little Vermilion R.	5.11	F1, F20, P42	T1700	9000

ILC19 (Figure 31)	**C 19**	Little Wabash R.	35.89	F21, P1, P20, P42, P50	T3100, T3000, T1000, T1100, T1200, T2100, T900, T910, T920, T1700	1000, 1050, 1100, 7000, 7300

All numeric codes used in the above table are found in the 2002 303(d) List.

The estimated date of delivery of these final TMDLs for approval by Region 5 is June 30, 2006. Unless otherwise addressed through an appropriate delisting process, the impairments (causes) listed are those that will be addressed by the TMDL.

TMDL Development

- TMDL Streamlining by utilizing technologies to shorten time Illinois EPA spends characterizing watersheds and developing model applications for TMDLs. Illinois EPA and Region 5 will explore possible efficiencies with the intention of demonstrating development of a TMDL utilizing identified technologies in 2004.
- Illinois EPA will make every effort to streamline the TMDL development process by moving from one stage of development to the next as efficiently as possible.
- Illinois EPA will provide draft TMDLs to Region 5 for review and comment at least 60 days prior to public notice.

303(d) List Development

- Illinois EPA will provide a timely final 2004 TMDL list to Region 5 for approval. Illinois EPA will provide a draft of the narrative portion of the 2004 TMDL list to Region 5 for review by February 1, 2004.
- Illinois EPA will provide the draft 2004 list of impaired waters to Region 5 for review 30 days prior to public notice.
- Illinois EPA will include the rationale for its determination that evaluated data is not reliable for each type of type of evaluated data in its 2004 TMDL list.
- Illinois EPA will work with Region 5 to fully address and resolve issues identified by Region 5 in the review of the draft list within 30 days of receipt of Region 5's comments. Illinois EPA will include in the 2-year schedule contained in the 2004 TMDL list, those TMDLs that will be delivered to Region 5 for approval.
- Illinois EPA will solicit data from other entities for consideration in TMDL listing. Illinois EPA will begin this process with a public informational meeting in November 2003 regarding the 2004 305(b) Report that will include a request for data. This will begin a structured solicitation for outside parties to submit data and information for consideration in listing decisions. This solicitation will specify Illinois EPA's requirements for data and information, such as time, quantity and quality requirements.
- Illinois EPA will schedule waters for monitoring where evaluated data indicates that the water is likely impaired but the evaluated data are not considered reliable enough for 303d listing, subject to available resources to conduct additional monitoring.

Other

- Illinois EPA and Region 5 will continue to work together to combine annual TMDL funding sources into one multi-year TMDL grant. It is envisioned that this

consolidated TMDL grant will provide efficiencies in the funding process and cut down on unnecessary paperwork.

- Illinois EPA and Region 5 will work together to eliminate duplication in reporting TMDL program/project progress. Currently TMDL activities are reported to both the 319 Grant Program, and to the TMDL Grant. Eliminating the reporting of TMDL progress to the 319 Grant Program will provide efficiencies in the reporting process and cut down on unnecessary paperwork.
- Illinois EPA will participate in monthly TMDL conference calls with Region 5 and its states.
- Illinois EPA will update its TMDLs strategy annually and provide for Region 5's review and comment.

Federal Role - USEPA will continue to coordinate the state/federal TMDL workgroup to facilitate exchange of information, by arranging conference calls and meetings periodically or as special issues warrant. Region 5 will continue to work with Illinois EPA in the TMDL program review of methodologies, review of TMDLs, guidance and technical assistance in development of TMDLs. Region 5 is interested in working with the states to improve the quality of the 305(b) report. Region 5 will review and comment on draft TMDLs and 303(d) lists in a timely manner. Region 5 will provide TMDL practitioners training by November 2004.

c. Monitoring and Assessment

1. 305(b) Reporting -Pursuant to requirements in Section 305(b) of the federal CWA, Illinois EPA publishes a biennial "Illinois Water Quality Report" that provides an assessment of the water quality conditions of the State's surface and groundwater resources. An Illinois Water Quality report is required to be written and published in all even numbered years (e.g., 2004, 2006, 2008), while electronic updates of water quality data are requested to be submitted in odd numbered years (e.g., 2005, 2007, 2009). For this reporting period, Illinois EPA will submit to Region 5 by April 1, 2004, a written water quality report meeting the requirements of Section 305(b), and an electronic update of assessment information via the Assessment Database (ADB). During this fiscal year, Illinois EPA will continue to work with Region 5 on transitioning to the new ADB with a goal of using the system for the 2006 reporting cycle.

2. Five-Year Monitoring Strategy - Illinois EPA finalized and forwarded to Region 5 in October 2002 an updated "Water Monitoring Strategy: 2002-2006." This second Illinois EPA water monitoring strategy updates the first strategy that represented the period 1996-2000. This updated document addresses all Illinois EPA water-monitoring programs funded by CWA Section 106 funds for the period 2002-2006 and describes major surface and groundwater programs within the framework of USEPA draft guidance for state monitoring programs. During this fiscal year, Illinois EPA and Region 5 will work to meet the September 30, 2004, deadline described in the "Elements of a State Water Monitoring and Assessment Program" guidance focusing particularly on specific priorities (see below for more information). This deadline calls for states to have a monitoring strategy in place or commit to the development of a strategy that "will

serve all water quality management needs and address all State waters over time." Priorities for completion by September 30, 2004, will be identified as part of Illinois EPA/Region 5 joint evaluation document (currently still in draft). Final FY04 priorities will reflect USEPA national and regional priorities, Illinois EPA priorities, and Illinois EPA workload considerations. USEPA will provide a summary of national and regional priorities by March 1, 2004 (following a national meeting) and Illinois EPA/Region 5 will establish appropriate expectations no later than May 15, 2004. The draft monitoring evaluation document will be updated to reflect these expectations for 2004 as well as priorities established for future years.

Federal Role – Subsequently, Illinois EPA and Region 5 will jointly discuss any recommended adjustments of the strategy and means to implement the activities and recommendations encompassed by the strategy.

3. Development of Biological Methods and Assessment Criteria – Illinois EPA continues to work with Region 5 to evaluate and enhance sampling methods for stream macroinvertebrates and fish and to enhance ways to incorporate biological information into assessments of designated use attainment of Illinois surface waters. Illinois EPA has completed evaluation of the new fish Index of Biotic Integrity (IBI) and will use it for resource-quality reporting in the 2004 305(b) report. Development of a multi-metric macroinvertebrate IBI continues as scheduled. Illinois EPA will continue to coordinate meetings of the Biocriteria Workgroup to update and to solicit review of the development of biological methods and of how to incorporate biological criteria in use-attainment assessments.

   Federal Role - The Water Quality Branch will continue to provide expertise in workings of biocriteria in general, participate on Illinois Biocriteria Workgroup, and facilitate the exchange of biocriteria information between Region 5 states and others. Region 5 will assist Illinois EPA in obtaining federal funds that may be available for the development of biological assessment tools.

4. Fish Consumption – Illinois EPA will assist USEPA in conducting the new national fish contaminant survey. Illinois EPA will also reconcile, as appropriate, designated uses and water quality criteria for water bodies with the risk assessment methodologies for developing fish/shellfish advisories/ classifications.

   Federal Role – USEPA will design and implement the national fish contamination survey. Region 5 will also communicate with Illinois EPA on fish consumption advisory consistency and assist on maintaining current consistent approach used by Region 5 states.

d. Standards

1. Water Quality Standards Activities - Illinois EPA is involved in numerous standards initiatives that will carry into FY04. Several are multi-year efforts that will extend well beyond FY04. The Board adopted the Triennial Review of water quality standards on

December 19, 2002 enacting new General Use water quality standards for dissolved metals and the BETX substances; however, the Board declined to update the cyanide standard. Ammonia water quality standards were adopted on October 17, 2002. Illinois EPA submitted the new ammonia standard for Region 5 approval in December 2003. Illinois EPA will prepare rulemaking petitions for the Board to adopt new standards for radium, total dissolved solids and sulfate in General Use waters in FY04. These standards were last assessed in 1972 and have proven to be overprotective, causing unnecessary economic hardships. Additionally, standards development will continue for nutrients, bacteria, human health criteria based on USEPA Human Health methodology and a review and possible reorganization of use designations for the waters of the State. Rulemakings on these issues are not expected during FY04, however. The Lower Des Plaines use attainability analysis has progressed to the standards revision stage. A rulemaking petition before the Board is possible in late FY04 or early FY05. Standards revisions for the Lower Des Plaines will include *E. coli* bacteria standards. The use attainability analysis for the Chicago Waterway will continue in FY04. Illinois EPA commits to notifying U.S. Fish and Wildlife Service (USFWS) of draft and final changes to water quality standards. Illinois EPA commits to working with State endangered species counterparts on ensuring the protectiveness of Illinois' water quality standards.

Federal Role – Region 5 will work closely with Illinois EPA during the process of developing revisions to water quality standards and any changes to use designations to ensure that proposals submitted to the Board are approvable. USEPA will provide Illinois EPA with Regional and national technical support and necessary data through the Clearinghouse. Region 5 will consult with USFWS on new or revised water quality standards adopted by Illinois. Region 5 will provide timely review and approve or disapprove new or revised water quality standards adopted by Illinois. Region 5 will participate in and support both the public outreach and technical assessment aspects of the Use Attainability Analysis. The BEACH Act requires USEPA to promptly propose new or revised water quality criteria for coastal or Great Lakes States that do not adopt criteria for pathogens or pathogen indicators at their coastal waters as protective of human health as USEPA's criteria by April 2004.

2. Development of Nutrient Standards – Illinois EPA will continue participation in the Regional effort to develop nutrient criteria guidance through its membership in the Regional Technical Assistance Group. Illinois EPA's nutrient plan was finalized in late FY2003 and received approval from Region 5. Illinois EPA will implement the elements in the plan for FY04. Illinois EPA will also continue to hold meetings of the Illinois Nutrient Standards Workgroup in FY04. A United States Geological Survey (USGS) employee has been detailed to Illinois EPA for two years for purposes of working on nutrient standards as Illinois' nutrient standards coordinator. The coordinator will work with the Science Committee of the Nutrient Standards Workgroup as well as with researchers working on nutrient problems under Illinois Council for Food and Agricultural Research (C-FAR) grants. The coordinator will also help in the analysis of data currently being collected by Illinois EPA's Monitoring Unit and organize meetings of the Science Committee.

Federal Role – Region 5 will coordinate the Regional nutrient criteria effort. USEPA will work with USGS-Biological Resources Division and Water Resources Division to develop a nutrient database for Region 5. Region 5 will participate in the national nutrient workgroup with USEPA Headquarters and the other Regions. Region 5 will ensure that issues of concern to Region 5 states and tribes receive adequate and appropriate consideration by the national workgroup. USEPA will publish national guidance on nutrient criteria applicable to Region 5 states and Tribes. Guidance will be developed for lakes and reservoirs, streams, estuaries and wetlands.

e. Special Studies

1. American Bottoms - The USEPA Critical Ecosystems, Gateway and Upper Mississippi teams are working with the U.S. Army Corps of Engineers, St. Louis District Office, on a project to reduce the amount of interior flooding in the Metro East area. The primary focus of this project is to reduce flooding via the restoration of up to 15,000 acres of wetlands such that these natural areas will mimic earlier environmental conditions, absorb excess water and minimize the amount of flooding at any given time. The project's focus area is primarily the area within the historic American Bottoms area and some of the ancillary bluff lands to the east. USEPA supports this project because of the anticipated amount of wetlands that can be restored and because Illinois EPA can help the local communities resolve a long-standing environmental problem in a non-structural manner.

   The Corps has asked USEPA's assistance in working with all local parties to develop a comprehensive storm water plan. This planning would address not only the quantity of water coming off the bluff areas, but would also address the carried sediment load due to runoff related erosion and from the bank destabilization of these streams. The Collinsville regional office continues to be available to assist the Corps, IDNR and all local groups by providing background information on water quality and the past uses of the stream segments. The office also routinely works with and advises the various local government entities as part of the construction site inspection activities of the NPDES Permit storm water program.

2. Greater Chicago Area Waterways

   Joint Role - There has been an extensive amount of interest related to the Chicago waterways in recent years. The Chicago waterways include the North and South Branches of the Chicago River, the Chicago River, the North Shore Channel, the Chicago Sanitary and Ship Canal, the Calumet-Sag Channel, the Little Calumet River, the Grand Calumet River, the Calumet River, Lake Calumet and the Lower Des Plaines River from Lockport Lock and Dam to the I-55 Bridge. Flow in these waterways consists largely of effluent from three large sewage treatment plants in the Chicago Area. These waters are designated as Secondary Contact and Indigenous Aquatic Life Standards. The distance from Northern Chicago to the I-55 Bridge is approximately 50 miles. The lower 11 miles of this waterway are undergoing active review to redefine attainable beneficial uses and supporting water quality standards in anticipation that

improved conditions resulting from various environmental programs and pollution reduction initiatives warrant an upgrade in the use designation. This is the first stage of a comprehensive review that will address the entire Chicago Waterway system. The evaluation has been extended to focus on the main reaches of the Chicago Waterway via a September 5, 2002 public meeting to announce initiation of a Use Attainability Analysis. This project swung into full speed during the first quarter of FFY2003 with the procurement of a technical consultant and the launching of a major public outreach campaign. This activity is a joint priority of Illinois EPA and Region 5. More information is available in Section V: Joint Environmental Priorities of this annual Performance Partnership Agreement. The UAA for the 11 mile section of Lower Des Plaines River is expected to be completed during FFY2004.

3. Fox River Water Quality Study - The Fox River Valley is among the fastest growing and urbanizing areas in the State. The river is a highly valued asset to the area and is increasingly relied upon for a myriad of competing uses. Expanding population brings additional desire for recreational activity in and along the river, additional treated wastewater discharge and urban storm water drainage and more recently reliance upon the river as a potable water supply. Years earlier the river had undergone significant alteration with construction of a series of dams creating pools throughout most of the Illinois portion of the river. Portions of the river appear on the Illinois Section 303(d) list of impaired waters.

   In response to concerns over water resources and the effects of dams and as a preliminary step to evaluating water quality issues, USEPA and Illinois EPA undertook supplementary water quality monitoring performed during the summer of 2000. In 2001 Illinois EPA facilitated the formation of a Fox River stakeholders initiative to participate in a comprehensive water quality assessment of the Fox River below the Fox Chain of Lakes. The scope of the study extends beyond assessment of current conditions and problems to address future conditions and water quality management needs to accommodate projected population growth and economic expansion into the next 20 years. The Illinois State Water Survey has been retained under State and federal funding to complete phase 1 of this study. In addition to the financial assistance already provided, both Illinois EPA and Region 5 have committed to support this initiative as participants in the stakeholders steering committee activities.

   Illinois EPA will continue to participate in the Fox River Study Group, with a long-term goal of identifying and achieving appropriate water quality standards, point and nonpoint pollutant source controls and other resource management practices to maintain the full integrity of the Fox River. The group's current efforts include intensive sampling of the river and overseeing work by the Illinois State Water Survey to compile and review available water quality information.

4. Upper Mississippi River Coordination – The Upper Mississippi River Basin Association and its Water Quality Task Force has completed a report entitled, "Upper Mississippi River Water Quality: The states' Approaches to Clean Water Act Monitoring, Assessment, and Impairment Decisions." This report includes several measures

regarding actions that the states should take to continue to make progress on assuring improved water quality and cooperation among the five states in the Upper Mississippi River basin. Region 5 and Illinois EPA will continue to support the efforts to address the recommendations of the report through participation in meetings, coordination efforts between Region 5 and Illinois EPA, and when necessary convening special meetings and workgroups to address issues requiring special dedicated efforts, i.e., fish consumption advisories, biological indicator organisms, consistency in 303(d) listings.

5. Great and Large Rivers Assessment - Several large river/great river initiatives are being coordinated by Region 5 to help assess the health of larger rivers in the region over time. The projects include an Environmental Monitoring and Assessment Program's Great Rivers Ecosystem project (EMAP-GRE), the evaluation and development of large river biological assessment methods and standardized protocols for Region 5, and an assessment of the condition of large rivers in the Region. The goal of the EMAP-GRE is to demonstrate the use of probability-based survey designs to assess the water quality and biological health of the Ohio, Upper Mississippi and Missouri Rivers. The methods project, supported by 104(b)(3) funds, will compare and evaluate the different assessment methodologies currently used in Illinois, Indiana, Minnesota, Ohio, and Wisconsin. Finally, the assessment of the biological condition of large rivers will be conducted through Regional EMAP project funds. Additionally, USEPA is putting in place a national assessment of the biological condition of wadeable streams using a probability-based design and comparable methods.

   As part of our continued partnership, Illinois EPA will work with USEPA, ORSANCO and other partners to (1) evaluate methods used for Large River biological assessments; (2) assess the condition of Large Rivers within the Region, (3)~~,~~ evaluate methods used for Great River biological assessments, and (4) design and implement a study of the condition of wadeable streams as part of the national probabilistic study across Region 5 states. Illinois EPA's contribution to these projects may include assisting in the design, reviewing implementation plans, actively sampling selected monitoring sites, and/or reviewing and commenting on products of the various projects.

   - Illinois Nutrient and Sediment Assessment - The President's Mississippi River/Gulf of Mexico Watershed Nutrient Task Force completed the "*Action Plan for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico,"* in January of 2001. The *Action Plan* made several recommendations for the control and management of the release, reduction and mitigation of nutrients to the Mississippi River Basin.

     This strategy for dealing with the hypoxic zone in the northern Gulf of Mexico recommended the establishment of sub-basin committees and the development of sub-basin strategies as two primary actions for addressing sub-basin (such as the Upper Mississippi and Illinois River) and state issues. To begin to address the first of these initiatives a Multi-state Nutrient Workshop is being initiated.

Region 5 and Illinois EPA will work with the Illinois Department Of Agriculture, the Iowa Department of Agriculture and Land Stewardship and the Iowa Department of Natural Resources to convene a meeting among representatives of the five states and interested parties to exchange information and build upon successful efforts in research, pollution reduction, and restoration that are currently being undertaken throughout the watershed to reduce nitrogen loads into the Gulf of Mexico. Such information exchange workshops could be hosted on a regular interval, every 6 months. Region 5 and Illinois EPA will identify a watershed where the concept of pollutant trading for water quality benefits is appropriate and manageable to assess whether this is an additional tool for pollution control that is worth pursuing. The goals of such an effort will be to measure the water quality benefits of the pollutant trading the cost savings associated with the trading program and to identify any conditions that would be necessary for additional trading efforts in other watersheds. Region 5 will provide technical assistance to the project throughout the life of the project as well as resources to support the initiation of the project.

SAFE DRINKING WATER

a. SDWA Amendments of 1996

There are a number of national work groups developing regulations required by the SDWA Amendments and Illinois EPA is assisting on several of these. Tracking the progress of rule development allows some advance preparation to initiate state rule making.

Annual Compliance Reports will continue to be prepared and submitted to Region 5 each year prior to the first of July and public notice will include the issuance of a press release that provides a summary of the report.

Annual PWSS Program Guidance is provided through Region 5 and gives direction for state core program activities, activities needed to retain drinking water state revolving fund grants and other recommended activities. With the agreement in place, a brief response will be made to the various sections and subsections of the guidance in order to keep Region 5 apprised of the work that has been done.

To ensure long-term monitoring flexibility and enhance source water protection program progress, Illinois EPA has delineated the source water protection areas for all public water supplies and conduct potential source identification and susceptibility analysis. Furthermore, most public water supply officials have received their completed SWAs for use in evaluating and implementing source water protection programs. Illinois EPA is continuing to make enhancements to the web based computer application such that information can be provided to the public in an electronic format while still ensuring security relative to locational data. To complete these activities Illinois EPA is making use of approximately $800,000 reserved from the Public Water Supplies revolving loan fund under the wellhead protection set-aside allowed under Section 1452(k)(1)(D) of the SDWA as part of the FY2003 capitalization grant application.

Illinois has kept pace with primacy requirements for adopting promulgated federal regulations. Federal regulations promulgated between July 1, 2002 and December 31, 2002, were adopted by the Board in Docket R03-15 on October 2, 2003. These regulations include updates to analytical methods for drinking water; new analytical methods and subsequent corrections for *Aeromomas* bacteria; new methods for various synthetic organic chemicals; and amendments to the public notice segments of the consumer confidence report rule for two synthetic organic contaminants, di(3-ethylhexyl) adipate and di(2-ethylhexyl) phthalate. The Board did not adopt the monitoring requirements contained in the unregulated contaminant regulations, as primacy agents are not required to adopt and maintain unregulated contaminant regulations. This docket also contained various grammatical corrective amendments needed as a result of primacy crosswalk review for previous dockets, as well as deletion of requirements related to the unregulated contaminant Aldicarb, Aldicarb Sulfoxide and Aldicarb Sulfone.

Illinois' request for primary enforcement authority for identical in substance proceedings for the following regulations was made on August 28, 2000 - Lead & Copper, Phase II b and V, Analytical Methods Revisions; Disinfection/Disinfection By-products Rule; Consumer Confidence Rule; Variances and Exemptions Revisions; and Interim Enhanced Surface Water Treatment Rule of the Safe Drinking Water Regulations. To date, Region 5 concerns regarding the environmental audit provisions of the Illinois Environmental Protection Act have prevented Illinois EPA from receiving full primacy delegation from USEPA for these regulations. A primacy extension agreement for these regulations was signed into effect on April 28, 2003. Additional regulations also included in this agreement consist of rules adopted in Dockets R01-020 and R02-005: unregulated contaminants, minor amendments to the December 16, 1998 Interim Enhanced Surface Water Rule and the Stage 1 Disinfectants and Disinfection By-Products Rule; Arsenic Regulations; corrections to the January 16, 2001 Interim Enhanced Surface Water Rule and the Stage 1 Disinfectants and Disinfection By-Products Rule; delays to the Arsenic Rule; and Filter Backwash Recycling Rule. Under this agreement, Illinois EPA must collect, store and manage laboratory results, public notices, and other compliance and operational data required under USEPA regulations; provide technical assistance to public water supplies; and provide Region 5 with all reporting information prescribed by 40 CFR 142.15. Illinois EPA must also finalize primacy requests for these regulations complete with an Attorney General's Statement and revised crosswalk.

Federal Role - Region 5 will provide Illinois EPA with guidance on all regulations and programs applicable for implementation in FY04.

USEPA will develop guidance for educational and technical assistance requirements. Input from states and USEPA Regions will be included throughout the entire development procedure. Region 5 will actively participate in these programs whenever possible.

b. Small System Support

Technical assistance activities continue to focus upon providing operational compliance assistance to small community water supplies and toward reducing operational violations for

small systems through operator education on a one-to-one basis during operational visits and sanitary surveys. Scheduled activities provide additional technical assistance through conferences, seminars and workshops co-sponsored with and provided by the Illinois Rural Water Association, (IRWA) Illinois Potable Water Supply Operator's Association (IPWSOA), and the Illinois Section American Water Works Association (AWWA). Presentations by Field Operations staff will also be made at workshops co-sponsored with the IDPH, at the IPWSOA annual conference, IRWA meetings, and at local operator meetings. These presentations will include topics such as record keeping and reporting requirements; operational testing procedures; backflow program implementation and record keeping; new requirements of the SDWA Amendments of 1996; groundwater regulations; State Revolving Loan fund for public water supplies; boil orders; permit compliance requirements; distribution operation; surface water treatment requirements; groundwater treatment requirements, and other topics of interest that would help in the proper operation and maintenance of community public water supplies. Additional outreach is also being provided to community water suppliers with positive coliform reports to ensure proper collection of repeat sampling and issuance of boil orders and public notices. Illinois EPA provides technical assistance for Consumer Confidence Reports by providing the needed compliance information to water supplies for incorporation in the notices and participating in conferences, seminars and workshops to explain the requirements and respond to questions. Emergency management assistance is also being provided, as well as assistance in maintaining procedures and records essential to the demonstration of capacity.

Considerable information is being provided on emergency response, cross-connection control, vandalism and terrorism, in response to events on September 11, 2001. Continuing education requirements for public water supply operators and Cross-Connection Control Device Inspectors (CCCDIs) have increased the need to provide training and education on new regulations as well as the basics of ongoing operation. Participation in these activities has increased significantly by operators and CCCDIs, creating a demand for additional education programs.

Illinois was one of the states selected for siting of a Small Public Water System Technology Center, located at the University of Illinois, Urbana-Champaign Campus. Program coordination has begun among the USEPA, Regions 5 and 7, the states, Universities and other organizations. Research grants continue to be awarded. Illinois EPA will participate on the Board of Directors and provide other assistance to the Center.

Federal Role - USEPA will continue to develop regulations and guidance for major Amendment requirements. Input from states and USEPA Regions will be included throughout the entire development procedure.

c. Capacity Evaluation

~~d.~~ All new systems that apply for a construction permit are required to demonstrate that managerial, technical and financial resources are available to support operation in compliance with all State and federal drinking water regulations.

Illinois EPA has submitted a report to the Governor that is also available to the public on the efficacy of the strategy and progress made toward improving the capacity of public water systems in the State. This report was sent to the Governor on September 30, 2002.

Annual documentation was also provided to Region 5 on October 24, 2003, showing the ongoing progress and efficacy of implementation of both the new systems capacity development program and the existing systems capacity development strategy.

Federal Role - Region 5 will work closely with Illinois EPA on the capacity development annual reporting requirements and the report to the Governor. Region 5 will remind Illinois EPA of the capacity development reporting requirements through a memorandum.

d. Technical Assistance and Public Education

These goals have been addressed since the inception of Illinois EPA as a basic drinking water program element. A provision of the Amendments allows the USEPA Administrator to provide technical assistance to small Public Water Systems, including circuit-rider and multi-state programs, training and preliminary engineering evaluations. Illinois EPA has long supported technical assistance as a basic element needed to maintain compliance for all public water supplies, and has planned specific activities in FY04 in addition to routine core program operational visits (Class II Sanitary Surveys) and presentations in response to invitations. Workshops designed to provide technical assistance in record keeping, operational performance monitoring, cross-connection control, emergency preparedness, and rule interpretation will be offered in several locations by Illinois EPA, AWWA, IPWSOA and the IRWA. Additional activities to provide technical assistance to small water supplies include presenting a description of changes to the SDWA and other State and federal regulations at the annual IPWSOA and Illinois Section AWWA meetings, and cooperation with operator associations to participate in two regional Small Systems Annual Meetings held in October. Illinois EPA will continue to participate in public civic organization programs as well as professional association activities to provide education in drinking water requirements and programs.

Federal Role - USEPA will develop guidance for educational and technical assistance requirements. Input from states and USEPA will be included throughout the entire development procedure. USEPA will actively participate in education and training programs whenever possible.

SOURCE WATER ASSESSSMENT AND PROTECTION

- Source Water Protection and Groundwater Protection Programs - Illinois EPA will continue aggressive implementation of a source water protection and groundwater protection programs under the 1996 SDWA. Illinois EPA will continue improving these program areas. To accelerate implementation of pollution prevention in wellhead protection areas for new and existing water supply wells, Illinois EPA has leveraged existing program resources to encourage local stakeholder involvement. SWA fact sheets, monitoring waivers, and consumer confidence report technical assistance have been integrated to promote source

water protection program activities and incentives. As resources allow, Illinois EPA will continue the development of regulated recharge area and maximum setback regulations for proposal to the Board.

Federal Role – Region 5 will maintain a federal role in support of the Illinois Groundwater Protection and SWAP Programs. In particular, Region 5 will undertake activities to assist with increasing local source water protection and to help define Region 5's appropriate federal role in support of local source water protection program.

Region 5 will work with Illinois EPA in the development of a fully integrated Comprehensive State Ground Water Protection Program by ensuring that all Federal criteria are addressed in the submittal.

COMPLIANCE ASSURANCE

a. Compliance Assistance/Enforcement

Illinois EPA will continue to target enforcement/compliance assistance as part of a strategy to ensure timely and appropriate enforcement actions are taken for all major facilities in significant noncompliance (SNC). Facilities which do not return to compliance or which have not been addressed by a federal enforcement action within 60 days will be a priority for federal enforcement. Illinois EPA will continue to pursue the improvement of water quality and the achievement of sustained compliance via appropriate Illinois EPA actions. These include requiring an Illinois EPA permit consistent with applicable State requirements for the construction, modification, and/or operation of water supply facilities, water mains, wastewater treatment works, sewers, pretreatment, and mining facilities; administering loan assistance for drinking water and wastewater, and requiring properly certified operators as a vehicle for assuring that drinking water and wastewater treatment facilities are properly operated and maintained by qualified personnel. Illinois EPA will also continue to routinely update PCS, Safe Drinking Water Information System (SDWIS), and Grants Information Control System (GICS), utilize SDWIS – State in production mode, as well as continue to assist Region 5 in addressing information needs. Information will continue to be provided on all water programs.

Field staff will provide a level of compliance assistance, which is appropriate for the needs of the facility at each inspection. This may range from a discussion of the inspection results to extensive operational assistance, including both assistance funded under the 104(g)(1) program and operator assistance at larger and non-municipal facilities. The 104(g)(1) program provides onsite assistance to facilities that are having performance problems in order to try to avoid the need for enforcement action. Field staff will try to emphasize operational or organizational changes, repairs and minor construction if at all feasible, rather than major capital improvements. Activities in the 104(g)(1) program will continue at the level of past years, including mid-year and end-of-year reports, participation in regional and national activities, and assistance in maintenance of the national computer database. Also, efforts to improve security of wastewater facilities will be initiated. Additional 104(g)(1) funds will be utilized to address improved security, including training for field staff, and

onsite assistance to facilities in conducting vulnerability analysis and emergency planning. Illinois EPA will seek travel approval to send at least one qualified representative to the annual Regional and National Operator Trainer's Conferences.

Federal Role - Region 5 will continue to provide any information on national or other state activities with a similar focus. Region 5 will share compliance assistance tools with Illinois EPA, review quarterly noncompliance reports, review the draft tracking and reporting system, provide multi-media inspection training, and share the enforcement workload with Illinois EPA to assure statewide/program-wide coverage of SNCs and geographic areas of concern.

Region 5 will continue to work with Illinois EPA to identify additional IUs in non-approved POTWs that are subject to categorical pretreatment standards. Region 5 will also work with Illinois EPA to ensure that conditions included in State-issued construction and operating permits for pretreatment facilities at these CIUs are consistent with federal pretreatment requirements. Region 5 will support operator assistance efforts and encourages Illinois EPA to fully participate in the National and Regional Operator Training Conference. Region 5 will provide Illinois EPA with a list of facilities Region 5 intends to inspect in the fiscal year and the resources available for assistance.

Joint Role - Compliance related citizen complaints and tips that are received by Region 5 will be forwarded to Illinois EPA for investigation and response. Region 5 will refer complaints to Illinois EPA headquarters (Field Operations Section) and to the appropriate Illinois EPA regional office when possible. For complaints concerning sludge and pretreatment matters, Illinois EPA will report back the disposition of the complaint to Region 5 upon conclusion of the investigation.

b. Office of Enforcement and Compliance Assurance (OECA) MOA Initiatives

When Headquarters OECA develops special compliance initiatives, which require Illinois EPA participation, Region 5 will communicate those needs at the earliest possible date. Region 5 and Illinois EPA will work together to participate in OECA MOA initiatives as fully as resources allow.

In addition to the SVNCR project, OCEA will initiate the Watch List Project in FY04. The Facility Watch List (Watch List) will assist USEPA and the states to track major facilities with serious or chronic violations of our environmental laws, but with no formal enforcement response. The Watch List is a key component of our "Smart Enforcement" initiative and is the result of a series of workgroup recommendations involving participation from all Regions as well as subsequent discussions with the Environmental Council of the States (ECOS) Compliance Committee. When implemented in January 2004, OECA will make quarterly Watch Lists electronically available to each region and state and will require the regional office to provide a status code and explanation for each listed facility. Development of this response will require Illinois EPA to provide a list of facilities and enforcement actions taken to Region 5 for review.

In FY04, just as in FY02 an OECA MOA initiative calling for the implementation of the SVNCR project has been requested. The project involves conducting CSO inspections for the purpose of developing state and national compliance rates for CSO communities and determining if any improvements have been made since FY02. The inspection commitment for Illinois EPA in FY04 is 25. The list of 25 randomly selected facilities has been communicated to Illinois EPA, as requested for planning purposes. Also forwarded to Illinois EPA, in conjunction with the list was a manual CSO inspection form to be completed and submitted to Illinois EPA at the conclusion of the project. In order to assist the states with resource and financial burdens this project may cause, competitive grant funds will be available for eligible states based on the amount of inspections required. Region 5 will work with the states to obtain and distribute these funds for the project period not to extend past September 30, 2004. In conclusion, in the first quarter of FY04 there will be CSO/SSO related training including procedures specific to this project at Region 5.

- NPDES Enforcement Streamlining – Working to identify and eliminate impediments to an efficient and effective NPDES enforcement program, Region 5 commits to work with Illinois EPA on alternate approaches. If Illinois EPA wishes to work to remove impediments, Region 5 will work with Illinois EPA to remove the impediments, given current regulatory requirements. The impediments the Streamlining Workgroup identified are:
    i. Resources are being diverted to inspection of low-risk majors.
    ii. The definition of a compliance rate is insufficient, in that we are largely focusing on majors, and do not have definitions of SNC for other environmentally significant sectors (e.g., CAFOs, stormwater, etc.).
    iii. Practical Quantification Limit reporting issues inappropriately inflate SNC rates, and infer enforcement action needed.

c. Coordinated Use of Enforcement Authorities

Efficient use of resources and effective approaches to promoting compliance can be optimized through coordination between Region 5 and Illinois EPA regarding pursuit of enforcement activities. Periodic conferences with designated compliance and legal staff at Region 5 and Illinois EPA should take place to discuss formal enforcement actions each agency anticipates initiating and to identify violators that are to be pursued as a cooperative effort by both agencies. Identification of such cooperative efforts should take into account the priorities of each agency, including targeted watershed considerations, geographic initiatives (such as those involving the Metro East area, Greater Chicago, and the Upper Mississippi River), priority pollutants, and the pretreatment and sludge programs. Where Region 5 will take the lead in enforcement action, Illinois EPA would, in appropriate instances, provide supporting information and participate in proceedings and settlement negotiations. Such participation would apply to matters handled by both administrative orders issued by Region 5 and by complaints filed in federal court through the United States Department of Justice (USDOJ). If warranted by the circumstances, the Illinois Attorney General's Office, on behalf of Illinois EPA and the State of Illinois, might elect to intervene as a formal party to enforcement cases filed by USDOJ.

Federal Role – Region 5 and, in some cases USDOJ, would initiate and pursue the enforcement actions that are to be handled cooperatively with a federal lead. Penalties collected in such matters would be split with Illinois EPA in recognition of the degree of State support provided.

d. Compliance Assistance Activities

Illinois EPA is currently reviewing the comprehensive list of reporting requirements provided by the USEPA. This listing also contains recommendations for changes and improvements to the current process. The goal of this review is to further streamline reporting and oversight within the constraints of federal statutory and regulatory requirements.

Federal Role - USEPA will provide a comprehensive list of current reports received from Illinois EPA as well as a listing of reports and submissions required under federal statutes and regulations. They will work with Illinois EPA to streamline necessary reporting and integrate this reporting into the annual PPG report process to the maximum extent possible. In addition, a study of oversight and accountability activities has been undertaken. When complete, the study will be used by USEPA and the State to ensure that these programs are both efficient and responsive to program needs.

STATE REVOLVING FUND

- State Revolving Fund (SRF) Program - Illinois EPA will continue to manage the low interest loan program for both wastewater and drinking water facilities. In anticipation of an increased demand for both wastewater and drinking water loan assistance, Illinois EPA has implemented a leveraged program. Appropriation levels for FY04 will be used to support a $100M bond sale for the Clean Water SRF and a $50M bond sale for the Drinking Water SRF.

  Federal Role – Region 5 will process all of the necessary paperwork to close out the two construction grant projects that have been administratively completed and make those funds available for the SRF program.

PUBLIC INVOLVEMENT

a. Public Involvement

The key to the success of water quality programs is understanding and involvement of citizens with local knowledge of water quality problems. Opportunities for public input into Illinois EPA decisions are widely available at both the policy level and for individual decisions. Public comments are solicited on NPDES permits for individual discharges to waters of the State and formal public hearings are held when necessary to resolve outstanding issues. Advisory committees, with representation from a broad cross section of the affected public, are formed to help guide Illinois EPA in the development of most standard proposals and implementation procedures. In addition, a more formalized

procedure for public comment is provided through the Board hearing process for regulatory revisions and the Joint Committee for Administrative Procedures requirements for Illinois EPA procedures. The Watershed Management Committee will continue to be utilized as a mechanism for coordination of all watershed planning and implementation activities. Illinois EPA chairs that committee. Public and private organizations are invited to participate in watershed planning decisions.

As new federal requirements for State administration of the provisions of the CWA are adopted, Illinois EPA will continue to seek input from the full spectrum of public interests to develop effective, efficient and responsible implementation strategies. Three major program initiatives will continue to require extensive public input in FY04 to define both the focus and scope of Illinois EPA implementation procedures: TMDL development for impaired waters (both for general listing criteria and individual watershed plan development), CAFO permitting requirements and Stormwater Permitting requirements for municipal storm sewer systems. Public involvement in these program areas is discussed elsewhere in this document under the specific program activity.

b. Community Relations

The Bureau of Water is committed to involving the public (e.g., citizens, community leaders, organized groups and company representatives) in the planning, development and implementation of water pollution control and public water supply programs. The Bureau of Water, through the Office of Community Relations, disseminates information and promotes public involvement and education on the various Bureau programs through a variety of outreach mechanisms (e.g., public meetings and hearings, workshops and conferences, fact sheets and pamphlets, news releases and responsiveness summaries). Community Relations is engaged in an on-going process to establish and maintain a dialogue with individuals and groups impacted by a facility or project, which can ease public concern, raise public awareness, and increase public trust.

Federal Role – Region 5 will participate in the Watershed Management Committee at the State level and provide technical and financial support as feasible.

4. **Program Resources** – Illinois EPA plans to devote 328 work years in Fiscal Year 2004 to activities in the water program. Of this total, approximately 184 work years will be supported with State resources and 144 work years will be supported by federal funding under the CWA and SDWA. The distribution of work years is expected to be as follows.

	Federal Estimated Work Years	State Estimated Work Years
Water Pollution Control	100[1]	127
Public Water Supplies	44	57

[1] Four of the federal work years in the Clean Water Program are funded by 205(j) monies for monitoring and assessment activities.

This level of effort assumes that federal grant awards in FY2004 will approximate the amounts received in FY2003. Work years associated with groundwater protection activities are included in the numbers shown for the Public Water Supply program. The NCWS program is administered by the IDPH and accounts for 6 of the federal work years above.

5. **Federal Role for Clean/Safe Water Program** - While new Region 5 and Illinois EPA roles will be discussed and emerge during the next year, Region 5 commits to support Illinois EPA in all efforts necessary to achieve Illinois EPA's mission of clean and safe water. Administratively, Region 5 will continue to provide Illinois EPA timely information regarding available resources and competitive grants throughout the year and will work with Illinois EPA to expeditiously apply for and receive appropriate awards. Region 5 will work with Illinois EPA to seek innovative ways to address broad regional priorities, including community-based environmental protection, pollution prevention and compliance assistance. Geographic initiatives are in place in the Greater Chicago and East St. Louis areas as well as the upper Mississippi River Basin in Illinois, and efforts will continue to foster relationships with these local areas and address specific community concerns. In addition to those listed elsewhere in this agreement, Regional activities in the State's broad program components include the following:

    - Region 5 commits to providing technical and programmatic assistance to Illinois EPA in the development of revisions to State water quality standards.
    - Region 5 will pursue improved state coordination 1) to establish regular and improved communication mechanisms so that Region 5 can be proactive in addressing upcoming issues and the states can better network with each other to provide better public service, and 2) so the states are better informed and active participants in regional and national goals.
    - Region 5 will develop a mechanism to report the progress of Region 5 states' Wellhead Protection Programs.
    - Region 5 will develop and provide tools to the states to assist with the implementation of Illinois' Wellhead Protection Programs.
    - Region 5 will develop a mechanism for working with or improving relationships with federal agencies to support Illinois' Wellhead Protection Program.
    - Region 5 will continue to facilitate the development of electronic reporting of the progress of Region 5 states' Source Water Protection Programs.
    - Region 5 provide assistance to Illinois EPA in implementing their Source Water Protection Program.
    - Region 5 will work with Illinois EPA and other partners on developing plans to assess and remediate sediment pollution in the West Branch of the Grand Calumet River.
    - Region 5 will work with Illinois EPA in regards to defining appropriate dredge material disposal sites for the Upper Mississippi and Illinois Rivers.
    - Region 5 has shared with Illinois EPA the Fate and Transport Report for Sediments and Nutrients for use in targeting watersheds for water quality improvements.
    - Region 5 will also assist Illinois EPA in expanding GIS/Global Positioning System capabilities.

- Region 5 will assist Illinois EPA with interpretation of the National Primary Drinking Water Regulations, and with the development of regulatory implementation alternatives.
- Region 5 will work with Illinois EPA to work through analytical methods as they arise.
- Region 5 will work with Illinois EPA to use GIS to visualize and analyze sediment data for sites on the Chicago River waterways.

6. **Oversight Arrangements** – Region 5 needs to ensure the effective use of federal funds. The role of oversight is to provide the parties to the agreement knowledge that a task has been completed, is of good quality and is in conformance with the applicable law and regulation. Oversight will focus on identifying and solving problems. Illinois EPA and Region 5 agree to quickly escalate issues so that they are resolved in a timely manner.

   a. Water Pollution Control Program

   The reporting mechanisms for the water pollution control programs are tied to the specific activity subjected to oversight. Some of these mechanisms have matured and are serving the needs of the oversight process quite well. Others are in stages of redevelopment and will continue to be reviewed and modified to better serve the needs of the party.

   Grants/SRF – Region 5 will conduct regular SRF Program Evaluation Visits and Post Award Monitoring Visit. Ample notice will be given to Illinois EPA to ensure that the necessary files and program records can be made available to Region 5.

   NPDES Permits - As in past years, agreement has been reached to eliminate the formal pre-issuance review of each major permit. Region 5 and Illinois EPA will negotiate a list of permits projected for reissuance for which Region 5 would review prior notice. Illinois EPA will identify at least 5-10 facilities that Region 5 will work on with Illinois EPA, including permits covering one or more of issues discussed below. The list of facilities will be agreed upon at the beginning of each year.

   - Permits that contain wet weather issues
   - Permits that implement approved TMDLs
   - Permits for facilities in critical industrial sectors: power plants
   - Permits for CSOs linked to water quality impairment
   - Permits with toxicity
   - Permits suggested by Illinois EPA
   - Permits that have been expired for more than 2 years
   - Permits for discharges with flows greater than 10 million gallons per day.

   Region 5 will work with Illinois EPA during the year to ensure the implementation of Great Lakes Initiative, Whole Effluent Toxicity requirements correlated variances, CSOs linked to water quality impairment and TMDLs in the NPDES permits and in reducing the permit backlog.

Applications for modification of NPDES permits are supplied as received. As the permits are issued or modified, PCS is updated. Minor permit activity is also noted in PCS. Targeted watershed permit activity reporting will be in PCS also.

Inspection Program - The current system of providing USEPA with an inspection strategy and plan at the beginning of the year is satisfactory. No changes are anticipated at this time.

Compliance Monitoring and Enforcement - The current system is working well. Region 5 and Illinois EPA will continue to update oversight and coordination activities to reflect changing program priorities discussed in this document.

NPS Management Program - Current program reporting requirements will be reduced to an annual basis in the conditions of the Section 319 Grant, utilizing the GRTS.

Chicago River – Region 5 will provide direct assistance to this principal place and ensure wetlands work targeting.

American Bottoms – Region 5 will work with Regional Teams and the U.S. Army Corps of Engineers (St. Louis District Office) toward flood reduction and wetlands restoration. Region 5 will also investigate for a potential Class V project.

QMP – Region 5 will perform a periodic Management System Review to ensure that Illinois EPA's quality system is operating in conformance with the approved QMP.

b. Public Water Supply Program

Illinois EPA will continue work with the IDPH to report on NCWSs in the Annual Compliance Report.

c. Groundwater Program

Groundwater protection progress will be reported electronically to Region 5.

MULTIMEDIA PROGRAMS

D. Toxic Chemical Management Program

1. **Program Description** - This program is focused on chemical emergency response and toxic chemical management.

   - Chemical emergency response - This program deals with preparedness and response to environmental emergencies such as spillage or sudden accidental release of hazardous substances. Appropriate and timely response to these incidents is a high priority for Illinois EPA. The general authority and responsibility of the State administrative agencies to deal with disasters and emergencies is specified in the Illinois Emergency Management Act and Illinois Emergency Operations Plan. Under this plan, Illinois EPA is the lead State agency for technical response to emergency events involving oil and hazardous material. Illinois EPA is also involved with the prevention of environmental emergencies. One means is by oversight of comprehensive chemical safety audits that are performed by facilities on chemical process operations. These audits are usually in response to a permit requirement or a court sanctioned consent decree negotiated to resolve a lawsuit filed by the State concerning a spill or release. Another means of prevention is through implementation of the Illinois Chemical Safety Act, which requires certain industrial facilities to develop and maintain chemical safety contingency plans and conduct periodic training for designated staff that deal with chemical emergency incidents.

   - Toxic chemical management - This program deals with toxic chemical risks that do not involve emergency situations. Such risks can result when humans or other living organisms are exposed to chemicals having toxic properties (causing cancer, birth defects, genetic damage, etc.). Managing these risks generally involves five steps:

     1. Awareness that exposures can or do occur;
     2. Assessment of the harm that can result;
     3. Selection of suitable mitigation methods;
     4. Method application to achieve risk reduction; and
     5. Public outreach/education as needed.

     A wide range of commercial chemicals or products made with chemicals (e.g., lead-based paint) exhibit these toxic properties. In particular, chemical substances that are regulated under the federal Toxic Substance Control Act (TSCA) and toxic chemicals subject to reporting under the federal Emergency Planning and Community Right-To Know Act (EPCRA) form the core focus for this program. Integration and analysis of toxic chemicals information from other environmental protection programs is also a priority matter.

2. **Program Linkage to Environmental Goals/Objectives** - Over 60,000 chemicals are in commercial use in the United States. Many of the substances have toxic effects on humans and the environment. Unwanted exposure situations can occur in a myriad of ways from

transportation accidents to spills at facilities, unsafe removal of hazardous paints, unsafe removal of mercury containing devices, or bioaccumulation in sport fish that are caught and consumed. This program is designed to reduce excessive risks from toxic chemicals that are present in Illinois. This program also supports the work of media programs that are responsible for achieving clean air, land, and water.

ENVIRONMENTAL GOAL Adverse consequences resulting from toxic chemical releases are avoided, where possible, or otherwise minimized	
Environmental Objectives	*Environmental Indicators*
1. Toxic chemical hazards will be reduced over the next five years.	• Toxic chemical scorecard (annual amounts released and exposure potential, etc.).
Program Objective	*Program Outcome Measures*
1. Emergency incidents are timely controlled and fully resolved within 180 days.	• Percents of incidents controlled and fully resolved in specified time.
	•
2. Anglers and their families are timely advised regarding safe fish consumption levels.	• Percent of fish consumption advisories issued within same year that confirmation of problem waters occurs.
3. Annual toxic chemical releases will show a downward trend due to various forces and actions.	• Annual amounts (lbs) of reported toxic chemical releases.
4. Acceptable risk-based remediation objectives are achieved for 95 percent of clean-up projects.	• Percent of projects with acceptable risk-based remediation objectives.

3. Performance Strategies

- Chemical Emergency Response - Appropriate response to environmental emergencies is among the highest priorities of Illinois EPA and Region 5. Management of that response is conducted within the context of a larger disaster management framework involving all State agencies working with local and federal authorities.

  a. Illinois EPA will continue to operate a response system that has four principal components.

     1. Duty officers - In order to ensure Illinois EPA capability to assess emergencies on an around-the-clock basis, the Office of Emergency Response (OER) maintains a duty officer system. Each of the eight volunteer duty officers are available on-call to the Illinois Emergency Management Authority (IEMA) dispatchers during non-office hours for a week at a time. IEMA receives spill notifications on their toll-free hotline on a 24-hour basis and also receives calls during non-office hours.

The duty officer evaluates each notification and can contact an on-call OER staffer in each of three offices in the State (Des Plaines, Collinsville, and Springfield) for further technical advice or to request them to respond in person to an incident

2. Core response team - OER has professional staff that work full-time on responding to emergency incidents. This core response team is managed out of Springfield, but also has field staff in Des Plaines and Collinsville. Whenever possible, Illinois EPA dispatches these specially trained staff to handle emergency situations. This team also gives expert advice to other field operations staff and local officials that may have responded to an incident.

3. Regional field personnel - Technical staff from Illinois EPA's field offices are distributed in seven regions throughout the State and may be called on to respond to incidents when they either are closest or when individuals have unique technical expertise.

4. Legal support - Illinois EPA has provided an attorney and part-time paralegal support of this activity. Various types of viable enforcement cases arise from these emergency situations.

b. There are several efforts focused on the preventive aspects of emergency management that target one or more of the probable causative areas. The non-random or systemic causes can be reduced by focusing efforts to correct the root cause which may be traced to one or several operational, process design, maintenance or management deficiencies. OER has also begun systematically focusing more efforts recently on compliance efforts involving businesses, which frequently report incidents. In the past, this type of approach had been limited to facilities, which had very egregious incident histories.

1. Spill Compliance - Enforcement and compliance assurance tools are used to obtain more prompt and thorough cleanups. Facilities or entities, which have a relatively high frequency of spills have also been targeted for increased scrutiny. Examples are anhydrous ammonia refrigeration releases, oil and fuel pipeline leaks, railroad locomotive spills and spills to surface waters. In addition to assuring objective evidence of remediation, a strategic focus of this effort is to encourage adoption of approaches to reduce the recurrence of these types of incidents.

2. HAZOP studies- Another approach used by Illinois EPA to address serious releases from technologically complicated process facilities is to require and monitor the conduct of detailed engineering studies of accidental chemical release potential. Such studies usually begin by identifying hazards for various failures in the processes that can result in chemical releases. Often a very detailed and systematic procedure called a Hazards and Operability Study, or HAZOP, is conducted. This approach has been most frequently used by Illinois EPA in an

enforcement context as a stipulation of a consent decree. In other situations, such studies have been required as a permit condition.

3. PCB compliance assurance - More inspection work is being focused on facilities that have a greater probability of non-compliance based on experience in other state programs. Facilities built prior to the ban on PCBs that include but are not limited to, educational facilities, hospitals, state and local government facilities, electrical utilities, hazardous waste facilities, sand and gravel mines, sawmills, and oil production facilities will be among those targeted.

c. Illinois EPA has participated in development of area contingency plans for the Upper Mississippi River and local plans for the Quad Cities and St. Louis areas. It continues to participate in area planning and in FY 2004 will continue efforts in the Peoria area.

d. Response planning and preparedness for terrorism and weapons of mass destruction incidents will continue to be a significant focus of emergency operations. The integration with other state agencies will continue and extend to the local level. Previous planning efforts have identified a key role for Illinois EPA emergency responders who participate as chemical experts in the three-state interagency response teams. Initial training constituting 167 hours of Hazardous Materials Awareness, Operations, Technician (A and B) and specialized counter-terrorism training has been completed and bi-monthly refresher training will continue on tactics, incident management, decontamination, detection instrumentation and other operational and safety procedures. Additional equipment is being procured and will be integrated into the operational plan. Procedures are being tuned by the teams to enable the state agencies to move from the usual coordinated role into an integrated response team model. The teams are further beginning to exercise with other responders including local, mutual aid and federal teams (National Guard CST and FBI).

- Toxic Chemical Management

a. Toxics release information (TRI) - Illinois EPA will continue to prepare and publish the Annual Toxic Chemical Report, which presents a compilation of toxics data filed (Form R) by specified facilities in Illinois. This information is also made available to and used for other programs and projects.

b. Statewide fish contamination monitoring - Illinois EPA will continue to participate, as appropriate, on the interagency group. Sport fish are collected each year and tested to determine if consumption is safe or if advisories should be issued.

c. Geographic Initiatives - Illinois EPA will be part of a geographic focus for multi-media concerns for the following:

- Continued participation in the USEPA's St. Louis Gateway initiative and the Greater Chicago initiative.

- Sensitive Receptor Areas - Illinois EPA received grant funding for a special project to look at environmental hazards in areas around schools. We are into the third and final year of this project and have received an extension of this grant until March 1, 2004. This project is expected to evaluate ways of achieving enhanced protection for children that go to schools in high risk areas.

4. Program Resources

- Chemical Emergency Response - Historically and practically the emphasis has been toward responding to emergencies, assessing the risks to human health and the environment, assisting local responders as appropriate, and assuring appropriate cleanup by the responsible party or with public resources when necessary. About 16 staff are devoted to response, subsequent compliance and enforcement, and HAZOP activities. These core staff are funded from non-federal sources. Other field staff that work in the Air, Land or Water Bureaus are funded from a mixture of sources that is addressed in their respective program performance sections.

- PCB Compliance assurance - The work will be performed through the Office of Emergency Response at Illinois EPA. Illinois EPA will devote 2.6 full-time equivalent headcount to inspectional and case development (about 31 inspections and 30 samples) at the anticipated federal funding level of $125,000. Three personnel will be utilized on a part-time basis each. These staff will do TSCA part-time and emergency response, or spill follow-up, otherwise. Illinois EPA will continue to utilize its Organic Chemistry Laboratory (Springfield) for securing and analysis of samples taken during compliance inspections. The Springfield laboratory has been evaluated and approved for PCB analysis by Region 5. A State Quality Control Officer has been designated within the Office of Emergency Response to assure that report format and contents are consistent with USEPA standards, and that all suspected violations are properly documented before reports are submitted to Region 5 for case review and development. Sample analysis quality will be assured by a review process as specified in the previously approved Quality Assurance Project Plan (QAPP). Illinois EPA and Region 5 have been working on a revised QAPP. Illinois EPA will finalize the TSCA PCB QAPP update within 60 days of receipt of final comments from USEPA on the draft.

- Toxic Chemical Management

  a. Toxic chemical release information- This activity is funded entirely from State sources.
  b. Sensitive receptor areas - Federal funding helps support this work.

5. Federal Role

- Emergencies - State emergency management is coordinated with federal capabilities in general through the Federal Response Plan. With respect to the technical aspects of environmental emergencies, state and federal efforts are coordinated in accordance with the Regional Contingency Plan for hazardous materials and with the Oil Pollution Act

Area Contingency Plan for oil spills to surface waters. If Region 5 is notified of a release or other incident which might require an emergency response, it will notify Illinois EPA. Illinois EPA may request technical and/or enforcement assistance from Region 5 if it is unable to adequately respond due to limitations on resources or authority. Region 5 will respond if the criteria for a response action in the NCP are met based on manpower availability. Region 5 agrees to notify the State of the intent to conduct an emergency response action prior to initiating on-site activities. In cases of extreme emergency, Region 5 will make a reasonable attempt to contact Illinois EPA and will proceed as required to mitigate threats to the environment, public health and welfare.

- Toxic Chemical Management - Region 5 has a Toxics Program Section and a Toxics Reduction team. The Toxics Program Section (in Waste, Pesticide and Toxics Division) includes program activities for PCBs, the Toxic Release Inventory (TRI), and lead (Pb). The Toxic Reduction team is a cross-program/multimedia effort. The team's main activities for FY2004 are to address mercury, endocrine disruptor, lead (Pb), and the Great Lakes Binational Toxics Strategy. Region 5 will take the following actions relating to Illinois EPA's program:

  a. Work with Illinois EPA on identifying facilities for Region 5 TRI data quality reviews in Illinois, as well as other compliance assurance activities.

  b. Provide relevant information about control/regulation of lead-based paint removal.

  c. Continue dialogue with Illinois EPA about strategies for dealing with endocrine disruptors.

  d. The TRI and TSCA Programs will play an advisory role on issues pertaining to EPCRA § 313 and TSCA whenever Illinois EPA requests and address the following:
     - The TRI and TSCA Programs will make sure that Illinois EPA is updated on new regulations, policies, and guidance and Regional initiatives within the State of Illinois.
     - The TRI and TSCA Programs will provide Illinois EPA technical assistance on EPCRA § 313 and TSCA regulations.
     - The TRI and TSCA programs will advise Illinois EPA on USEPA national and Region 5 priorities, goals, and enforcement strategies.

  e. The Pesticides and Toxics Enforcement Section at Region 5 will:
     - Assist Illinois EPA with targeting for PCB inspections. Any tips or complaints will be forwarded to Illinois EPA.
     - Maintain a data base of the inspection activities carried out by Illinois EPA.
     - Review inspection reports and issue the appropriate enforcement action.
     - Provide oversight, technical assistance and outreach to Illinois EPA and the regulated community.
     - Inform Illinois EPA of any pertinent initiatives or training opportunities. Provide training to Illinois EPA staff as needed.

6. Oversight Arrangements

- Chemical Emergency Response - No formal arrangement has been used for this program. Coordination occurs through participation in the Region 5 Regional Response Team, of which Region 5 is a co-chair. At this time, it does not seem necessary to change the working relationship.

- PCB Compliance assurance - Region 5 will provide oversight and make recommendations in the following areas:
  - Targeting facilities for inspection
  - Review inspection reports and provide comments when necessary so that Illinois EPA can draft a final report that sufficiently addresses all potential compliance issues

  Illinois EPA will assure the following:
  - The latest revision of the FIFRA TSCA Tracing system (FFTS) data entry form will be used for all PCB inspections. The properly completed form will be faxed or mailed to Region 5 within seven days after the inspection is completed. Inspection reports will be submitted to Region 5 in a timely manner.
  - The TSCA PCB QAPP Update will be finalized within 60 days of receipt of final comments from Region 5 on the draft.

- Toxic Chemical Management -

  a. Toxics release information report - Not applicable since no federal funding is involved.
  b. Toxics data integration - Based on grant arrangements.
  c. Lead-based paint removal - Not applicable due to the absence of federal funding.
  d. Sensitive receptor areas - Based on grant arrangements.

E. Innovative Protection

1. **Program Description -** This program is comprised of regulatory innovation, pollution prevention and environmental education and assistance.

   - Regulatory Innovation - Illinois EPA is helping create opportunities for progressive companies and local governments to demonstrate better environmental performance. Specific projects are generated by sponsors that want to try some innovative ways of achieving continuous improvement. In particular, environmental management systems (a/k/a ISO 14001) are often utilized by project sponsors as the driving mechanism. In addition, Illinois EPA pursues innovation through joint projects with USEPA.

   - Pollution Prevention - Illinois EPA's pollution prevention (P2) program is designed to promote P2 as the preferred strategy for environmental protection. Reducing pollution through the use of less-toxic raw materials, good housekeeping practices and cleaner production techniques is preferable to treating or managing it after the fact. Illinois EPA's Office of Pollution Prevention (OPP) promotes P2 through a variety of educational, technical assistance and voluntary recognition programs. For example, OPP sponsors workshops and seminars that inform businesses and others about the latest P2 approaches and management tools. It also employs a staff of engineers and technical specialists that help businesses identify and implement P2 projects at their facilities. Finally, Illinois EPA partners with business associations and environmental groups to provide recognition and support to facilities that adopt comprehensive P2 efforts.

   - Environmental Education and Assistance –Illinois EPA looks to improve awareness and understanding of environmental issues through education and outreach activities. Illinois EPA's environmental education program, working in partnership with non-profit organizations and other governmental agencies, sponsors educational programs and exhibits; conducts educator training workshops; provides summer internships for students; and hosts an interactive Internet site to educate children about environmental protection. Illinois EPA's Office of Small Business (OSB) provides resources and assistance to help small businesses comply with environmental regulations through toll-free telephone and online helplines; "plain language" environmental factsheets and guides; speaking engagements at local business organizations and trade associations; and outreach activities and projects.

2. **Program Linkage to Environmental Goals/Objectives** - Environmental performance at some business and other facilities in Illinois can be positively impacted by non-regulatory influences. This program is designed to help generate environmental progress using practices that are not grounded in the traditional environmental regulatory system. The following goals and objectives reflect this perspective.

ENVIRONMENTAL GOAL Environmental improvements will result from voluntary actions being taken by businesses, communities, and the public	
Environmental Objectives	*Environmental Indicators*
1. Better environmental performance is demonstrated over the next four years by participants in non-regulatory, structured situations.	Documented performance by participants.
Program Objective	*Program Outcome Measures*
1. Majority of pilot innovation projects undertaken are fully or partially successful (i.e. demonstrates new practices/approaches).	Projects that are undertaken will be evaluated to determine if they are successful, partially successful, or not successful.
2. Facilities accepted for the "National Environmental Achievement Track" (NEAT) (sponsored by USEPA in partnership with states), meet performance expectations for continued participation.	Percent of participating facilities that satisfy criteria for continuing in NEAT each year.
3. Between 15-20 Illinois EPA-trained student interns are placed in the field to work on P2 projects during the summer and more than 50 percent of the facilities receiving assistance are implementing a student recommended P2 project.	Number of Illinois EPA student interns placed in the field each summer and percent of facilities implementing a student recommended P2 project, including amount of emissions/waste reduced.
4. More than 80 P2 site visits are conducted by Illinois EPA technical specialists each year and at least one recommended P2 project is implemented by surveyed facilities.	Number of P2 site visits conducted by Illinois EPA technical specialists and percent of surveyed facilities implementing at least one recommended project.
5. P2 efforts at school facilities increase during 2003 to 2005 through voluntary recognition and technical assistance programs.	Percentage increase in the number of facilities participating in voluntary recognition and technical assistance programs for schools.
6. Small businesses are making changes or improving performance as a result of Illinois EPA compliance assistance activities.	Percent of surveyed respondents indicating compliance-related changes were implemented as a result of Illinois EPA outreach and assistance.
7. Small business awareness and use of Illinois EPA telephone Helpline increases by 10 percent each year.	Percentage increase in Helpline usage.
8. Use of Illinois EPA educational materials increases by 10 percent each year.	Percentage increase in the number of educators requesting educational materials.

3. **Performance Strategies** - The following action plan will be pursued for these special activities:

- Regulatory Innovation

  a. XL Projects - Implementation has begun for two projects in Illinois.

  b. Performance Track Program - Illinois has thirteen participants in this program sponsored by USEPA.

  c. ECOS/EPA Innovation Agreements - Illinois EPA has received approval for four projects. Implementation will continue during FY04 for these projects.

  d. State Pilot Innovation Grant - Illinois EPA submitted a grant proposal to USEPA in August 2002. Illinois EPA is currently in discussions with the USEPA on a revised proposal to address our EMSA Innovation Grant Proposal. The revised proposal would address CAFO's. Those that choose to participate in the EMS pilot project would have a selection of best practices for CAFOs to choose from in order to go "beyond compliance". In turn, Illinois EPA would grant some administrative streamlining, such as opting out of the permit program. The EMSA would document this and require some EMSA reporting. The goal is to have the grant proposal revised and approved by the USEPA by the end of February 2004.

- Pollution Prevention

  a. Educational Outreach- OPP will sponsor at least three workshops in different areas of the state to promote P2 concepts to industrial and other facilities. OPP will create an email distribution list for businesses to more effectively disseminate new developments in P2 techniques and approaches, and continue to update information on its website.

  b. Technical Assistance - OPP will provide on-site technical assistance to over 80 facilities to help them identify and implement P2 measures. OPP will recruit, train and place 15-20 student interns at selected Illinois facilities to work on P2 projects during the summer. OPP will continue its partnership with the Illinois Waste Management and Research Center (WMRC) to provide focused assistance to printed wire board facilities in the Chicago metropolitan area. Finally, OPP will partner with WMRC, the Illinois Department of Public Health and other agencies to extend its technical assistance efforts to K-12 school facilities. This special initiative will include the development of an on-site facility assessment program, help desk, listserv, training workshops on green chemistry practices, green product pilots, recognition/awards program, and informational clearinghouse that will be housed on the Internet. The focus will be on making environmental improvements in both facilities and educational curricula at schools.

c. Regulatory Integration - OPP will work with the Bureau of Land to identify and implement a pilot project in which Illinois EPA staff promotes P2 during site remediation efforts. The project will be a follow-up to a special training initiative that OPP and the BOL conducted in the spring. We will also develop an Internet site that provides Illinois case studies and resources for consultants to promote P2 during site remediation activities.

d. Voluntary Initiatives - OPP will provide technical assistance to facilities participating in the Metal Finishing Strategic Goals Program, Tri-County *Green Matters* Program and Department of Defense/Illinois Environmental Partnership. OPP, in collaboration with other State agencies and interest groups, will develop a recognition program to recognize Illinois schools for outstanding environmental achievements.

- Environmental Education and Assistance

a. Environmental Educator Training - Illinois EPA will present at least two teacher workshop for Illinois EPA's 5th/6th grade education packet *Environmental Pathways – Youth Investigating Pollution Issues in Illinois*. Illinois EPA will also co-sponsor at least one professional development training workshop for non-formal educators.

b. Education Partnerships – Illinois EPA will actively pursue partnerships with external public groups (other state agencies, not-for-profits and Region 5) and the private sector to develop cooperative environmental education programs.

c. Educational Public Outreach - Illinois EPA's educational materials and resources will be promoted at educator conferences. New material will be added to the Envirofun web site. Articles pertaining to current environmental education activities will be submitted to various publications.

USEPA, through a federal P2 Grant, is providing funding to help Illinois EPA and the Illinois Waste Management and Research Center conduct educational outreach and provide technical assistance to K-12 schools in Illinois. We are creating an advisory committee for the project. Region 5 Children's Health Manager will be representing USEPA on the committee. As part of the project, we will be conducting workshops on green practices for schools, and will be inviting USEPA to present information on its *Tools For Schools* Indoor Air Quality Program.

d. Environmental Helplines – Illinois EPA's Office of Small Business (OSB) will continue to manage the telephone and online helplines, which offer small businesses and other constituents a non-threatening method to obtain answers to environmental regulatory questions. OSB will directly answer routine questions and work closely with Bureau staff to answer technical and complex questions.

e. Regulatory Guides for Small Businesses - It is anticipated that three new guides covering permits relevant to small businesses will be prepared. A new quick answer directory for small businesses will be developed.

4. Program Resources

- Regulatory Innovation - About 1.0 work years are supported by federal and state funding.

- Pollution Prevention – Illinois EPA will support nine work years with federal and state funds.

- Education and Assistance – Illinois EPA will use state funds to support 1.0 work year for education and 3.0 work years for small business assistance.

5. Federal Role

- Regulatory Innovation-

  XL Projects -

  Project XL is a federal innovation program that USEPA manages and tracks. Region 5 works with Illinois EPA on XL projects discussions, modifications, and evaluation.

  Performance Track Program -

  USEPA initiated and manages the National Environmental Performance Track program. USEPA sponsors regularly scheduled conference calls for Regions and States' program participants to provide consistent program management. USEPA provides some funding for States to attend national conferences and meetings. Region 5 works with Illinois EPA on Illinois facilities' applications review and compliance screening.

  ECOS/EPA Innovation Agreements -

  Region 5 supports Illinois EPA as they implement four innovation projects. Region 5 will work with Illinois EPA on assessing the current results of the project and developing information sheets.

  State Pilot Innovation Grant -

  USEPA sponsored the State Innovation Pilot Program encouraging state development of flexibility approaches to permitting. Illinois EPA's proposal was accepted. As a result of personnel changes at Illinois EPA, the targeted permitting sector is being revised. If the modified proposal is consistent with the submitted proposal by addressing the program criteria, the funding will be awarded. Region 5 and Illinois EPA will work together on the subsequent details and implementation of the project.

- Pollution Prevention - Region 5 supports Illinois EPA's efforts to advance pollution prevention activities within regulatory programs and voluntary programs. We will continue to offer funding assistance to the State through the Pollution Prevention Grant program and explore other funding options for innovative P2 activities. In addition, Region 5 will participate in the following:

    - Continue to chair and facilitate cooperation among stakeholders in the Greater Chicago Pollution Prevention Alliance.
    - Continue to participate in the Illinois Department of Defense Environmental Partnership.
    - Support and promote voluntary programs that reduce pollution at the source, such as the Energy Star and WasteWise programs.
    - Disseminate pollution prevention information, especially through Region 5's support of the Pollution Prevention Resource Exchange (P2Rx).
    - Support pollution prevention sector initiatives with schools, metal finishers and printed wire board manufacturers.
    - Support the work of the Great Lakes Regional P2 Roundtable measurement task force to improve on ways to measure and document P2 activity outputs and the resulting environmental improvement outcomes.

- Education/Assistance - Illinois EPA and Region 5 will continue to work together on educational conferences and share information on a variety of education topics.

6. Oversight Arrangements

- Regulatory Innovation - Based on grant arrangements.

- Pollution Prevention – Based on grant semi-annual reporting requirements.

- Education/Assistance - No oversight arrangement is anticipated

ATTACHMENTS

- Listing of Funding Sources
- Listing of Program MOAs and MOUs
- Reporting Requirements Inventory
- Dispute Resolution Process
- Program Outputs

LISTING OF FUNDING SOURCES

A. The FY04 federal performance partnership grant to Illinois EPA includes the following programs for which this agreement serves as the program commitment (e.g., work plan):

1. Air pollution control program
   (CAA, Sec. 105 and CAA, Sec. 103 (PM2.5 Monitoring))
2. TSCA compliance assurance
3. Hazardous waste management program
4. Underground injection control program
5. Water pollution control program (CWA, Sec., 106)
6. Public water system supervision program

B. For the following categorical grants to Illinois EPA, this agreement also serves as the program work plan:

1. CERCLA implementation support (CORE)
2. Base program funding for nonpoint source control activities
   (CWA, Sec. 319)
3. Base program water quality management planning activities
   (CWA, Sec. 604(b) and 205(j))
4. State revolving fund administration funding
   (CWA, Sec. 603 (SDWA, Sec.1452)
5. Air pollution program (CAA, Sec. 103))

C. For the following federal grants to Illinois EPA, this agreement provides an overall strategic framework and, in some cases, implementation provisions that work in concert with the requisite project-specific work plans that remain in effect:

1. TSCA multi-media grant project (Sensitive Receptor Areas)
2. CERCLA pre-remedial support
3. CERCLA site-specific projects
4. Funding for nonpoint source projects (CWA, Sec. 319)
5. Research and demonstration funding (CWA, Sec. 104(b)(3))
6. Operator training funding (CWA, Sec. 104(g))
7. Areawide Illinois EPA water quality management planning
   CWA, Sec. 604(b) and 205(j))

MASTER LIST OF PROGRAM MOA/MOUs

Clean Air Program

1. Illinois Department of Commerce and Economic Opportunity (DCEO) - This agreement defines the responsibilities of DCEO and Illinois EPA in developing and implementing the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, which is required under Section 507 of the Clean Air Act.
2. Illinois Department of Commerce and Economic Opportunity - The agreement identifies small business activities for which DCEO is responsible on an annual basis.
3. Illinois State University - The University will provide population projections to Illinois EPA (Agency intergovernmental agreement split between the Bureaus of Air and Water).
4. Illinois Department of Agriculture (IDOA) - The annual agreement identifies Stage II inspections at gasoline dispensing stations that will be conducted by the Department.
5. Title V Agreement - The agreement will establish a working arrangement with Region 5 regarding the Title V permit program.
6. Transportation Conformity Agreement - The agreement will be negotiated with the Chicago Area Transportation Study and Illinois Department of Transportation regarding the Clean Air Act requirements to ensure transportation-related projects conform to state implementation plan.
7. Compliance Plan - An annual agreement with Region 5 to implement compliance and enforcement issues within the context of the enforcement response plan to be finalized with Region 5.
8. Cook County Department of Environmental Control – This agreement defines the responsibilities of Cook County in the implementation of Section 105 Clean Air Act environmental protection programs.
9. City of Chicago – This agreement identifies the responsibilities of the City in the implementation of Section 105 of the Clean Air Act environmental protection programs.

Land Program

1. Superfund Memorandum of agreement between Illinois EPA and USEPA. This agreement establishes procedures to designate "lead agency" and "support agency" roles for all Superfund activities including federal facilities oversight.
2. In 1993, USEPA and Illinois EPA amended the Superfund Memorandum of Agreement. Addendum No. 1 was added. This amendment establishes collaboration between USEPA and Illinois EPA, which will guide us in dealing with sites that fit the Brownfields definition.
3. In 1995 and 1996, the TACO Memorandum of Understanding was developed under the RCRA Memorandum of Agreement. The TACO amendment is intended to encourage voluntary environmental cleanup, and establish how Illinois EPA interacts with USEPA and to recognize Illinois EPA use of the Tiered Approach to Corrective Action Objectives for sites subject to RCRA, LUST or the TSCA.
4. RCRA Memorandum of Agreement between Illinois EPA and USEPA. This agreement establishes policies, responsibilities and procedures for the State of Illinois Hazardous Waste Management Program. This MOA further sets forth the manner in which the State

and USEPA will coordinate in the State's administration of the State Program and pending State authorization revision.

5. The RCRIS Memorandum of Understanding is designed to ensure that data integrity is preserved, and to provide sufficient data to adequately administer and properly oversee the RCRA program.
6. The Underground Injection Control (UIC) Memorandum of Agreement establishes policies, responsibilities and procedures pursuant to the Safe Drinking Water Act for the State of Illinois UIC program.

Clean Water Program

1. Delegation Agreement with the USEPA for management of the construction grant program under the CWA.
2. Operating Agreement with the USEPA for management of the Clean Water SRF under the CWA.
3. Operating Agreement with the USEPA for management of the Drinking Water SRF under the SDWA.
4. MOA with the IDOA for administration of containment regulations for agrichemical facilities.
5. MOA with the IDOA for the administration of regulations for livestock management facilities and livestock waste handling facilities - pending.
6. MOA with the IDPH for regulation of private sewage disposal systems.
7. Delegation Agreement with the USEPA for management of the NPDES permit program under the CWA.
8. MOA with the IDPH for regulation of non-community public water supplies.
9. MOA with the IDPH and the Illinois Department of Nuclear Safety (IDNS) regarding laboratory certification authority.
10. Memorandum of Understanding with the IDNS for the agronomic disposal of sludge.
11. MOA with the IDOA for providing matching funds for CWA Section 319 grant program.
12. MOA with the IDNR, IDPH, and IDOA for fish contaminant monitoring.
13. MOA with the City of Chicago for Lake Michigan water quality monitoring.
14. MOA with the Illinois Department of Transportation (IDOT).
15. Cooperation Working Agreement with IDOA regarding the Agricultural Land Preservation Policy.
16. MOA with the IDNR regarding capital projects that may affect endangered species.
17. Interagency Agreement with the Historic Preservation Agency regarding permit activities affecting historic sites.
18. MOA with the Corps of Engineers, IDOT, and IDNR for the dredge and fill program under future 401 and 404 of the CWA.

Emergency Management

1. Letter of Agreement for Illinois Emergency Operations Plan
2. Agreement for Illinois Plan for Radiological Accidents
3. MOA for Spill Response on the Upper Mississippi River

REPORTING REQUIRMENTS INVENTORY

General Grant Requirements
(either grant by grant or combined under PPGs)

Report	Source	Time Frame	Comments
Financial Status Report	40 CFR 31.41 40 CFR 35.6670	Annual, and at termination of grant, unless specified otherwise, but not more frequent than quarterly. Annual reports due 90 days after the end of the grant year. Final reports due 90 days after the grant termination date. Quarterly reports due 30 days after the reporting period.	For PPGs and Non-PPG grants, annual FSRs (and/or 90 days after grant termination) are required, unless quarterly reports are required by special condition to a grant.
MBE/WBE Report	40 CFR 31.36(e) 40 CFR 35.6665	Annual, with the exception of quarterly reports for Superfund cooperative agreements.	Goals are established annually for all grants. Goal attainment reports are required annually, with the exception of quarterly reports for Superfund cooperative agreements.
Proper Inventory	40 CFR 31.50(5)	90 days after grant termination	Only applicable to federally-owned property

Bureau of Air

Reporting and Program Performance Submissions – Air			
REPORT/PERFORMANCE SUBMISSION	**SOURCE**	**TIME FRAME**	**COMMENTS**
PSD draft and final permits	PSD authority; delegation MOU	At notice and at issuance	Submitted in hard copy and electronically in Lotus Notes via the Internet
New Source Review draft and final permits	SIP	At notice and at issuance	Submitted in hard copy and electronically in Lotus Notes via the Internet
Draft and final FESOPs	SIP	At notice and at issuance	Submitted in hard copy and electronically in Lotus Notes via the Internet
Title V draft, proposed, and final permits • Number of operating permits issued	Program approval	At notice and at issuance Annually	Submitted in hard copy and electronically in Lotus Notes via the Internet End-of-the-Year Grant Report
Title V: Numbers of: • New applications • Significant modifications • Early reductions of HAPs By name of source: • Significant public interest • Fed. environmental justice concerns • Other than administrative changes • Sources where USEPA has expressed an interest or concern	MOA	Quarterly	Submitted during periodic telephone conferences with Region 5 staff
Title V source data	Program approval	On-going	Submitted electronically via the AIRS database
RACT, BACT, and LAER source and control data	PSD authority; delegation MOU	Quarterly	Submitted electronically or in hard copy
MACT source and control data • Number implemented • Number of sources affected • Number of sources with operational controls in place	Section 112(l) delegation agreement	During MACT development and implementation	Submitted electronically via the AIRS database
Emissions Statement Status Report: Statistical summary of emissions reports received and not received; running tally of emissions totals submitted by sources.	SIP	Quarterly	Submitted in hard copy

Reporting and Program Performance Submissions - Air			
REPORT/PERFORMANCE SUBMISSION	**SOURCE**	**TIME FRAME**	**COMMENTS**
Annual Source Emissions: Annual emissions inventory (actual data); upload annual emissions data into National Emissions Inventory (NEI) database	40 CFR 51.10, Subpart A	Annually	Due June 1; submitted electronically via the NEI database
Compliance Quarterly Report Names of stationary sources that are significant violators; information from CASM, DLC, and FOS; "non-major" violators of NSPS and NESHAP requirements	40 CFR 51.324-327; Delegation Agreement	Quarterly	Submitted in hard copy
Other Compliance Reporting • Assertions of audit privilege • Number of enforcement cases initiated • Number of enforcement cases concluded • Penalty amounts levied • Value of SEPs in dollars and in tons of pollutants removed • Report the date of all source tests conducted and the results of those tests. • For stack tests at sources found in violation of emission limitations, the date the stack was completed, the results of the stack test, and the type of enforcement action taken • Report the date reviewed and results of all Title V annual compliance certification reviews. • Report all Full Compliance Evaluations (FCE) • Submit a negotiated Compliance Monitoring Strategy (CMS) plan by October 1.	 CMS CMS CMS CMS	 Annually Quarterly Quarterly Quarterly Annually	 End-of-the-Year Grant Report Submitted electronically to AFS Submitted electronically to AFS Submitted electronically to AFS Discuss and negotiate plan as appropriate for final Regional approval by October 1
Inspection (FOS) Data: Names of sources inspected and dates of inspections	Mamie Miller Memo	Quarterly	Submitted electronically

Reporting and Program Performance Submission - Air			
REPORT/PERFORMANCE SUBMISSION	**SOURCE**	**TIME FRAME**	**COMMENTS**
Annual Review of Ambient Network	40 CFR 58.20	October	Submitted in hard copy; draft plans for the network are submitted in October and final plans are submitted in December
Network Modification: List of changes from previous year's ambient network	40 CFR 58.25	December	Included in cover letter to Annual Review of Ambient Network, above
Annual SLAMS Report: Summary of the previous year's exceedances; certification of accuracy of the data	40 CFR 58.26	Annually	Submitted in hard copy; due July 1
Air Quality Data: PAMS data already QA/QC'ed	40 CFR 58	Quarterly	Submitted electronically via the AIRS database; due 6 months following the end of the quarter
Air Quality Data: NAMS/SLAMS data already QA/QC'ed	40 CFR 58	Quarterly	Submitted electronically via the AIRS database; due 3 months following the end of the quarter
Excess Emissions Report Summaries: Facilities' summaries of their excess emissions as detected by CEMS/COMS; send summary of the reports submitted by the sources	Previous NEPPS element	Quarterly	Submitted in hard copy; due 60 days following the end of the quarter
Acid Rain CEMS audits: Selected facilities audited during annual retest • Report number of audits performed	Title IV	Upon request; Annual Summary Annually	Submitted in hard copy End-of-the-Year Grant Report
Asbestos: List of addresses where inspections were made	Delegation agreement	Quarterly	Submitted electronically via disk; due 30 days following the end of the quarter

Reporting and Program Performance Submissions – Air			
REPORT/PERFORMANCE SUBMISSION	**SOURCE**	**TIME FRAME**	**COMMENTS**
Vehicle Emission Test Reports: • Number of tests performed • Outstanding driver's license suspensions • Station utilization rate • Wait time statistics • Waiver rates • Compliance statistics • Number and type of motorist telephone calls to hotline • QA/QC highlights • Station utilization rate • Wait time statistics • Waiver rates • Compliance statistics • Number and type of motorist telephone calls to hotline • AQ/AC highlights	At USEPA's request	Monthly	Submitted via hard copy

Bureau of Land

UNDERGROUND INJECTION CONTROL PROGRAM REPORTING REQUIREMENTS			
REPORT	**SOURCE**	**TIME FRAME**	**COMMENTS**
Significant Non-Compliance (Form 7520-2B)	40 CFR 144.8	Semi-annual	15th of April and October to allow submittal to OECA by the 30th of each reporting month
Exceptions List • Compliance Evaluation • Permit and Area of Review • Inspections/Mechanical Integrity Testing • Non-compliance Report for non-major facilities	40 CFR 144.8	Quarterly	Form 7520 is not used to report the information to the Region. The information is reported to the region electronically on a quarterly basis. Region V receives the information in a format that enables them to provide the required information to Headquarters. This arrangement has been agreed to by both Illinois and Region V.
Compliance rates with UIC permits, land ban petitions, and enforcement requirements	Management Agreement between Office of Water and USEPA Region 5		Includes those elements not covered under the Form 7520 reporting process. 98 percent is the target rate.

COMMENTS ON REGION 5 HAZARDOUS WASTE MANAGEMENT PROGRAM REPORTING REQUIREMENTS			
Report	**Source**	**Time Frame**	**Comments**
RCRAInfo Reports	RCRIS Memorandum of Understanding (MOU)	Daily and Monthly	Illinois EPA inputs data and maintains all State owned data in all RCRAInfo modules,as detailed in the RCRAInfo Implementor of Record (IOR) table.
Annual Self-Evaluation Report	Environmental Performance Partnership Agreement (EPPA)	Annually (at the end of the year)	This report is a summary of Illinois EPA's activities and performance under the RCRA Subtitle C portion of the EPPA. This report includes summaries of activities and performance under the various program initiatives. This report is used for discussion at the end-of-the-year meeting and as a basis for the performance evaluation of Illinois EPA's hazardous waste management program.

COMMENTS ON REGION 5 HAZARDOUS WASTE MANAGEMENT PROGRAM REPORTING REQUIREMENTS			
Report	**Source**	**Time Frame**	**Comments**
One page inspection summary form (or full inspection report – at inspector's discretion)	CERCLA Off-Site rule	Inspection summary form (or full report) must be e-mailed to Region 5 within 7 days of inspection.	Region 5 will provide a blank electronic form to Illinois EPA for its inspectors to summarize off-site facility inspections. Region 5 can provide a listing of all Superfund "off-site" facilities in Illinois to the appropriate contact upon request.

Training reports and FOIA reports will be provided to Region 5 upon request.

SUPERFUND COOPERATIVE AGREEMENT PROGRAM REPORTING REQUIREMENTS			
Report	**Source**	**Time Frame**	**Comments**
Semi-annual reporting	40 CFR 35.6650	Original requirement -- 30 days after Federal fiscal quarter. Approved deviation allows semi-annual.	Region 5 has received a deviation to move to semi-annual reporting. This applies to all States.
DOL Report Davis-Bacon Act	40 CFR 35.6665	Within 10 days of construction award.	Construction contracts only.
NTC Removals started	Section III-H of the USEPA Region V - Illinois EPA Superfund Memorandum of Agreement (SMOA)	Semi-annual	This requirement (and those that follow) may be met by a commitment to maintain the CERCLIS III data base. Once this data base is running for state data entry, Region 5 will consider requests to modify these reporting requirements to address this change.
Number of PAs/SIs	Section III-A of the SMOA	Semi-annual	Same as above.
RI/FS, RD and RA starts	Sections III-B, III-D, III-E of the SMOA	Semi-annual	Same as above.
RODs signed	Section III-C of the SMOA	Semi-annual	Same as above.
Construction Completions	Section III-E of the SMOA	Semi-annual	Same as above.
Enforcement Negotiations started	Section IV-C of the SMOA	Semi-annual	Same as above.
Settlements reached	Section III-C of the SMOA	Semi-annual	Same as above.

LEAKING UNDERGROUND STORAGE TANK (LUST) PROGRAM REPORTING REQUIREMENTS			
Report	**Source**	**Time Frame**	**Comments**
Financial Status Report	Grant Agreement/ 40 CFR 30.52	Annual for Illinois	Region 5 requests semi-annual FSRs for this program in Illinois.
Performance Measures Report	Headquarters	Semi-annual	A semi-annual report is required by April 30th and October 31st.
Annual Report – LUST Program	Illinois EPA	Annual	Illinois EPA agreed to provide Region 5 with a copy of its annual LUST Program Report, when published.

Bureau of Water

SAFE DRINKING WATER ACT			
Safe Drinking Water Program			
Report	**Source**	**Timeframe**	**Comments**
Safe Drinking Water Information System (SDWIS) Note: This is a data input requirement	40CFR 142.15	Quarterly	Database reporting that includes: PWS Inventory, Violations, Enforcement, Variance/Exemption
Annual Compliance Report (ACR)	SDWA amend. 1414(c)(3)(A)(I)	Annual	State distributes the report to the public. USEPA takes all of the State's annual reports and publishes a national report.
Annual Guidance requirements. The program guidance is incorporated by reference in the EnPPA. See Program description b, and oversight Arrangements b.	40 CFR 142.17	Annual	At least annual USEPA shall review the compliance of the State set forth in 40 CFR part 142, subpart B and the approved State primacy program.
Source Water Assessment Program Set Aside Report	Program Directive SDWA Section 1453	Annual	SWP Set-aside.
Wellhead Protection Program			
Wellhead Protection Status Report	SDWA 1428(g)	Biennial	Status report describing the State's progress in implementing the Wellhead Protection Program. Include amendments to the State program for water wells sited during the biennial period.

CLEAN WATER ACT			
Watersheds and Nonpoint Source and Standards and Applied Sciences			
Report	**Source**	**Timeframe**	**Comments**
305(b) Water Quality Report	40 CFR 130.8 and 130.10	Written report in even numbered years (e.g., 2004, 2006, 2008) and an electronic update of water quality data in odd numbered years (e.g., 2005, 2007)	Serves as the primary assessment of state water quality; leads to development of water quality management plans. Serves as the annual water quality report under 205(j). In even numbered years, draft report is due January 1; final report due April 1. In odd numbered years, electronic updates due April 1.
Section 205(j) certification	40 CFR 130.10	Annual	Will be replaced by the 305(b) report.
STORET/Ambient water quality monitoring (Note: This is a data base input requirement)		90 days	The State is required to store ambient water quality data in a suitable database, and eventually (within 90 days) transfer the data to STORET.
303(d) List	130.7(d) 130.0	Biennial, due April 1 of even numbered years.	Consists of a list of waters, pollutants causing impairments, and the priority ranking including waters targeted for TMDL development.
National PCS Data base - All of the following relate to the Permit Compliance System (PCS) Update for <u>Enforcement and Compliance and NPDES (Permitting) Programs</u> as required by the PCS Policy Statement, Water Enforcement National Data Base (WENDB) and cited Regulations. They are data base inputs unless otherwise indicated. (Ongoing with timeframes as indicated).			

Enforcement and Compliance Assurance - Water			
Report	**Source**	**Timeframe**	**Comments**
Commitments Pre-treatment and Sludge Programs	Federal Rule Part 503 and 40 CFR Part 403 respectively	Data entry of Annual Reports from Municipalities with approved P/T programs	Federal Rule Part 503 sets minimum national standards.
		Quarterly entry of inspection data for categorical and significant industrial users	Update to Pretreatment Program Enforcement Tracking System (PPETS) for all approved pre-treatment programs
		Quarterly Report	Pre-treatment SNC for all major approved programs
Violation/enforcement/penalty data, which includes compliance schedules and their updates.	40 CFR 123.27	Ongoing in PCS manual reporting - semi-annual.	Administrative Orders Consent Orders Judicial Cases with Penalties concluded
Inspections	40 CFR 123.26	As conducted	USEPA reports State and federal field efforts semi-annually to HQ.
NPDES (Permitting) Support			
Report	**Source**	**Timeframe**	**Comments**
Inventory data for major and minor dischargers	PCS QNCR/Moving Base MOA	Ongoing Quarterly to Region	State submits list of major dischargers annually as required in MOA. Updates of the major and minor dischargers are in PCS.
Permit limits	PCS, 40 CFR 122.44	Issuance/renewal/ modification	All permits are required to have effluent limitations as specified in regulation. No specific reporting requirement.
Permit Issuance and Expiration dates	PCS, 40 CFR 122.46	Ongoing	Each permit is required to have specified duration.
Effluent monitoring data	PCS/DMR data 40 CFR 122.48	Ongoing, whether monthly, weekly, daily, grab, composite, etc.	As required by regulation, and permit specification.
Compliance schedules	PCS, 40 CFR 122.47	Varies-based on permit requirement	Permittees are required to submit progress reports if any compliance schedules are included in its permit. State reports status in PCS.

Assistance Agreements/Grants – Water			
Report	**Source**	**Timeframe**	**Comments**
Water Project/Grant Progress and Performance Reports, including 104, 106, 205(j), and 319*	Grant Requirement 40 CFR 31.40 319's source is CWA 319(h)(11)	End of Grant or Budget/Project Period Annual *Semi-annual	Water Programs have numerous pots of moneys which are all covered by an end of grant, end of project reporting requirements (as noted under general grant requirements). When part of an EnPPA/PPG, these are combined with an overall end-of-year report; otherwise a separate report is provided. In general, all reporting has been reduced to annual or end of project.
Drinking Water/Clean Water SRF measures	Office of Water Core Performance Measures SDWA 452	Annual	Outlays Other core measures
Great Lakes Program Office			
Report	**Source**	**Timeframe**	**Comments**
Great Lakes Projects (Funded under Section 104) Progress Reports	40 CFR 31.40	Quarterly, Semi-annually, or annually, as determined by Program	Varies by project. Periodic progress reports and a final report are required.

DISPUTE RESOLUTION PROCESS

Illinois EPA and Region 5 will use an agreed upon dispute resolution process to handle the conflicts that may arise as we implement our environmental programs and will treat the resolution process as an opportunity to improve our joint efforts and not as an indication of failure.

A. Informal Dispute Resolution Guiding Principles

Illinois EPA and Region 5 will ensure that program operations:

- Recognize conflict as a normal part of the State/Federal relationship.
- Approach disagreement as a mutual problem requiring efforts from both agencies to resolve disputes.
- Approach the discussion as an opportunity to improve the product through joint efforts.
- Aim for resolution at the staff level, while keeping management briefed. Seriously consider all issues raised but address them in a prioritized format to assure that sufficient time is allocated to the most significant issues.
- Promptly disclose underlying assumptions, frames of reference and other driving forces.
- Clearly differentiate positions and check understanding of content and process with all appropriate or affected parties to assure acceptance by all stakeholders.
- Document discussions to minimize future misunderstandings.
- Pay attention to time frames and/or deadlines and escalate quickly when necessary.

B. Formal Conflict Resolution

There are formalized programmatic conflict resolution procedures that need to be invoked if the informal route has failed to resolve all issues. 40 CFR 31.70 outlines the formal grant dispute procedures. There is also an NPDES conflict resolution procedure. The Superfund Program sponsors an Alternate Dispute Resolution Contract that provides neutral third parties to facilitate conflict resolution for projects accepted into the program. These are all time-consuming and should be reserved for the most contentious of issues. For less contentious matters, we will use the following procedures:

1. <u>Define dispute</u> - any disagreement over an issue that prevents a matter from going forward.
2. <u>Resolution process</u> - a process whereby the parties move from disagreement to agreement over an issue.
3. <u>Principle</u> - all disputes should be resolved at the front line or staff level.
4. <u>Time frame</u> - generally, disputes should be resolved as quickly as possible but within two weeks of their arising at the staff level. If unresolved at the end of two weeks, the issue should be raised to the next level of each organization.
5. <u>Escalation</u> - when there is no resolution and the two weeks have passed, there should be comparable escalation in each organization, accompanied by a statement of the issue and a one-page issue paper. A conference call between the parties should be held as soon as possible. Disputes that need to be raised to a higher level should again be raised in comparable fashion in each organization.

PROGRAM OUTPUTS

BUREAU OF AIR

Ozone:

1. Address deficiencies, if any identified, regarding Subpart X of oxides of nitrogen rule (Spring/Summer 2004).
2. Submit statewide inventory of major point sources of ozone precursors in NEI format by June 2004.

Title V:

3. Begin issuing Title V permits to electric utilities.
4. Issue construction permits; PSD and New Source Review evaluations as necessary.
5. Provide draft/proposed permits to Region 5 for review concurrently with public notice and review.
6. Submit data to the RACT/BACT Clearinghouse.

Air Toxics:

7. Continue implementation of § 112, including subsections (g)(major HAPs New Source Review), (f)(residual risk), (j)(site-specific MACT where USEPA has not promulgated categorical MACT), and (r)(release management plans).
8. Continue general air toxics air quality data collection and submittal to AIRS.
9. Operate two urban air toxics sites, analyze data and report findings.
10. Urban Toxics Strategy: evaluate impact on Illinois source sectors; evaluate federal/state roles; determine the significance of sectors not affected by MACT standards; work with sources or groups of sources towards gaining reductions of toxics emissions or further risk assessment.
11. Great Lakes Project: continue to enhance inventory development; contribute to development of the regional strategy, and continue the Great Lakes Mercury monitoring program.
12. Implement further mercury monitoring subsequent to receipt of federal funding.
13. Continue to refine Illinois' statewide inventory as part of the National Air Toxics Assessment.
14. Develop 1999 database modeling parameters.
15. Assess future needs and incorporate into five year Integrated Monitoring Strategy.

Compliance:

16. Compliance investigations and enforcement actions that provide an acceptable balance between resource commitments (state, local, federal) and benefit to the environment, including any SEPs.
17. Implement the FY04 Compliance Workplan.
18. Complete ERMS annual systems performance review.

Base Programs and National/Regional Priorities:

Air Monitoring:

19. Finalize the 5 Year Integrated Strategy Monitoring Plan (2003-2007)
20. Continue operation of the four PAMS monitoring sites.
21. Coordinate the Illinois monitoring network implementation with Cook County Dept. of Environmental Control and City of Chicago Dept. of Environment.
22. Participate in the real-time ozone and particulate reporting system (AIRNOW) and support the daily forecast program.
23. Perform CEMS audits, particularly of SO_2 emissions at utilities.
24. Continue operation of the PM2.5 monitoring network.
25. Finalize the deployment of the PM2.5 Chemical Speciation network.
26. Implement the PM2.5 Performance Audit Program (PAP).
27. Assist the St. Louis Supersite monitoring program

State Permitting:

28. Provide USEPA with copies of construction permits, as appropriate.

PM2.5:

29. Continue inventory development.
30. Continue collection of monitoring data.

Data Management:

31. Continue to collect and maintain all relevant data and evaluate the performance of the ERMS program.
32. Continue to expand the capabilities of ICEMAN.
33. Complete the detailed design and the implementation of ACES at an agency level.

Community Relations:

34. Hold public hearings as appropriate.
35. Prepare and disseminate responsiveness summaries following public hearings and receipt of comments.
36. Prepare and disseminate fact sheets, pamphlets, and news releases as appropriate.

National/Regional Priorities:

(Note: These activities are included within our categorical activities listed above.)

Reporting and Program Submissions:

37. Illinois EPA Bureau of Air will provide USEPA with the reports and program documents as listed in the Reporting Requirements Inventory.

PROGRAM OUTPUTS

BUREAU OF LAND

Division of Land Pollution Control

Hazardous Waste Management:

1. Number of treatment, storage, and disposal facilities inspections.
2. Number of generator inspections (large quantity generators and small quantity generators).
3. Number of federal facility inspections.
4. Number of other inspections (e.g., non-notifiers, transporters, used oil, etc.)
5. Number of significant noncompliers.
6. Number of enforcement actions taken and penalties collected.
7. Number of compliance surveys conducted.
8. Number of compliance agreements established.
9. Number of criminal investigations initiated and closed.
10. Number of referrals to Illinois EPA's Criminal Enforcement Decision Group and to prosecutorial authorities (hazardous waste cases).
11. Number of draft and final permits and permit modifications issued to facilities in the permitting universe.
12. Number of closure plans, closure plan modification requests, and closure certifications reviewed and approved for facilities.
13. Number of RCRA Facility Assessments completions, stabilization actions required in a permit, RCRA Facility Investigation Phase I and Phase II report or workplan approvals, and corrective measure report approvals. NOTE: among these corrective measure reports will be a final remedy construction completion report.
14. Number of hazardous waste management facilities performing corrective action.

(Nonhazardous) Solid Waste Management:

15. Number of referrals to Illinois EPA's Criminal Enforcement Decision Group and to prosecutorial authorities (nonhazardous waste cases)
16. Number and category of Used Waste Tire facilities inspected
17. Number of tire cleanups conducted and volume or tires recycled
18. Number of Closure Certifications approved for non-hazardous landfills
19. Number of nonhazardous waste management facilities conducting detection monitoring
20. Number of nonhazardous waste management facilities conducting assessment/compliance monitoring
21. Number of nonhazardous waste management facilities conducting corrective action

<u>Division of Remediation Management:</u>

Federal Cleanups:

22. Number of Remedial Investigation Reports reviewed annually
23. Number of Findings of Suitability for Transfer reviewed annually
24. Number of engineer evaluation/cost analyses reviewed annually
25. Number of Brownfield Assessment reports completed annually
26. Number of new CERCLA sites (i.e., National Priorities List sites, Federal facilities, or other hazardous waste sites) identified annually
27. Number of CERCLA sites where removal actions (i.e., short-term actions) have been initiated
28. Number of CERCLA sites where remedial actions (i.e., constructions aimed at permanent remedies) have been initiated
29. Number of Record of Decisions have been signed
30. Number of CERCLA investigations initiated

State Cleanups:

31. Effective date of amendments to Site Remediation Program regulations
32. Number of new Site Remediation Program sites enrolled annually
33. Number of new Response Action Program sites identified annually

Leaking Underground Storage Tank (LUST) Cleanups:

34. Status of UST fields project
35. Status of proposed regulatory amendments
36. Number of new state and federally regulated LUST sites (i.e., incidents) identified annually
37. Annual average cost of cleanup per site (based on payments from the UST Fund)

Brownfields:

38. Applications received annually for Brownfield loans
39. Number of Brownfield loans (and dollar value) issued annually
40. Number of Brownfield grants (and dollar value) issued to communities to investigate and assess contamination annually
41. Number of Brownfield assessments conducted by Illinois EPA annually

Underground Injection Control:

42. Number and type of permit determinations issued
43. Number of MITs scheduled and of this, the number conducted, the number witnessed, the number that failed, and the number of these that are addressed through fix and retest, plugged, enforcement

44. Number of Class V wells added to the inventory
45. Number of Class V wells where action was taken through permits, BMPs, file reviews, compliance assistance, or closures
46. Number of instance of non-compliance; number of those addressed with enforcement action and the number returned to compliance
47. Submit annual inventory of injection wells by well type no later than December 15 of each year
48. Submit at federal fiscal mid-year (April 30) and end of year (Oct 30) the data necessary for the Region to complete the OMB approved state reporting forms (7520s) that were established for the UIC program

Cross-Bureau

Community Relations:

49. Number and description of public hearings arranged or coordinated by the Office of Community Relations for LUST, RCRA, Superfund and other Bureau of Land programs annually
50. Number and description of responsiveness summaries written by the Office of Community Relations for LUST, RCRA, Superfund and other Bureau of Land programs annually
51. Number and description of fact sheets, pamphlets, and news releases written by the Office of Community Relations for LUST, RCRA, Superfund and other Bureau of Land programs annually.
52. Number and description of events (e.g., property access, sampling, surveys, meetings) that the Office of Community Relations staff assists Bureau of Land staff (or their representatives) for LUST, RCRA, Superfund and other Bureau of Land programs annually.
53. Number of media inquiries and/or events handled by the Office of Community Relations (in conjunction with the Office of Public Information) for LUST, RCRA, Superfund and other Bureau of Land programs annually.
54. Number of permit/remedial applicants and responsible parties assisted annually by the Office of Community Relations in meeting their public involvement obligations (e.g., reviewing community relations plans and other materials, arranging facility tours, facilitating site open houses, hosting availability sessions).

PROGRAM OUTPUTS
BUREAU OF WATER

Watershed Management:

1. Description of major achievements in developing and implementing comprehensive watershed management programs including: how water quality standards are used in managing water quality improvements, how interrelated programs will be coordinated using a watershed approach, and identification of waters attaining standards and progress made toward attainment of standards. (Source: End-of-year report)
2. Summary of information on reductions in nonpoint source pollutant loading in specific watersheds.
3. Summary information on reduction in non-compliance of point sources in priority targeted watershed. (Source: End-of-year report)
4. Number of facility inspections conducted and summary outcome of those inspections.
5. Number and percentage of approved pretreatment facilities audited in the reporting year. Of those, the number of audits finding significant shortcomings and the number of local programs upgraded to achieve compliance (including number of CIUs in non-pretreatment POTWs). (Source: PCS)
6. Percent of POTWs that are beneficially reusing all or part of their biosolids. (Source: End-of-year report)
7. List of actions taken to reduce NPDES compliance monitoring. (Source: End-of-year report)
8. Finalize list of CIUs in non-approved cities and update operating permits.
9. Number of pretreatment annual reports received and reviewed.
10. Status of all delegated NPDES programs with regard to adoption of applicable regulations and legal requirements. (Source: End-of-year report)
11. Number of CAFOs with 1,000 or more animal units with current permits and whether the permits include manure management requirements.
12. TMDL status: a) the number of TMDLs submitted to EPA; b) the number of state-established TMDLs approved by EPA; c) watersheds with plans implemented to attain TMDL; d) watersheds with TMDL listed segments for which a plan has been developed and implemented to meet water quality standards. (Source: End-of-year report)
13. Revisions to the CPP provided to USEPA after finalization of the Watershed rule.
14. Identify those watershed projects in the Section 319 draft work plan which are prioritized using 303(d) List, and the watersheds priority ranking within Illinois EPA's Targeted Watershed Approach.
15. Illinois EPA to cooperate with IDOA on collection and evaluation of data for the Transect Survey
16. Continually update nonpoint source information in GRTS including all mandatory elements.
17. Provide annual reports, which summarize progress in reducing nonpoint source loadings.

Public Involvement:

18. Public involvement into the Watershed Initiative will be described as part of the watershed report identified in Program Output #1 of Watershed Management. (Source: End-of-year report)

Drinking Water Program:

19. Status of significant activities taken to meet new SDWA requirements including:

- Section 1414(c)(3)(A) annual compliance report
- Percent of DW-SRF set-aside funds earmarked to perform source water delineations and assessments. (Source: End-of-year report)
- Implement a return to compliance program for the Radionuclides Regulations. (Source: End-of-year report)
- Submit second annual Operator Certification Program Report discussing program implementation
- Continue to implement and report the new system Capacity Development Program
- Continue to implement and report the existing system Capacity Development Strategy.

Source Water and Groundwater Protection:

20. Continue implementation and tracking of Source Water Assessment Program. (Source: SWP Reporting Matrix table)
21. Continue work to include source water protection provisions into the WIP guidance and participate in watershed efforts (including Lake Michigan LaMP, Upper Mississippi, etc.) to protect surface water supplies of drinking water
22. Continue to propose groundwater quality standards, regulated recharge areas and maximum setback zone regulations to the Illinois Pollution Control Board

Lake Management:

23. Initiate and administer 1-3 Phase I diagnostic-feasibility studies and 3-5 Phase II implementation projects under the Illinois Clean Lakes Program
24. Initiate and administer four to six projects under the Priority Lake and Watershed Implementation Program
25. Conduct Ambient Lake Monitoring Program activities at 50 lakes
26. Conduct basic Volunteer Lake Monitoring Program (VLMP) Secchi transparency and Zebra Mussel monitoring at 180 lakes. Conduct expanded VLMP monitoring (i.e., Chlorophyll a, Water Quality) at 100 lakes
27. Continue expanded technical assistance capabilities to lake associations, volunteers, lake owners/managers, and the public
28. Provide funding for and administer approximately 100 Lake Education Assistance Program Grants

29. Plan for and conduct five lake management workshops in different parts of the state
30. Develop and distribute four to six Lake Notes fact sheets

Small System Support:

31. Number of operational visits conducted. (Source: End-of-year report)
32. Estimate of water supply personnel informed/trained. (Source: End-of-year report)

State Revolving Fund:

33. Number of communities receiving loans and the amount. (Source: End-of-year report)
34. Report on federal indicators to measure the pace of the CW-SRF and DW-SRF programs. (Source: End-of-year report)
35. Continue to maintain SRF information system. (Source: End-of-year report)

Technical and Public Education:

36. Technical assistance workshops presented with Illinois Rural Water Association, Illinois Section AWWA, IDPH, IPWSOA and local operator groups.

NPDES Program Delegation:

37. Development of regulatory package to allow the assumption of sludge authority for presentation to Pollution Control Board and Illinois EPA rulemaking procedures.
38. Pre-treatment effectiveness report. (Source: End-of-year report)

NPDES Permit Backlog:

39. Substantial elimination of the backlog of expired NPDES permits in compliance with USEPA goals.
40. By February 29, 2004, Illinois EPA will provide a list of major permits that will be issued in CY2004 and CY2005. Illinois EPA will also provide a strategy for issuance of minor permits and will work from the list supplied to USEPA on February 29, 2004.
41. Number of stormwater sources associated with industrial activity, number of construction sites over one acre, and number of designated stormwater sources (including Municipal Phase I) that are covered by a current individual or general NPDES permit. (Source: PCS)
42. Number of permittees that are covered by NPDES permits or other enforceable mechanisms consistent with the 1994 CSO policy. (Source: PCS)
43. Number of a) non-storm water general permits issued and b) number of facilities covered. (Source: PCS)
44. By February 29, 2004, USEPA and IEPA will agree to the universe of priority permits that have significant environmental impacts (PER).
45. By March 31, 2004, IEPA will provide a schedule for issuance for the agreed to list of PER permits that will facilitate issuance of 95% by 2005.

46. By March 31, 2004, Region 5 and Illinois EPA will have reached agreement on a specific backlog strategy that will reduce the backlog and strive to achieve the national backlog goal of 10% by December 31, 2004, or as soon as possible.

Compliance Assistance/Enforcement :

47. Average number of days to reach agreement on a compliance plan for resolution of violations. (Source: PCS)
48. Success ratio (non-compliance returned to compliance) for participants that receive compliance assistance. (Source: PCS)
49. Description of environmental benefits that are achieved due to resolution of all enforcement cases. (Source: End-of-year report)
50. Percent and accuracy of discharge monitoring data received that is required to be reported by the NPDES permit program. (Source: PCS)
51. Submit an annual non-compliance report for non-majors NPDES dischargers.
52. Number of enforcement actions including number of non-compliance advisories issued. (Source: PCS)
53. Number of cases involving audit privilege. (Source: End-of-year report)
54. Enhancement of Enforcement Management System reflecting provisions of recent legislative changes and program priorities. (Source: End-of-year report)
55. Number of demand letters issued. (Source: End-of-year report)
56. Number of wastewater and water supply operators certified. (Source: End-of-year report)
57. Percent of sample results received that are required under the SDWA. (Source: SDWIS)
58. Report to address Office of Enforcement and Compliance Assistance Accountability Outcome Measures #2 and #3:
    - Environmental and public health benefits achieved through inspections and enforcement activities.
    - Results or impact of using: audit privilege or immunity law; audit policies; small business compliance assistance policies; and compliance assistance initiatives developed for specific industrial sectors. (Source: End-of-year report)
59. By March 31, 2004, Illinois EPA will provide a report which lists all CSO communities and identifies, to the extent information is available, the following: their status in implementing the nine minimum CSO controls; whether a LTCP is needed; whether they have developed an LTCP; status of implementing an LTCP, and whether they have an LTCP implementation schedule that extends longer than five years from July 1, 2002. Information regarding the status of implementing the nine minimum controls and LTCP will be updated with the end-of-year report.
60. For complaints concerning sludge and pretreatment matters, Illinois EPA will report back the disposition of the complaint to USEPA upon conclusion of the investigation.
61. By March 31, 2004, Illinois EPA will submit to USEPA a final State SSO Strategy and Inventory.
62. Submit to USEPA on a quarterly basis a report/table summarizing CSO/SSO events based on State notifications received from CSO communities

Water Pollution Control Inspection Strategy:

63. Inspection Strategy at the start of the fiscal year identifying overall goals and priorities including an approach for targeting CAFOs.
64. By January 1, 2004, Illinois EPA will submit an Inspection Plan identifying facilities to be inspected and type of inspection to be conducted. Includes Majors, Pretreatment Communities. (Source: PCS)
65. By September 1, 2004, Illinois EPA will enter data into PCS for all routine inspections completed by June 30, 2004.

Water Quality Standards:

66. Submit a rulemaking package to the Illinois Pollution Control Board revising General Use sulfate and total dissolved solids water quality standards.
67. Continue to develop water quality standards for nutrients specific to the needs and conditions in Illinois in accordance with their approved plan.
68. Continue efforts for establishing biocriteria standards.
69. Continue efforts to adopt EPA's *Ambient Water Quality Criteria for Bacteria – 1986* (transition from fecal coliform to E. coli and/or enterococci indicators) for the protection of recreational uses. For Lake Michigan coastal waters, changes will be in accordance with Beach Act requirements.
70. Illinois EPA will continue to address USEPA's water quality criteria for bacteria *(E. coli)* in a step-wise approach.

Total Maximum Daily Load (TMDL):

71. Develop and submit timely final 2004 TMDL list to USEPA for approval.
72. Develop TMDLs in accordance with the approved schedule.
73. Complete development of TMDLs in accordance with the long-term schedule identified in Illinois EPA's current approved 303(d) List.
74. Begin development of TMDLs in additional watersheds in accordance with the long term schedule identified in Illinois EPA's current approved 303(d) List.

Monitoring and Assessment:

75. Percent of state waters monitored and assessed as Good, Fair, or Poor (includes waterway, inland lake, and Lake Michigan). (Source: 2002 Illinois Water Quality (305(b) Report)
76. Percent of river miles and lake acres that have been assessed for the need for fish consumption advisories; and compilation of Site-issued fish consumption advisory methodologies. (Source: Annual supplement to 305(b) report)
77. The new fish IBI and computer program to calculate IBI scores will be used in resource-quality assessments to be reported in the 2004 305(b) report. Procedures will be defined for incorporating the new IBI scores into the decision-making criteria used to assess attainment of designated uses.

78. Continue development and evaluation of macroinvertebrate sampling methods and of a multi-metric index of biological integrity for macroinvertebrates. Continue development and evaluation of the multi-variate approach for using macroinvertebrate information in resource-quality assessment.
79. Insure that USGS completes and transmits to the Illinois EPA a report summarizing the data collected and conclusions drawn from the eight continuous monitoring program sites for use in the nutrient standards development process.
80. Work with ORSANCO and other partners to evaluate methods used for large river biological assessments.
81. Active participation on the Region 5 States Bioassessment Working Group.
82. Continued work with USEPA to jointly review Illinois EPA's bioassessment program against national guidance.
83. In FY2004, update STORET with water quality data (and appropriate system for biological data).
84. Participate in FY2004 SWIMS meeting as resources allow.
85. Develop improved water quality monitoring strategy or related implementation plans/schedules by September 30, 2004, to address issues raised in joint evaluation of Illinois EPA's water monitoring program strategy.
86. Input is provided in the design and potential implementation of a national probabilistic study to assess the condition of wadeable streams throughout Region 5.

Community Relations:

87. Number of and description of public hearing and meetings arranged for or coordinated by the Office of Community Relations for permits, planning, and other Bureau of Water programs annually.
88. Number and description of responsiveness summaries coordinated by the Office of Community Relations for permits, planning, and other Bureau of Water programs annually.
89. Number and description of fact sheets, pamphlets, and news releases written by the Office of Community Relations for permits, planning, and other Bureau of Water programs annually.
90. Number and description of events (e.g., conferences/workshops, property access agreements, field sampling activities, surveys, project meetings) that the Office of Community Relations staff assists Bureau of Water staff (or their representatives) with for permits, planning, and other Bureau of Water programs annually.
91. Number of media inquiries and/or events handled by the Office of Community Relations (in conjunction with the Office of Public Information) for permits, planning, and other Bureau of Water programs annually
92. Number and description of miscellaneous activities and events handled annually by the Office of Community Relations in supporting the Bureau's public involvement needs (e.g., reviewing community relations/outreach materials, arranging facility tours, facilitating site/project open houses, hosting availability sessions)

PROGRAM OUTPUTS
MULTI-MEDIA PROGRAMS

Toxic Chemical Management Program:

- Toxic Chemical Management
  1. Annual Toxic Chemical Report
  2. Number of PCB inspections, related sample results and inspection reports
  3. Preparation of enforcement cases, if applicable
  4. Decision about regulatory proposal
  5. Number of removal incidents where response is necessary

- Chemical Emergency Response
  6. Number of emergency incident notifications and Illinois EPA on-site responses
  7. Number of significant release reviews conducted and recommendations sent to IEMA
  8. Number of HAZOPS
  9. Number of enforcement actions taken

Innovative Protection Program:

- Regulatory Innovation
  10. Number of clients that receive some assistance
  11. Number of small business guides that are completed

- Pollution Prevention
  12. Number and description of educational workshops sponsored by OPP
  13. Number of P2 site visits conducted by technical staff and summary of actions taken by facilities receiving assistance
  14. Number and description of P2 intern projects
  15. Description of P2 sector or geographic initiatives
  16. Description of voluntary P2 programs and partnerships

- Environmental Education
  17. Develop and sponsor educator training: Number of educator workshops/conferences
  18. Develop partnerships with external groups: Number of partnerships formed
  19. Expand public outreach:
  20. Number of educator workshops where Illinois EPA's educational materials and resources were promoted
  21. Install new education adventures and activities on Envirofun
  22. Install new materials on Illinois EPA's website under Educator's Tools
  23. Number of environmental education articles for various publications