FY 2010/2011 PERFORMANCE
PARTNERSHIP AGREEMENT
BETWEEN
ILLINOIS EPA AND REGION 5, USEPA

We are pleased to execute our thirteenth Performance Partnership Agreement. This agreement sets forth our mutual agenda for continued environmental progress and our expectations for the state/federal relationship. We have assembled a comprehensive document of joint priorities, goals, strategies and measures for the programs funded through the Performance Partnership Grant.

The execution of this agreement demonstrates our continuing commitment to environmental improvement that is both cost-effective and responsive to public concerns; and to finding better ways to accomplish our regulatory objectives.

Entered into on this Nov. 23, 2009.

Illinois Environmental
Protection Agency:

Douglas P. Scott
Director

Region 5 United States
Environmental Protection Agency

Bharat Mathur
Acting Regional Administrator

TABLE OF CONTENTS

I. General Purpose and Context…… 1
- A. State/Federal Environmental Partnership…… 1
- B. Relationship of Agreement to Grants…….. 1
- C. Joint Planning and Evaluation Process…… 2
- D. Enforcement and Compliance Assurance…… 3

II. Joint Environmental Priorities…….. 3
- A. Midwest Clean Diesel Initiative…….. 4
- B. Waukegan Harbor…… 5
- C. Carbon Sequestration…….. 5
- D. Emergency Preparedness …… 6
- E. Concentrated Animal Feeding Operations Permitting ……... 6
- F. Nutrients ……. 7

III. Media Programs Planning and Outputs…… 8
- A. Bureau of Air……... 8
- B. Bureau of Land…… 28
- C. Bureau of Water…….. 39
- D. Public Water Supplies …… 51

IV. Multimedia Programs Planning and Outputs…….. 99
- A. Toxic Chemical Management Program…….. 99
- B. Pollution Prevention…… 100

Attachments

Dispute Resolution Process……. 101

I. GENERAL PURPOSE AND CONTEXT

The Federal Fiscal Year 2010/2011 (FY10/11) Performance Partnership Agreement (Agreement) sets forth the mutual understandings reached regarding our state/federal relationship, the joint environmental priorities and identifies the desirable environmental outcomes and performance expectations for the programs funded through the Performance Partnership Grant. 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. Relationship of Agreement to Grants

Illinois EPA will operate under a Performance Partnership Grant (PPG) in FY10/11. The programs that are described under this agreement and the corresponding media office work plans 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 p[illegible]tivities. 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. The FY10/11 federal Performance Partnership Grant to Illinois EPA includes the following programs for which this agreement serves as the program commitment:

1. Air pollution control program (CAA, Sec. 105)
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

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.

C. 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, a two-year agreement covering FY10/11.

Actions	Annual Milestones
1. Senior Management Mid-Course Video Conference Call	July 2010
2. Mid-Course Updates	September 2010
3. Final Mid-Course Updates	October 2010
4. State's Performance Report for PPG	December 2010/2011
5. Region's Evaluation of State's Annual Report and overall progress	February 2011
6. Senior Management Planning Meeting	July 2011
7. Agreement/Work Plan Negotiations	September 2011
8. Final Performance Partnership Agreement	October 2011

The Annual Performance Report for the PPG is a key component of the performance review. In addition, each media office has a documented post award management process, which they will continue to follow. These processes provide for periodic program meetings, conference calls, program and file reviews, as appropriate. Finally, the two agencies have also developed a Reporting Requirement Inventory, which documents the various reporting requirements associated with grants and programs due to statutes, regulations and/or other policies and agreements. Illinois EPA will continue to fulfill these reporting requirements as outlined in the Inventory, unless a specific item is raised and/or renegotiated. All relevant information is taken into account as part of the joint evaluation process.

Another critical element in this joint evaluation process is the Senior Management Planning meeting, and the corresponding mid-year check-in meeting. It is expected that national program guidance should be available well before these meetings, allowing for identification of any critical commitment concerns. In addition, one agenda item for these meetings will be a senior level discussion of performance highlights and areas of concern. These discussions will be documented via joint meeting notes.

A second agenda topic for the Senior Management Planning meeting will be joint priorities. Preparation for the meeting will include development of brief progress reports for existing joint priorities, with recommendations for renewal or not. To ensure new joint priorities get underway, the lead Region 5 Division Director and Bureau Chief for that joint priority will ensure that a check-in call occurs during the second quarter, with progress reported back to the senior managers and PPA leads for each Agency. On-going joint priorities will be addressed by the lead media programs as part of their normal interactions during the year.

D. Enforcement and Compliance Assurance

Compliance and enforcement activities to be accomplished during the term of the FY10/11 Agreement are included in the individual media program plans. However, a summary of Region 5 and Illinois EPA roles in compliance and enforcement is helpful.

The following points serve as a foundation for the Region 5 and Illinois EPA relationships in respect to compliance and enforcement activities:

- Apply the most effective use of tools to encourage and maintain the compliance of sources of all sizes. This would include compliance assistance, administrative and/or civil enforcement, and criminal enforcement.
- Use joint up-front planning to coordinate priorities, maximize agency resources, avoid duplication of efforts, eliminate surprises, and institutionalize communication.
- Manage for environmental results which support each Agency's environmental goals and objectives,
- Ensure that compliance and enforcement information is complete, accurate, and timely consistent with Region 5 and Illinois EPA policies.

Under this Agreement, Region 5 and Illinois EPA retain their authorities and responsibilities to conduct compliance assistance, compliance monitoring, and enforcement. These activities will be conducted in the spirit of cooperation and trust. Specific compliance and enforcement data needs will be discussed and shared per each Agency's applicable policies and regulations.

Region 5 is performing a review of Illinois EPA's Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act compliance and enforcement programs in 2009. Both Region 5 and the Illinois EPA are responsible for ensuring that follow-up actions that result from the review are carried out in a timely and effective manner.

II. JOINT ENVIRONMENTAL PRIORITIES

Region 5 and the Illinois EPA discussed FY08/09's joint priorities and came to an agreement to continue three previous joint priorities (Midwest Clean Diesel, Waukegan Harbor, and Carbon Sequestration) and to refocus the Homeland Security joint priority to Emergency Preparedness. In addition two new joint priorities were added for Confined Animal Feeding Operation Permits and Nutrients.

The following joint environmental priorities are established for this Agreement:

A. Midwest Clean Diesel Initiative [continued]

The Illinois EPA ("Agency") is a key partner in the Midwest Clean Diesel Initiative (MCDI), a public-private partnership to reduce diesel emissions in the Midwest with a goal to impact one million engines by 2010. The Agency is a co-chair of the MCDI Leadership Group and also oversees the Illinois Clean Diesel Workgroup ("Workgroup"), consisting of nearly forty representatives from the engine manufacturers, fleets, government, and environmental organizations.

In January 2009, the Agency launched the Illinois Clean Diesel Grant Program, to complement the Illinois Clean School Bus Program that was started in 2003. With both of these programs, the Agency can fund various types of clean diesel projects, including those involving utility trucks, over-the-road trucks, delivery trucks, transit buses, school buses, locomotives, marine engines, mining equipment, and other diesel-powered emission sources. The implemented technologies include diesel oxidation catalysts, diesel particulate filters, diesel multi-stage filters, closed crankcase ventilation systems, auxiliary power units, direct-fired heaters, engine repowers, and diesel hybrid vehicle replacements.

As a major part of our efforts in the MCDI, the Agency has coordinated project development and implementation for both of these programs with the members of the Illinois Clean Diesel Workgroup. In 2008, the Agency and Workgroup identified 14 fleet projects to submit for the U.S. EPA's 2008 Clean Diesel Competitive Grant under the Diesel Emission Reduction Act (DERA). This $678,604 grant was awarded, with projects totaling more than $1.3 million after applicant matches. These projects are completed or are still in progress. In April 2009, the Agency and Workgroup submitted a competitive grant application under the American Recovery and Reinvestment Act of 2009 (ARRA) that was approved for nearly $4.2 million, with projects totaling over $6.7 million. These 21 ARRA projects will implement 675 clean diesel vehicles, engines, and off-road equipment throughout the state, starting in September 2009. In addition, the Workgroup members continue to assist the Agency in seeking project applications for the 2008 DERA State Allocation funding ($438,600), the 2009 ARRA-DERA State Allocation funding ($1.73 million), and the upcoming 2009 DERA state allocation funding. In addition, the Agency has been awarded $886,000 in Supplemental Environmental Project (SEP) funding and $2.2 Million in Congestion Mitigation and Air Quality (CMAQ) funding for clean diesel projects in the Illinois Clean Diesel Grant and Illinois Clean School Bus programs. Furthermore, the applicants have provided matching funds of nearly $5.5 million towards these projects, for a total of $15.3 million that will be spent for clean diesel projects in the two programs.

In addition to the ARRA funded projects in 2009 the Agency along with U.S. EPA completed a $60,000 pilot project grant with the Illinois Toll Highway Authority. The grant of $60,000 was used to retrofit 40 off road diesel vehicles with Diesel Oxidation Catalysts (40% reduction) and Cummins Emission Solutions Partial Continuous Regeneration Technology (50% reduction).

Agency staff will continue to work closely with the U.S. EPA Region 5 staff, the members of the Illinois Clean Diesel Workgroup, and our project participants with regards to project development and implementation, reporting requirements, and in seeking innovative and effective opportunities for clean diesel projects.

B. Waukegan Harbor [continued]

Contaminated sediments are a major impediment to delisting Waukegan Harbor as a Great Lakes AOC and may directly impact the following beneficial use impairments: restrictions on dredging, restrictions on fish and wildlife consumption, and degradation of benthos. However, there is an immediate opportunity for U.S. EPA, Illinois EPA, the U.S. Army Corps of Engineers, and local stakeholders to cooperate on a sediment remediation project in Waukegan Harbor. The Great Lakes Legacy Act and/or the Water Resources Development Act provide the potential opportunity to bring a significant amount of federal funds to assist in remediation of Waukegan Harbor. However, to make use of these funding sources in a timely manner (Great Lakes Legacy Act funding is authorized only through FY2008) will require tight coordination between the state, federal, and local agencies on technical, policy, permitting, and funding issues.

Result: Illinois EPA continues work with U.S. EPA, to determine feasible and appropriate remediation actions for the restoration of beneficial uses of Waukegan Harbor.

Illinois EPA staff continues to provide project updates to the community at the monthly meetings of the Waukegan Harbor Citizens Advisory Group. In addition, community relations staff has prepared educational materials and packets to be used by the Citizens Advisory Group in raising awareness among local residents and officials of environmental remediation needs at Waukegan Harbor.

C. Carbon Sequestration [continued]

Deep well injection of CO2 is one of several promising technologies for stabilizing atmospheric greenhouse gas concentrations. It involves the capture and underground storage of CO2 from large emission sources such as power plants. To develop and research this technology, US DOE has selected seven regional partnerships nationwide. Region 5 is home to two of these partnerships, one of which, the Midwest Geological Sequestration Consortium (MGSC), is based in Illinois.

The MGSC is working to assess the potential for geologic sequestration of CO2 in the Illinois Basin. The Illinois Basin underlies most of Illinois and extends into southwest Indiana and Northwest Kentucky. In Illinois, it comprises deeply buried unminable coal seams, depleted oil and gas reservoirs, and deep, brine-filled rock formations. It also comprises the Mt. Simon Sandstone formation which is anticipated to have major significance because of its very large expected capacity and its proximity to existing and planned coal-fired power plants. For these and other reasons, Illinois was to be the location of the nation's first near zero-emissions fossil fuel fired power plant known as FutureGen, a federal initiative administered under the DOE and the FutureGen Alliance.

The initial goal of FutureGen was to build the world's first integrated sequestration and hydrogen production research power plant. Final plans have yet to be finalized for this project, which was to be located in Illinois. While awaiting a final decision on whether to move forward with such a plant, the DOE restructured and expanded the goal to include other existing and proposed projects across the county. This expansion will involve an increased workload for the Illinois EPA as projects planned for Illinois get underway. Currently, there are already several CO2 injection projects in Illinois. The Illinois EPA recently permitted a Class I well for injection of supercritical carbon dioxide at the Archer Daniels Midland Facility in Decatur, Illinois. This project is partially DOE funded and will provide crucial information about the suitability of the

Mt. Simon Sandstone for CO2 storage by injecting and monitoring one million metric tons of CO2 over three years.

In view of the importance of the carbon sequestration effort to both Illinois and the nation, Region 5 will provide the Illinois EPA with real-time, technical collaboration during the permitting process for CO2 injection wells. As such, The Illinois EPA should continue to keep EPA informed of CO2 projects they will be responsible for permitting. Region 5 will also enhance communications with Illinois EPA on regional and national issues as they evolve, particularly in relation to regulatory developments and policy changes. Region 5 and Illinois EPA will exchange information in an effort to expand regional experience with and expertise on carbon sequestration projects.

Information sharing and coordination among key regional stakeholders such as DOE funded research groups, state and federal regulators, and environmental groups is essential in shaping future direction of underground injection of carbon dioxide for sequestration or enhanced oil and gas production. Coordination specifically between the Illinois EPA and the Illinois DNR is key, particularly for enhanced oil recovery (EOR) projects that may transition to non-oil and gas related projects. Region 5 will continue to promote such coordination and information sharing between these various groups.

At the national level, EPA has proposed new UIC regulations which would create a Class VI category for underground injection of CO2. EPA expects to finalize this rule by late 2010 or early 2011. The Illinois EPA and Region V need to evaluate plans for implementation of the new Class VI regulations.

D. <u>Emergency Preparedness [continued Homeland Security]</u>

Enhancing inter-agency collaboration on emergency incidents compliments the respective mission assignments and assures conformance with the National Incident Management System. During period of this agreement, the Illinois EPA and Region 5 Emergency Response Branch will explore opportunities to improve response collaboration and to conduct appropriate After-Action reviews of joint responses.

Consequences of terrorist incidents and emergencies (natural and human-induced) have resulted in preparations of governmental COOP. The Illinois EPA has formulated a COOP to ensure continuity of essential governmental function essential to maintain public trust if any Illinois EPA facilities are threatened or inaccessible.

Uninterrupted communication with other State agencies or Federal partners is critical for situational sharing per the Illinois Emergency Operations Plan and the National Response Framework. Therefore, during the period of this agreement, the Illinois EPA and Region 5 will design and conduct a joint COOP exercise that focuses on inter-agency communications.

E. <u>Confined Animal Feeding Operations (CAFO) Permitting [new]</u>

The Illinois Citizens for Clean Air & Water (Illinois Citizens) submitted a Petition for Withdrawal of Illinois' authorized NPDES program in March 2008. The petition was submitted because the Illinois Citizens claim Illinois EPA has failed to fully implement the program for CAFOs, in particular that they have failed to require NPDES permits of CAFOs that discharge into waters of the State. In response to the petition, the Region has conducted visits at several of

Illinois EPA's Offices, as well as the Agency's central office. We are currently in the process of developing draft findings from our review. We expect to be able to share a draft report regarding our findings with Illinois EPA this fall. Based on the results of this review, EPA will either deny the petitions, or recommend commencement of proceedings to withdraw Illinois's NPDES program. While the petitions focus on Illinois' failure to implement the CAFO portion of its program, any action to withdraw the State's program would affect the entire NPDES program. We therefore propose to make resolution of the issues identified in our review a joint priority for Illinois EPA and the Region.

F. <u>Nutrient Joint Priority [new]</u>

Reduction of nutrients in Illinois, from both point sources and non-point sources, remains a high priority for both Region 5 and Illinois EPA. Region 5 urges development of nutrient TMDLs and adoption of nutrient criteria by Illinois and therefore, Region 5 would like to work jointly with Illinois EPA over the next year to identify and implement critical next steps that will maximize the likelihood of developing numeric nutrient criteria that can be adopted by Illinois and use a science-based approach to develop TMDL targets for several nutrient impaired watersheds.

In recognition of the keen interest of both agencies, Region 5 and Illinois EPA will work together to:

1) Identify and implement critical next steps to reveal stronger correlations to support numerical criteria;
2) Reexamine Illinois EPA's 2007 straw proposals for narrative nutrient criteria;
3) Develop implementation planning pilots to address nutrient impairments in watersheds where a "nine element" watershed based plan identifies sources and sets targets for reductions;
4) Optimize, align and target state (Section 319) and federal (Farm Bill) funding of agricultural BMPs;
5) Identify a methodology for interpreting narrative standards that could be used as a basis for developing permit limits;
6) Illinois EPA will develop and finalize a white paper on "what do we know about nutrients in Illinois", use it as a basis for stakeholder discussions, and develop an action plan for comprehensive nutrient reductions in Illinois.

III. MEDIA PROGRAMS AND OUTPUTS

A. Bureau of Air

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

Objective: Ozone and PM2.5 - On June 15, 2004, EPA designated the Chicago and Metro-East metropolitan areas as moderate non-attainment areas for the 8-hour ozone standard (0.08 ppm). The Clean Air Act established statutory deadlines for the state to prepare State Implementation Plan (SIP) revisions within 3 years of the designation (or by June 15, 2007). The SIP revision must contain sufficient control measures necessary to demonstrate attainment of the standard within 6 years of the designation (or by June 15, 2010). The Illinois EPA submitted its final attainment plan for the Metro-East area in June 2007, and submitted its final attainment plan for Chicago in March 2009. The Illinois EPA continues to prepare revisions to Illinois' SIP to address the required elements of the ozone implementation rule, including: Control Technology Guidance (CTG) controls that are currently due. Air monitoring for the 2007-2009 ozone season demonstrates that the State has attained the 0.08 ppm ozone standard.

Similarly, on April 5, 2005, EPA designated the Chicago and Metro-East metropolitan areas as non-attainment areas for the PM2.5 standards. Attainment SIPs are due to EPA within 3 years of the designation (or by April 5, 2008), and the deadline for attaining the standards is 5 years after the designation (or by April 5, 2010). The Illinois EPA continues to develop a control program to address a single nonattainment monitor in the Metro-East St. Louis region in Granite City. Monitoring results for the most recent 3 year period demonstrates that the State is attaining both the annual and new daily PM2.5 standards.

Specifically, the BOA is undertaking the following activities with regard to ozone and PM2.5:

- On June 14, 2007, the Illinois EPA signed a contract with Applus Technologies Inc. to continue On-Board Diagnostics (OBD) vehicle emissions testing in Illinois' non-attainment areas. This contract provides for testing through at least 2013, with the option of extending through 2015. The Illinois EPA anticipates including program revisions into the ozone SIP.

- On April 21, 2004, EPA published Phase II of the NOx SIP Call, requiring Illinois to establish rules setting the control levels for stationary internal combustion engines. The Illinois EPA developed a regulatory proposal after a comprehensive outreach process to meet this requirement. The Board completed rulemaking and the Illinois EPA submitted its final SIP revision to EPA.

- The Bureau submitted the 2002 and 2005 ozone and PM2.5 inventories for the Chicago and Metro-East non-attainment areas and for all attainment areas.

- Illinois EPA has completed negotiations with stakeholders to address BART, and will initiate consultations with Federal Land Managers prior to scheduling a public hearing for this SIP submittal.

- The Illinois Pollution Control Board has completed rulemaking on Consumer Products and AIM rulemakings and Illinois EPA's NOx RACT rulemaking. The Illinois EPA has submitted final rules to EPA to complete these requirements.

- 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 Air Pollution Action Days. BOA forecasts Air Pollution Action Days based upon weather information and notifies the Partners, the public and media, urging them to take actions to help reduce emissions of volatile organic material (VOM) and PM. 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. Federal funds have been received from the Congestion Mitigation Air Quality program to support our continued efforts of public education and outreach.

- Beginning June 1, 2007, the Air Pollution Action Day forecast criteria for PM2.5, was revised from a 40 ug/m3 daily average to a 35 ug/m3 daily value to accommodate the change to the PM2.5 NAAQS promulgated by USEPA in September 2006. On April 1, 2008, the Action Day forecast criteria for ozone was revised to 0.075 ppm in line with EPA's revised NAAQS. These changes are expected to increase the number of Action Days declared per year, but offers more consistency with surrounding states.

The Illinois EPA recognizes the importance of integrating local communities in its efforts to improve air quality and to timely meet the federal national ambient air quality standards. These efforts include significant public education and outreach, specifically:

- Paid radio advertisements throughout the summer featuring Breathe Easy Man. Breathe Easy Man makes appearances at approximately 25 festivals, events, and news shows throughout the Chicagoland area, carrying the clean air message especially to children providing giveaways to promote clean air featuring Breathe Easy Man, including temporary tattoos, coloring books, stickers, and other educational material.

- Dedicated website that provides up to date information about air quality, www.cleantheair.org. This website receives over one million hits each year. Blast fax and e-mail services to notify the media, PFCA and interested citizens of Air Pollution Action Day declarations.

- A summer-long campaign, Green Pays on Green Days, which enlists individual citizens in the Chicago area to help reduce air pollution. The program includes a contest offering individuals an opportunity to commit to reducing air pollution, (www.greenpays.org), and have the chance to win a Toyota Prius or other environmentally friendly product donated by our sponsors. The Illinois EPA will continue to co-sponsor the Green Pays on Green Days educational program with the PCFA organization in FY2010.

In April, 2009, the Bureau also joined the EnviroFlash challenge issued by EPA to increase awareness of the EnviroFlash program which delivers air quality forecasts directly to individual's email inboxes. Illinois was categorized in the largest metropolitan area, Category 5. At the end of the five week challenge, the Illinois EPA increased the number of EnviroFlash subscribers by more than 200%. The number of subscribers has continued to increase and there are now more than 300% over our starting membership in April. Individuals can receive air quality information for six regions in the state, Chicago, Rockford, Peoria, Springfield, Metro-East (St. Louis), and the recently added Rock Island-Moline area. The Bureau continues to reach out to residents throughout the State to increase the awareness of this air quality tool.

Objective: Title V Program Implementation - [**Note:** This program is not part of the Illinois EPA work plan for grant purposes, however, this program is a priority for both the Illinois EPA and EPA and a considerable amount of resources have been committed to administering this vital program.]

This element of the Clean Air program includes the significant permitting activities required by the Clean Air Act. The primary focus in FY2008 & 2009 was to complete issuance of all initial or first generation CAAPP permits and implement the Corrective Action Plan pursuant to the 2006 Title V Program Evaluation Report. By the effective date of this agreement, the Corrective Action plan completion report will be submitted. Illinois EPA has now issued initial Title V permits to 100% of the Title V sources. Illinois EPA will be directing attention to renewals of CAAPP permits, new initial source Title V permits and Significant Modifications.

- Air Toxics - Illinois continues to be an active participant in the implementation of MACT standards under Section 112 of the Clean Air Act. Illinois EPA participates in the Region 5/State Risk Assessment Workgroups that conducts quarterly conference calls.

  Illinois has adopted its own mercury control rule, 35 Ill. Adm. Code 255, effective December 21, 2006.

  Illinois has participated in the development of the National Air Toxics Assessment (NATA) air toxics inventory updates to keep the NATA prospective application current.

  Illinois established a national air toxics trend site (NATTS) at Northbrook on January 1, 2003, and air monitoring for selected air toxics continued throughout the calendar year. In June, 2008 the NATTS site was expanded to include polycyclic aromatic hydrocarbons (PAHs). The associated data is reported to EPA's AQS database. This monitoring will continue through calendar years 2009 and 2010.

- Compliance - Activities traditionally associated separately with field inspections and enforcement all comes under the larger umbrella of compliance. The Bureau will proceed to update and implement the compliance monitoring strategy plan 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 FY2000 and will be followed. Illinois continues the implementation of the High Priority Violation policy established in FY2000. Effective communications are being maintained between Illinois EPA and Region 5 on an ongoing basis through meetings and regularly scheduled conference calls.

  The BOA uploads compliance and enforcement information to meet EPA minimum data requirements according to the 2005 Air Facility System (AFS) Information Collection Request (ICR).

- 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 (SO2) and particulate matter (PM10). 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 Permit 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 enhanced deployment of speciation monitoring network to assess fine particulate matter (PM2.5) and regional haze. These efforts will continue in FY2010 and FY2011 in accord with the Bureau's resources.

Program Linkage to Environmental

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 cleaner (i.e., less pollution), and the impact of airborne pollutants on the quality of water and on plant life should be reduced.	
Environmental Objectives 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 ozone non-attainment areas. 2. Maintenance of 90% "good" or "moderate" air quality conditions in the two ozone non-attainment areas. 3. Maintenance of attainment status for existing NAAQS (NAAQS that have not been revised (e.g., sulfur dioxide, carbon monoxide, PM10) other than ozone and PM2.5, especially in urban areas. Ozone PM2.5 and lead: 1. Attainment of the 1997 8-hour ozone standard (85 ppb) by 2010. 2. Attainment of the PM2.5 annual standard regulates by 2010. 3. Attainment of the newly revised lead standard by 2016. 4. Attainment of the PM2.5 daily standard (35 ug/m3) in a timely manner.	*Environmental Indicators* Air Quality Index levels outside the ozone non-attainment areas.[1] Air Quality Index levels in the ozone non-attainment areas. Trends in monitored levels of each criteria pollutant other than ozone, and PM2.5. Trends in the relationship between the 8-hour ozone (0.08 ppm) and PM2.5 standards. Trends in achieving the 3-month lead average.
Program Objectives 1. For the Chicago ozone non-attainment area, 2010 and 2011 total ozone season weekday VOM emissions will be at or below 750 tpd.	*Program Outcome/Measures* Seasonal VOM emissions in the greater Chicago ozone nonattainment area by sector. Seasonal VOM emissions in the Metro-East

1 The Air Quality Index, which replaced the Pollutant Standards Index, includes the 8-hour ozone and PM2.5 standards. It also includes six categories of air quality: good; moderate; unhealthy for sensitive groups; unhealthy; very unhealthy; and hazardous.

2. For the Metro-East ozone nonattainment 2010 and 2011 total ozone season weekday VOM emissions will be at or below 80 tpd. 3. Reductions in emissions of hazardous air pollutants. 4. Minimize the number of days of violation at high priority sources.	ozone nonattainment area by sector. Trends in hazardous air pollutants emissions as reported through the National Toxics Inventory. Average number of days for significant violators to return to compliance or to enter into enforceable compliance plans or agreements.

Performance Strategies - Performance strategies include the day to day activities performed by the Bureau that ensure that our environmental goals and program objectives and outcomes are being met. The performance strategies are described below as program activities and support our efforts to attain the 8-hour ozone (0.08 ppm) and PM2.5 standards (annual and daily).

Ozone and PM2.5 - Portions of Illinois are not in attainment for the 8-hour ozone (0.08 ppm and PM2.5 standards (Chicago and Metro-East St. Louis). 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 state implementation plan (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 2010 and 2011 ozone seasons. Additionally, we will participate in ozone forecasting and mapping projects.

- Planning - Illinois EPA has submitted the 2002 and 2005 annual statewide emission inventories of major sources, including ozone precursors in NET format. Illinois has begun preparing the statewide emissions inventory, including ozone and PM2.5 percursors for 2008. Illinois EPA will continue to participate in multi-state efforts to develop ozone and PM2.5 modeling analyses to support future attainment demonstrations.

  The Bureau filed VOM RACT Group II rules (Consumer Products) with the Board on July 9, 2009. BOA will file VOM RACT rules for Groups III and IV in 2009 and 2010.

- Mobile Source Programs - Illinois EPA continues to enhance existing programs such as the, On-Board Diagnostics-based, vehicle inspection and maintenance program, promote both current and new programs and initiatives for clean vehicles and fuels, and reducing emissions from conventional vehicles. These mobile source programs include the Illinois Clean School Bus Program, Illinois Alternate Fuels Rebate Program, Illinois Green Fleets Program, Tank Truck Certification Program, the Stage I and Stage II Vapor Recovery programs and our involvement with the Chicago Area Clean Cities coalition (in coordination with the City of Chicago) and the Partners for Clean Air. In addition, the Illinois EPA has been promoting E-85, biodiesel, natural gas, propane, electric vehicles, hybrids, and non-idling policies and equipment, and continues to work with fleets and individuals.

The newest program launched in January 2009 is the Illinois Clean Diesel Grant Program. This program supplements the existing Illinois Clean School Bus Program and provides clean diesel grants to all types of diesel vehicles and equipment, including over-the-road trucks, delivery trucks, transit buses, locomotives, mining equipment, and marine engines. Engine repowers were amongst the type of new retrofit options that the Illinois EPA included in this program during the past year. This new program was developed in response to the successes of the EPA with its National Clean Diesel Campaign and Midwest Clean Diesel Initiative. The Illinois EPA is a co-chair of the Midwest Clean Diesel Initiative Leadership Group. Agency staff has also coordinated the communication and activities of the Illinois Clean Diesel Workgroup (Workgroup). The Workgroup has worked with fleet managers and vendors to identify projects for inclusion in the Agency's state allocation workplans and competitive grant applications. The funding for both the Illinois Clean School Bus Program and the Illinois Clean Diesel Grant Program have come from EPA competitive clean diesel grants and EPA state allocation funding through the National Clean Diesel Campaign, along with Congestion Mitigation and Air Quality (CMAQ) funding and several State supplementary environmental projects (SEPs). The BOA continues to work in completing its 2008 competitive grant projects. The Illinois EPA will continue these programs for FY2010 and 2011 as funding sources allow.

The Illinois Alternate Fuels Rebate Program continues to grow. For the 2008 program year, over $727,000 in rebates were issued to 1,586 applicants for 1,768 alternate fuel vehicles. This represents Illinois' largest "rebate cycle" in the ten year history of the program. While many of these vehicles were given rebates for E85 and biodiesel fuels, there was an increasing number of natural gas, and electric vehicles receiving rebates due to high gasoline prices in 2008. The total amount of rebates issued is now over $4 million for the program.

Title V Program Implementation - Illinois EPA will continue to focus on its rate of issuance of Clean Air Act Permit Program (CAAPP - Illinois' Title V program) renewal permits.

Illinois EPA will continue to address the areas identified as needing improvement in the 2006 Title V program evaluation report and as addressed in the Corrective Action Plan. The Corrective Action Plan covers areas such as Statement of Basis, non-applicability statements, periodic monitoring and permit shields. Illinois EPA will also dedicate a portion of resources to issue initial Title V permits for new sources and to address Significant Modifications.

Illinois EPA will continue to post draft and proposed permits to the EPA website such that EPA may continue to provide comments, and Illinois EPA will provide an appropriate responsiveness summary.

Illinois EPA will enter data into TOPs by January 31 and July 31 of each year. The Bureau of Air and Region 5 will jointly determine and address any required revisions to the Title V program and any permitting issues. Illinois EPA will alert EPA to any permitting actions of significant public interest.

PSD/NSR Permitting: Illinois EPA will process construction permit applications, including PSD and New Source Review applications, as appropriate, and will provide EPA with an electronic copy of the permit application on or before the date the public comment period begins on a draft permit. Illinois EPA and EPA will continue to hold monthly permit program calls and New

Source Review permit calls for issue resolution and information sharing. The Illinois EPA will continue to process applications for proposed major projects subject to the PSD rules, 40 CFR 52.21, on behalf of EPA pursuant to the existing delegation agreement with the following exception. As related to consultation under the federal Endangered Species Act (ESA), consultation with the USFWS for the planned issuance of permits for proposed projects will be performed by EPA, working directly with applicants for proposed projects. The Illinois EPA will instruct applicants to directly contact EPA to initiate EPA's ESA review and consultation. The Illinois EPA and EPA will attempt to coordinate their respective roles in permitting so that ESA consultation is handled in an efficient and timely manner and that the ESA consultation process does not unduly delay the issuance of PSD permits. The Bureau will also continue to timely update the RACT/BACT Clearinghouse.

Air Toxics

- Climate Change - Both Illinois EPA and EPA are tracking and taking appropriate actions on national, regional and local levels on climate change. Both agencies have committed to an open exchange of information between the agencies as a top priority. EPA will continue to have conference calls every other month involving the Region V states that provide updates and information on current climate change issues and allow an open exchange of information. Illinois EPA will continue to actively participate in these calls.

- Section 112 Implementation - Illinois EPA continues to be an active participant in the implementation of standards under Section 112 of the Clean Air Act (e.g., MACT, area source NESHAPs). Illinois EPA has delegated authority for implementation of these regulations. Illinois EPA will continue to provide outreach, education, and other assistance to affected sources primarily through the Small Business Environmental Assistance Program. Illinois EPA will continue to implement these area source regulations to the best of its ability as resources and funding allow. Illinois EPA recently sent a letter of support regarding the Region V Environmental Results Program which is designed to support the initial phases of implementing the Paint Stripping and Miscellaneous Surface Coating area source NESHAP.

- Clean Air Mercury Rule - The Illinois mercury rule, 35 Ill. Adm. Code 225, was finalized on December 21, 2006. On February 8, 2008, the United States Court of Appeals for the District of Columbia Circuit vacated the federal CAMR. The Illinois mercury rule is separate from the federal CAMR and therefore the vacatur of CAMR had minimal impact on the Illinois rule. However, this court action raised concerns regarding the status of certain federal provisions dealing with the monitoring of mercury emissions. Given the uncertainty surrounding federal mercury monitoring provisions, the Illinois EPA determined that a revision to the Illinois mercury rule was appropriate. The revisions focused on the methods used to measure or monitor mercury emissions, and did not include any revisions to the control standards themselves. The Illinois mercury rule was amended to allow a source to demonstrate compliance for a three year period using stack testing. The Illinois mercury rule remains in full effect and all Illinois companies began complying with the rule on July 1, 2009.

- Monitoring - In calendar year 2008 and 2009, air toxics data was collected through the PAMS, NATTS, NAMS/SLAMS, NCORE and SPMS networks and all associated data was reported to AIRS according to the schedule provided in 40 CFR Part 58. Air sampling for toxics continued at two sites in the Chicago area, Northbrook (NATTS) and Schiller Park, in

the Chicago area. The data for the 18 compounds identified by EPA as the target "Urban Air Toxics" and as established for their National Trends Network was submitted to AIRS. The monitoring network will be continued in calendar year 2009. The monitoring of polycyclic aromatic compounds (PAHs) began at Northbrook on June 1, 2008, as an expansion of the NATTS program.

- Regional Air Toxics Priority Project - Illinois EPA and EPA discussed the possibility of working together on a regional project involving obtaining and reviewing air toxic emissions from targeted facilities in an area where there are possible toxic concerns. EPA is using available tools and databases (e.g., inventory information, NATA) and will propose potential facilities for the project may submit a draft proposal for discussion to Illinois EPA in the future. Initial work will involve verifying toxics emissions information for any selected facilities.

- National Air Toxics Assessment (NATA) - In June 2009, EPA released the newest NATA, based on 2002 data. This assessment offers modeled concentrations, exposure, and health impacts down to the census tract level and is the most comprehensive screening evaluation of air toxics since it is based on emission estimates from all sources, including mobile sources. It is a good starting point from which to begin more refined assessments. NATA is considered more refined and comprehensive than assessments based on toxic emissions derived solely from such sources as the Toxics Release Inventory.

- Great Lakes Project - Illinois' portion of the 2005 inventory was completed in April 2007. The final report of regional data is being compiled by the Great Lakes Commission and has not been finalized as of this date. Illinois continues to participate in the on-going discussions regarding the inventory compilation and the design of the new RAPIDS 3.x software.

- Mercury Initiative - The monitoring for mercury at the National Air Toxics Trend Site (Northbrook) commenced on January 1, 2002, and continues.

- Inventory - As resources allow, Illinois will seek to submit 2008 point and area source HAP emissions data to EPA's National Emissions Inventory in 2010. Illinois will review the draft 2008 NEI during the review period July 2010 through October 2010.

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

The Illinois EPA submitted the FY09 Compliance Monitoring Strategy (CMS) plan for Title 5 major and synthetic minor sources to the EPA on September 30, 2008. The Illinois EPA will submit the FY2010/2011 Compliance Monitoring Strategy (CMS) plan for Title 5 major and synthetic minor sources to the EPA by September 30, 2009. This plan will be updated as necessary in FY2011.

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, Emissions Reduction Market System (ERMS) participants, other large emitters,

asbestos demolition and renovation projects, complaints and enforcement follow-up investigations, and complicated emitters. As FY2009 proceeds and continuing in FY2010/2011, 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, gas stations, asbestos removal activities and complaint investigations.

The Compliance Section of the Bureau of Air will facilitate the comprehensive and effective compliance activities of the Bureau of Air. The Section will appropriately support any state, federal or joint state and federal initiatives as allowed by resources. The Section will appropriately support routine compliance activities that yield information regarding a source's compliance status as allowed by resources. Specifically, the Section will pursue noncompliance identified through inspections, permit reviews, records reviews, emissions testing and monitoring reviews, or any other activities. Additionally, the Section will ensure compliance with the ERMS rule, and will oversee the Illinois portion of the CAIR NOx trading program.

Enforcement and Compliance Reporting

Upload compliance and enforcement information to meet U.S. EPA minimum data requirements according to the 2005 Air Facility System (AFS) Information Collection Request (ICR). Ensure the information provided is complete, accurate and timely consistent with U.S. EPA policies and the ICR.	ICR, July 2005	Within 60 days as required by ICR	Submit electronically to AFS
• Report for all stack tests conducted, the date and the result of the stack test.	MDRs for CAA Stationary Source Compliance, April 1998	Within 60 days as required by ICR	Submit electronically to AFS
• Report for all Title V Annual Compliance Certifications, the date due, date received, date reviewed, whether deviations are reported and the results.			
• Report, track, and link actions within the High Priority Violations (HPVs) pathway in AFS for sources identified as HPV's.			
• Report any source with a formal enforcement action initiated that has been assigned a real identification number in Illinois EPA's internal tracking database system.			
• Prepare enforcement cases in accordance with Illinois EPA policies, rules and guidance and U.S. EPA Timely & Appropriate (T&A) Enforcement Response to HPVs policy, Clean Air Act (CAA) Stationary Source Civil Penalty policy and Implementation Strategy for Revised Asbestos NESHAP guidance.	415 ILCS5/ Environmental Protection Act Title VIII:Enforcement,T&A HPV Policy, CAA Civil Penalty Policy, Revised Asbestos NESHAP Guidance	Ongoing	Ongoing

• Participate in enforcement conferences and follow-up on the requirements of the agreed settlement.	415 ILCS5/ Environmental Protection Act Title VIII: Enforcement	Ongoing	Ongoing
• Develop a final Compliance Monitoring Strategy (CMS) plan to submit to U.S. EPA by September 30th.	CMS Policy, April 2001	Every two years	Submit via U.S. Postal mail or email
• Conduct & report full compliance evaluations (FCEs) at all Title V major sources once every 2 years & synthetic minor sources that are at or above 80% of major source thresholds once every 5 years. Mega sources will be identified in the CMS plan and a FCE of those sites will be conducted once every 3 years. • In those years when a FCE is not conducted, a review of Title V annual compliance certifications and the underlying reports supporting those certifications should continue.	CMS Policy, April 2001	Every two years	Submit via U.S. Postal mail or email
• Review results of the CMS plan activities and update.		As necessary	
• Respond to complaints including those referred from U.S. EPA. Inspections will be conducted where necessary.	Delegation Agreement 40 CFR 51.324-327	Ongoing	Submit follow-up via U.S. Postal mail or email
• Submit reports to U.S. EPA on asbestos demolition/renovation notifications submitted by owner/operator, compliance evaluations conducted and enforcement actions initiated by Illinois EPA. The report will be submitted alphabetically by owner/operator and include	Delegation of the Revised Asbestos NESHAP, 40 CFR Part 51, 4.9 Reporting	Quarterly	Submit via U.S. Postal mail or email

the total number of asbestos demolition/renovation notifications received, Violation Notices, CCAs, Referral to AGO, State Court Orders and penalties assessed.			
• Participate in compliance and enforcement conference calls with U.S. EPA to discuss program progress, compliance and enforcement issues, HPVs and data reporting.	PPA	Monthly	Conference line

Base Programs and National/Regional Priorities - The base programs are those areas of the air program that continue day to day to ensure 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 EPA or Region 5 has identified as deserving of particular attention.

- Air Monitoring - The Bureau of Air will compile an air quality database sufficient to meet program needs and EPA's requirements provided funding remains sufficient to cover operations. In 2010, the lead monitoring program will be expanded to meet the requirements for source-oriented monitoring. Efforts will continue 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 - The Chicago area has attained the 1997 PM2.5 standards and EPA intends to make a “clean data” finding. This finding will make several pending SIP elements unnecessary (attainment demonstration, RACM, and RFP). The Bureau is continuing to pursue control measures to resolve local-scale PM2.5 nonattainment issues in the Metro-East area.

- Regional Haze/BART - The Bureau of Air has worked with the Lake Michigan Air Directors Consortium and 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 Illinois EPA has completed negotiations with all BART-affected sources in Illinois and initiated consultations with Federal Land Managers. A public hearing on the proposed SIP submittal will be here prior to this submittal.

- Mobile Source Programs - The Bureau of Air will continue its key mobile source programs addressing vehicle emissions testing and gasoline vapor recovery.

  As mentioned previously, the Illinois EPA has recently executed a contract to continue On-Board Diagnostics-based vehicle emissions testing through at least 2013

Additionally, the Bureau will continue to promote and advance the Stage I and Stage II gasoline vapor recovery programs at retail gasoline stations, and the Tank Truck Certification program for fuel trucks accepting fuel loads at terminals and delivering fuel at gasoline stations. The Stage I and II programs include nearly 2,400 gasoline stations in the Chicago nonattainment area. The Illinois EPA recently updated its forms and inspection processes to provide greater inspection efficiencies for the Illinois Department of Agriculture, the City of Chicago, and Cook County who conduct these inspections on our behalf. A new procedure was put into place for the reporting and ranking of violations, which will increase the frequency of re-inspections and follow-up. The Truck Tank program includes 400 companies and over 3,300 tanker trucks statewide, with some of the companies and trucks coming from out-of-state.

- Data Management - Data management is 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, monitoring, and other programs. The Bureau of Air will submit ambient air quality data as required in 40 CFR Part 58.

  - 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.
  - ICEMAN and ERMS - An upgrade of the Oracle software will be completed for both ICEMAN and ERMS. This upgrade will provide better operability and reliability and present a new and updated interface to all users.
  - Annual Emissions Reports (AERs) Reporting - The Bureau of Air will continue to collect and maintain all relevant data, including HAP and ozone season data. The Illinois EPA will implement a new application to allow AERs to be submitted electronically. This application will rely on the State of Illinois and the Illinois EPA digital signature infrastructure and meet all CROMERR requirements. The application for approval of this application under CROMERR will be submitted prior to the deadline of January 13, 2010.Agency Compliance and Enforcement System (ACES) – In cooperation with other parts of Illinois EPA, we hope to expand ACES as soon as possible.
  - Asbestos Program - The BOA will implement a new application to allow Asbestos Renovation/Demolition forms to be submitted electronically. This will speed the notification process and reduce potential errors from handling large quantities of paper forms.

- Community Outreach - The Bureau of Air is committed to involving the public (citizens, community leaders, and company representatives) in 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.

- Environmental Justice - The Bureau of Air (BOA) has a system in place to notify the Environmental Justice (EJ) Office of upcoming projects in potential EJ areas to ensure conformance with the Agency EJ Policy. The Bureau copies the EJ Officer on public notices

for projects in EJ areas when the notice is sent to Illinois Press Association for publishing. The Permit Section develops monthly reports for the EJ Officer and Associate Director that lists projects in EJ areas that go to notice each month. This meets and exceeds coverage of types of air permits subject to the EJ Policy document and will include all types of projects that would generally involve notifying the EJ Office. Periodic reviews of the effectiveness of the monthly reports and notices will be conducted. The BOA, in consultation with the EJ Officer, will utilize the EJ Policy in processing of the permit applications.

- State Review Framework - The Bureau of Air agrees to work closely with Region 5 to improve areas noted in the State Review Framework (SRF) that is currently underway.
- National/Regional Priorities - As appropriate and as resources allow, Illinois EPA will participate with Region 5 in performing audits of CEMS. Region 5 will help the state in its participation on a national level in the development of policies addressing ozone and fine particulate, and improve the effectiveness of the Title V permits. Illinois EPA is working with the Lake Michigan Air Directors Consortium and Midwest Regional Planning Organization (LADCO) and other Midwestern states and organizations to review options and strategies that require further emission reductions (e.g., NOx, SO2, and VOCs) beyond those required by existing regulatory efforts.

Clean Air Program Resources

Federal Resources	55 FTE
State Resources	234 FTE
TOTAL	289 FTE

Federal Role - The Region 5 Air and Radiation Division (ARD) commits to support the Bureau of Air in 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 EPA 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 no later than six months from the date of submittal, with the goal of completion in 60 days. 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 including the recently vacated boiler MACT, 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. Region 5 EPA will continue to educate the general public about burn barrel hazards and waste reduction opportunities. Finally, ARD is committed, as part of the Regional workplan, to continue to conduct a screening analysis proceeded by a refined analysis and/or mitigation activity for at least one geographic area in each state (Community Air Toxics Regional Priority/Challenge). Region 5 envisioned that these projects would be conducted with full engagement of the states in order to help build the community component of State and Regional air toxics programs, as staffing in the BOA allows. Region 5 understands that Illinois EPA is understaffed. Region 5 would like to work in cooperation with Illinois EPA on the Community Air Toxics Regional Priority/Challenge project in Illinois as afforded by Illinois EPA resources. However, should Illinois EPA not be able to acquire staff or engage in the Community Air Toxics Regional Priority, Region 5 would proceed with the analyses and/or mitigation while keeping frequent and open communication with Illinois EPA so that they are informed about the status of the effort and have an opportunity to provide feedback as appropriate.

EPA 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 non-attainment area.

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

a) Ozone

- Assist Illinois in the implementation of the new MOVES 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, and the State Implementation Plan.
- Work with the state to continue implementing and improving upon the existing Ozone Mapping System.
- Act on SIP submissions and redesignation requests and after designations are final, including the PM 2.5 designations in 2009, begin working with states on their attainment plans.

b) Title V

- Facilitate timely resolution of permit issuance rate and effectiveness impediments identified with the Illinois EPA.
- 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 the Illinois EPA and EPA Headquarters to streamline Title V where national opportunities exist and where state-specific efforts are feasible. Provide technical assistance as requested by the Illinois EPA for issues such as applicability determinations.

- Review a broad range of draft permits consistent with the Permits Memorandums of Agreement and Understanding 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 Illinois EPA 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.
- As soon as practical, 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 EPA has identified significant public interest or a concern over environmental justice;

  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 EPA has been submitted, pursuant to Section 505(b)(2) of the Clean Air Act.

- Work with Illinois EPA to update the existing document that forms the statement of basis to more closely reflect current requirements.

c) Air Toxics

- Provide assistance in implementing MACT. In particular, provide assistance in any applicability determinations and control requirements of the NESHAPs.

- 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.

- Provide technical assistance on air toxics program issues or concerns.

d) Compliance Assistance and Enforcement

- EPA has national initiatives related to coal-fired utilities and NSR issues, cement plant NSR issues, glass plant NSR issues, acid plant NSR issues, refinery consent decree compliance, MON LDAR sources, and flaring issues. Regionally, EPA will continue to issue warning letters for complaints received for alleged violations under Title VI, Section 608 and 609 Refrigerant Recycling requirements.

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 Illinois EPA to implement Lake Michigan PAMS data analysis plan.

- Work with the Illinois EPA in reviewing and approving annual NAMS/SLAMS network plans, including the NCore site deployment and the implementation of lead monitoring as required in 2010 and 2011.

- 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 and air toxics monitoring. Assist Illinois EPA in conducting PM2.5 data analyses.

- Work with the Illinois EPA to implement the National and Regional Monitoring Strategies including NCore and the development of a 5-year monitoring plan in 2010.

- Work with the Illinois EPA to ensure data completeness in AQS.

- Encourage Illinois establish a training program for the new monitoring technologies, including, but not limited to, NCore level 2 trace gases and toxics. Region 5 may do this by requiring it in the 103 workplan for PM 2.5, and toxics and we may provide/identify funding in the grant for this purpose.

f) <u>Permitting (other than Title V)</u>

- 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 Illinois EPA for issues such as applicability determinations.

- Review draft permits consistent with the Memorandums of Agreement and Understanding, 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.
- Work with PSD Applicant and FSW to initiate consultation process as required by the Endangered Species Act.

g) 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 Illinois EPA 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 EPA and will continue to assure access for these contacts to federal documents, information and other resources that become available.

h) <u>Public Outreach and Education</u>

- Continue to support the Air Pollution Action Days and Partners for Clean Air programs through mailing of materials and other outreach activities.
- Continue participation as a partner in the “Partners for Clean Air” organization.
- 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 Air Pollution 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 Illinois-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 1999 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 EPA'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.

- 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 permit renewals 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. EPA continues to develop source listings under regulatory development (i.e., Supplemental Enforcement Projects, etc.). This information should be available to Illinois to enhance source inventory data.

b) 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. Bureau of Land

Program Description

The Bureau of Land (BOL) implements the Clean Land Strategic Plan Priority. 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 eight BOL programs.

Community outreach is fundamental to the Clean Land Strategic Plan Priority. The Bureau of Land coordinates with the Illinois EPA Office of Community Relations to ensure that potentially impacted citizens receive timely and accurate information on sites managed under the Bureau of Land regulatory and remediation programs. This outreach occurs through fact sheets, regulatory notices, public hearings, public meetings and public availability sessions.

In addition to the Mid-Year Performance evaluations, the Bureau of Land will participate in the State Review Framework (SRF) program with Region 5, which consists of enforcement data and file review evaluations. At this time, Bureau of Land and Region 5 are in Round 2 of the SRF process. Bureau of Land will work with Region 5 to correct areas of concern and implement recommendations for deficiencies identified during the SRF process. Of significant concern is an SRF funding of Bureau of Land's low significant non-complier rate identification.

Objective: Hazardous Waste Management

- *Permit facilities that treat, store, and dispose of hazardous waste*. 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 FY10 and FY11, BOL will continue to work with Region 5 to take final action on a draft permit for Veolia RA (Sauget, Illinois).

- *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.* Below are the Illinois EPA's RCRA compliance monitoring and enforcement commitments for FY10 and FY11. The projections for FY11 will be reviewed, modified (if necessary), and finalized as commitments by September 1, 2010 after reviewing the updated FY10 TSDF and LQG universes and federal funding level.

  Compliance Evaluation Inspections (CEI) – 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, pursuant to Section 31 of the Environmental Protection Act, which is documented in the Illinois EPA's Enforcement Management System (EMS) document.

  Over the time period including FY10 and FY11, BOL will conduct CEIs at all TSD facilities in the operating universe. During FY10, BOL will conduct 18 CEIs at TSD facilities that are in the current RCRAInfo operating universe as of October 1, 2009,-USEPA Region 5 will conduct a CEI at 3 facilities that are in the current RCRAInfo TSD operating universe. BOL has identified 53 TSD facilities that have an approved RCRA groundwater-monitoring

program. BOL will conduct 23 OAM inspections within this universe of 53 facilities during FY10, with the remainder to be inspected during FY11.

BOL has determined that the current universe of RCRA LQGs in Illinois is 703, based on current RCRAInfo data and our most recent annual report data. Therefore, 20% of that universe is 141. BOL's annual report data is the most accurate source of information available to determine the inspectable LQG universe in Illinois. BOL will conduct CEIs at 105 of these LQGs that have never been inspected and 91 that have not received a CEI in the past 4 years. USEPA Region 5 has agreed to conduct CEIs at 6 of these known LQGs in Cook County. The LQG inspection initiative identified above represents a total of no less than 202 LQG CEIs conducted in Illinois during FY08, with no less than 196 of those inspections conducted by Illinois EPA. BOL will re-evaluate the RCRA generator universes in June of 2010 to determine the work effort for FY11.

During FY10, BOL will also conduct a CEI at 296 generators that are currently identified in RCRAInfo as SQGs. These SQGs were selected based on a variety of criteria, including those with more recent notification or compliance data, those with past violations, and those located in areas where there are little or no LQGs. BOL anticipates conducting a similar effort during FY09.

All violations discovered by BOL will be addressed in accordance with the USEPA's *Hazardous Waste Civil Enforcement Response Policy* (dated December 2003; effective February 15, 2004).

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. As necessary, BOL will conduct observation/training inspections with new Region 5 inspectors for the purpose of providing training and education.

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

BOL represents the 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.

Combustion Initiative - BOL will verify the safety and reliability of hazardous waste combustion in conjunction with the *Combustion Initiative*. Two Compliance Evaluation Inspections will be conducted at the Veolia (formally Onyx Environmental Services – Sauget) facility.

- *Review and approve closure plans for units where waste management facilities once stored, treated or disposed of hazardous waste*. Currently BOL has 96% (54 of 56) of the Government Performance & Results Act Baseline Post-Closure Universe with "approved

controls in place." 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).

For FY10 and FY11 BOL will continue in its efforts to work with USEPA and develop a plan for getting the remaining two (2) facilities that do not have approved controls in place on the Government Performance and Results Act Baseline Post-Closure Universe under control.

- *Review and reissue RCRA Part B operating permits in response to renewal applications.* The 2011 Government Performance Results Act Baseline has established 24 permits in the permit renewal universe for Illinois. This list includes all RCRA Part B operating and post-closure care permits that have expired or will expire through FY11. BOL will ensure the USEPA established goals for those permits on the 2011 Government Performance Results Act Baseline Permit Renewal Universe will be reissued, clean closed, or have a post-closure permit issued by the end of FY11.

  Currently, 13 % (3 of 24) of the 2011 Government Performance Results Act Permit Renewal Universe have been reissued, clean closed, or have a post-closure permit issued. Prior to the end of FY09, BOL will provide USEPA with a summary of RCRA permit activities being scheduled for FY10.

- *Require investigation and cleanup of releases at hazardous waste management facilities.* USEPA has identified 154 facilities in Illinois where it is a high priority to implement and essentially complete RCRA corrective action. This universe of sites is referred to as the "GPRA Baseline for RCRA Corrective Action." It is Illinois EPA's and USEPA's goals to have remedies constructed at 95% of the baseline facilities by 2020.

  Region 5 and Illinois EPA have established the following goals which are to be achieved by the end of FFY11 for the facilities on the GPRA Baseline for Corrective Action:

  - Human exposures are under control at: (1) 65% of all the facilities on the baseline; and (2) 96% of the highest priority facilities in the baseline.
  - The migration of any contaminated groundwater at a facility is under control at: (1) 55% of all the facilities on the baseline; and (2) 82% of the highest priority facilities in the baseline.
  - Remedies are selected at 34% of the baseline facilities.
  - Remedies are constructed at 31% of the baseline facilities.

In addition to working on the GPRA Corrective Action Universe, Illinois EPA is also responsible for overseeing corrective action at all facilities that received a RCRA permit from Illinois EPA after 1990, some of which are not in this universe (including those facilities being issued a renewal permit). Thus, Illinois EPA will also continue working on corrective action at these facilities as well.

- *Illinois will continue to adopt RCRA rules promulgated by USEPA in a timely manner.* The Illinois Pollution Control Board (Illinois PCB) is responsible for rulemaking. Illinois EPA will continue to review proposed rulemakings issued by the Illinois PCB and provide comments on all proposed rules as necessary.

  Illinois EPA will continue to submit Authorization Revision Applications (ARA) in accordance with the federal schedule established by USEPA. Final action on ARAs has been held up over the past 12 years due to several statutory issues identified by USEPA. However, with the repeal of the audit privilege law, Illinois EPA and Region 5 are moving forward with final action on ARA 8a, which we anticipate occurring during FY10. BOL will submit ARA 9 in FY 2010. The contents of that application will be determined by discussions between Region 5 and Illinois EPA RCRA staff. In addition, Illinois EPA will continue to work with USEPA and the state legislature toward resolution of the Proportionate Share Liability statute, which is the last remaining statutory issue affecting the authorization process.

- *Financial Record Reviews (FRR)* - BOL will conduct financial assurance reviews to verify compliance status with the RCRA financial assurance (40 CFR 264 and 265, Subpart H) requirements. Sites with compliance problems that do not result in conditions that may present an imminent and substantial endangerment to health or the environment (i.e., sites that have financial assurance but may be missing some of the required paperwork) may receive a "3007 Request for Information" that is coordinated with Region 5. Sites that either do not have financial assurance or do not have adequate financial assurance will receive a Violation Notice and enforcement actions when appropriate pursuant to Section 31 of the Environmental Protection Act and consistent with Hazardous Waste Civil Enforcement Response Policy.

Objective: Non-hazardous Solid Waste Management
Underground Injection Control Program - The resources available to the Illinois EPA for the administration of the Underground Injection Control Program remain insufficient to fully address all aspects of the program**.** As a result, the measures listed below will be implemented to the extent resources allow.

The work of the UIC program supports the USEPA national goal of "Clean and Safe Water" and USEPA Region 5, Water Division Goal of "All people in Region 5 served by public water supplies have water that is consistently safe to drink." The main objective of the UIC program is to protect USDWs from contamination as the result of underground disposal of waste fluids through injection wells. To this end, Illinois EPA will meet or exceed national performance activity measures as established for the UIC program.

Class I: Illinois EPA will continue to implement a UIC program for regulating Class I injection well activity in Illinois.

Illinois EPA will ensure that 100% of deep, injection wells that are used to inject industrial, municipal, or hazardous waste (Class I) and that lose mechanical integrity are returned to compliance within 180 days, thereby reduce the potential to endanger underground sources of drinking water (SDW7a).

Class V: USEPA and Illinois EPA will both work to address Class V wells. The target for Illinois in FY 2010 is to close or permit 59% of high priority Class V wells identified in sensitive ground water protection areas. The target for FY 2011 is to be determined. The cumulative results of the efforts listed below should provide a good foundation for discussion on future plans for program implementation of a viable Class V program in Illinois.

Illinois EPA will continue to maintain the Class V Inventory. Each inventory form received will be evaluated with attention given to identifying potential high priority Class V (MVWDWs) wells. Illinois EPA will request additional information from the well owner/operator as necessary to determine whether the well is potentially a high priority Class V well. In those cases where the well has not been installed, Illinois EPA will inform the owner/operator that all new MVWDWs are banned. Illinois EPA will notify USEPA of any potential high priority Class V wells identified.

Illinois EPA will complete the Environmental Results Program project for the UIC sector of Class V well owners and operators in Illinois. The Illinois EPA received a $100,000 grant from U.S. EPA for this project which is focused on identifying motor vehicle waste disposal wells in Madison and Grundy counties. The project has included many of the same methods used in the Illinois UIC Program Mutual Benefits Project. Illinois EPA expects to be able to provide a final report on this project by the end of this calendar year.

USEPA will continue its efforts under the Illinois UIC Program Mutual Benefits Project to find and close Class V Motor Vehicle Waste Disposal Wells (MVWDWs). The project is part of USEPA's efforts to help Illinois EPA establish a viable Class V program in Illinois and demonstrate what can be done with limited resources. Substantive work has already been done in 70 of 100 counties. USEPA will continue its efforts while also weighing the pros and cons of various options to ensure that a Class V program continues to be implemented in Illinois. This project will continue in accordance with a transition and implementation plan for the Class V program to be developed by the USEPA and the Illinois EPA by September 30, 2010.

Future Plans for Class V Program Implementation: USEPA and Illinois EPA must agree on a permanent solution for the implementation of the state's Class V program. USEPA has been able to temporarily provide the Illinois EPA with additional resources and tools through the innovation project agreement, the Illinois Mutual Benefits Project, and the Environmental Results Program Grant Project to help build the state's capacity for managing Class V wells in Illinois. These efforts have yielded a solid foundation for a viable program going forward. Future plans will be finalized by September 30, 2010.

Within 45 days of USEPA's receipt of the final report for the ERP project, USEPA and Illinois EPA will begin a series of periodic conference calls to discuss the future direction of the Class V program. The first call will discuss the results of the Illinois Mutual Benefits Project and the ERP and will include discussion of projected resources needed to implement a Class V program

based on the results. Follow-up calls will be held as needed. USEPA will schedule the initial conference call.

State Reporting: Illinois EPA will report on those FY 2010 and FY 2011 PPA reporting measures and national UIC program activity measures as they relate to all Class I waste disposal injection wells and any Class V injection wells that Illinois EPA personally handles.

- Provide annual well inventory *by February 15 (*45 days after the end of the calendar year as allowed in the Federal regulations). USEPA will provide to Illinois EPA the information needed to update their Class V inventory.
- Illinois EPA will submit for PAMs twice a year by April 15, and October 15 of each reporting year.
- Illinois EPA will provide narrative in the self-assessment that details progress with implementing a UIC program in Illinois.

National UIC Database: Illinois EPA will work toward establishing the capability to flow their electronic Class V data into the national UIC database. This new national system is a staging database that receives data from existing state databases via a node to node transfer. It will serve to meet various program needs including national reporting, information sharing among state programs, and reporting burden reduction.

State Review Framework: - In addition to the Mid-Year Performance evaluations, BOL will participate in the State Review Framework (SRF) program with Region 5, which consists of enforcement data and file review evaluations. At this time, BOL and Region 5 are in Round 2 of the SRF process. BOL will work with Region 5 to correct areas of concern and implement recommendations for deficiencies identified during the SRF process.

Federal Role

Hazardous Waste Management

- *RCRA Subtitle C Program*
  Provide compliance assistance to regulated entities subject to new federal regulations.
  - 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.
  - 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 that have never been inspected in the past.
- 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.
- 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.
- 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.

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) Conduct an annual mid-year program meeting in or around May 2010 and May 2011 to discuss the *State's Self-Assessment;*

(b) Conduct at least quarterly program enforcement conference calls;

(c) Conduct joint inspections as needed or requested; and

(d) 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 FY08.

This Self-Assessment Program conducted by Illinois EPA will be in addition to the Mid-Year Performance evaluations, through on-site file reviews conducted by Region 5 in accordance with 40 CFR 31.40 and 40 CFR 31.115.)

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.

C. Bureau of Water
Strategic Plan Priority: Clean and Safe Water
The Bureau of Water is committed to providing information to Illinois citizens about situations that affect the safety of their drinking water, the safety of their water recreational opportunities or that affect rivers, lakes or streams in their community. Similarly, the Bureau of Water proactively seeks citizen engagement in its decision making on permits or other actions that affect their community. The Bureau of Water actively seeks to partner with community members and landowners and assist their efforts to protect the quality of the rivers, lakes, streams and groundwater that provide them their drinking water, recreation, fishing opportunities and other benefits.

Illinois EPA Strategic Plan Initiative: Implement programs to sustain designated uses of streams lakes and groundwater.

Objective: Assess surface waters.

- 305(b)/303(d) Reporting– Illinois EPA will provide Region 5 with final reports, Assessment Database, and geo-locational information by April 1, 2010. Within 30 days after submittal, Region 5 will respond back to Illinois EPA in writing with a determination of approval, conditional approval, or denial of its 303(d) list of impaired waters. If any waters or pollutants are revised based on actions taken by Illinois EPA or Region 5, Illinois EPA will update the Assessment Database and geo-locational information and resubmit within 45 days after completing the dispute resolution process. (PAM WQ-7)

- Implement Illinois Monitoring Strategy - Illinois EPA will implement baseline activities and new planned activities for 2010 and 2011 in accordance with the schedule described in the monitoring strategy. Illinois EPA and Region 5 will discuss USEPA's February 2008 comments on the strategy and determine how to address those comments. (PAM WQ-5)
- STORET - Illinois EPA is near completion in its transition to STORET/Water Quality Exchange. The replacement system that has been developed is called Ambient Water Quality Monitoring System (AWQMS). In June 2009, Illinois EPA received the web application of AQWMS from the State of Illinois Department of Central Management Services. A new version of AQWMS was subsequently developed and will be received by Illinois EPA by the end of August 2009. After installation and testing is complete, Illinois EPA's goal is to begin the ultimate transfer of data from the "in-house STORET" database to the new AWQMS database by December 1, 2009.

- National Coastal Assessment - Illinois EPA continues to stay involved in the national surveys. Contingent upon the purchase of a watercraft of sufficient size and equipment to monitor Lake Michigan, Illinois EPA plans to participate in the National Coastal Assessment in summer 2010.

- SWiMS 2010 and 2011 - Illinois EPA will participate in planning and conducting the 2010 and 2011 Surface Water Monitoring and Standards meetings in Chicago.

- Wetland Assessment Activities - Illinois EPA will continue to work with the Illinois Department of Natural Resources, Duck's Unlimited, and other assisting organizations to

update the National Wetlands Inventory, and will continue to work with USEPA Region 5, the Illinois Natural History Survey, and other assisting organizations to create a robust Wetland Index of Biotic Integrity. In fall 2010, Region 5 and Illinois EPA will meet to discuss National Wetland Inventory (scheduled completion - July 2010) and Wetland Index of Biotic Integrity (scheduled completion - December January 2012) project status and next steps regarding their future utilization.

- Measure W - Integrated Report cycle assessments will be updated and reported in, reasons why the watersheds were expected to improve, and Measure W "Option" that would be reported on. The overall purpose of the plan is to work together to ensure the monitoring information is gathered to report progress on the Measure W commitment in 2012. Illinois EPA and Region 5 commit to implementing this plan throughout FFY 2010 and 2011 and beyond. In 2010 Illinois EPA will add two additional Measure W watersheds. Illinois EPA will commit to prioritize these watersheds for funding and monitoring purposes.

- Measure L/Y - Illinois EPA will provide documentation through the FY08 Integrated Report, of any changes in assessment decisions from prior reporting cycles for the purposes of identifying waters that were once impaired that are now meeting their water quality standards as tracked by performance measures (SP 10/11) (formerly measures L/Y).

Illinois EPA Strategic Plan Initiative: Protect and restore Lake Michigan and other key waterbodies.

- Lake Michigan - Maintain the percentage of Lake Michigan open shoreline miles in Good condition. Contingent upon the purchase of a watercraft of sufficient size and equipment, Illinois EPA will annually monitor the quality of Lake Michigan pursuant to a redesigned Lake Michigan Monitoring Program.

- Upper Mississippi River - Upper Mississippi River Basin Association (UMRBA) Water Quality Executive Committee and Water Quality (WQEC) Task Force - Illinois EPA and Region 5 will continue to work with the WQEC and Water Quality Task Force (WQTF) on routine and special projects.

- Illinois River - The Illinois River will continue to be a priority for the Section 319 program, with additional watershed-based planning needs to occur in the watershed. The NPS program will be implementing a monitoring and restoration project in the Nippersink Watershed. This project will improve water quality, have an extensive outreach/education component and through source identification monitoring will be able to follow up on the project through BMP effectiveness monitoring. This project is stakeholder driven; using volunteers to monitor the lake and the local watershed coordinator monitoring the streams. 319 funds along with Farm Bill, local conservation district funds, assessment fees and ARRA funds will all be used for this effort. On the urban side, the NPS program along with the city of Bloomington, USGS, and a group of local developers are restoring the headwaters of Kickapoo Creek, remaindering and restoring wetlands. Along with this work the developers and city are working closely with the builders to make the development stormwater efficient. This includes physical practices as well as outreach and education. This project has been selected to be part of

the National Nonpoint Source Monitoring Program. Illinois EPA is working in several other Illinois watersheds to improve water quality.

- Fox River Water Quality Study - The Fox River Study Group will achieve 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.
    - Illinois EPA will continue to participate in work by the Fox River Study Group to develop and employ a comprehensive computer model of the watershed. When completed, the model will be used to assess methods to correct existing water quality issues throughout the watershed, as well as identifying and preventing potential new problems.
    - Illinois EPA will also continue to work with Region 5 and the Fox River Study Group to direct funding from Congressional appropriations or other state or federal sources for the project.

Objective: Protect and maintain existing high quality waters.

Permit activities

- Continue working on backlog reduction as committed to in the strategy by December 31 of each year, Illinois EPA will submit the lists for majors and minors that were reissued, terminated or expired in the previous calendar year.

- Illinois EPA will submit a list of permits, which have expired for more than 10 years, for issuance or termination and identify whether these permits are unissuable due to bankruptcy or other reasons. Achieve the following permit reissuance targets:
    1. 90% of minor permits will be current by December 31, 2009
    2. 90% of major permits continue to be current. *(PAM#WQ-12a)*

- Develop new priority permit lists for FFY2010 and 2011 and submit it to Region 5 by August 31 of each year. Issue 100% of the identified priority permits by the end of each FFY.(*PAM#WQ-19a)*

- Implement the wet weather initiatives consistent with, and within the context of, the backlog strategy. CSO permits currently expired or expiring are high priority permits and Illinois EPA will provide draft major permits to Region 5 for review and will issue the permits as soon as practicable.

- CSO permittees with populations greater than 50,000 with Illinois EPA lead shall develop approved LTCPs by March 31, 2011.

- Approved LTCP shall be implemented through enforceable documents.

- Illinois EPA will modify or review CSO permits with a schedule incorporated into an appropriate enforceable mechanism including a permit or enforcement order with specific dates and milestones, including a completion date, which requires:
    1. Implementation of a Long Term Control Plan (LTCP); or
    2. Implementation of any other acceptable CSO control measures consistent with the 1994 CSO Control Policy; or

3. Completion of separation after the baseline date.

- Once the schedule is finalized Illinois EPA will send an update to Region 5 by the end of every month. Illinois EPA will update USEPA CSO LTCP status spreadsheet, internal monthly reporting, and to track progress toward meeting goal.(PAM#SS-1)

- Stormwater - Illinois EPA has reissued the construction site activity, industrial site activity and MS4 stormwater general permits. Illinois EPA will monitor any new federal regulations concerning these permits (i.e., effluent guidelines for construction site activities) and modify the permits as necessary.

- Lagoon General Permits - Illinois EPA will submit the 3 general permits for municipal and semi-public lagoon facility to Region 5 by October 31, 2009. After approval by Region 5, Illinois EPA will public notice the permits for subsequent issuance as soon as possible.

- Sludge Regulations - Propose amendments to the existing state sludge regulations by September 30, 2010.

- Issue a final NPDES general permit for surface discharging on-site decentralized system as soon as Region 5 withdraws its objection.

- <u>Permit Backlog List</u>
  - Illinois EPA will submit a list of major permits expired and expiring for reissuance in October of each FY.
  - Illinois EPA will review NPDES applications for coverage under the general permit for sand and gravel operations, with the goal of issuing coverage under a general permit or individual permit by December 31, 2009.
  - Illinois EPA will annually identify approximately 15 major NPDES permits, which Region 5 would review prior to public notice. The list of permits will include one or more of the issues of wet weather, TMDLs, critical industrial sectors, CSO linked to water quality impairment, toxicity, expired more than 2 years, and dischargers more than 10 million gallons per day (MGD).

<u>CAFO</u>

- The Agency will review those Concentrated Animal Feeding Operations (CAFO) permit applications for facilities that discharge or propose to discharge. The Agency will act upon applications (Notices of Intent) received within 180 days of having determined that the application is complete, and will provide a report at mid-year and at end-of-year of the total number of applications in-house as well as the number of those complete applications which have been in-house more than 180 days and have not been acted upon. Illinois EPA solicited comments from the public on a general permit for CAFOs in May 2009. Illinois EPA has provided Region 5.

- Of the 40 complete applications, Illinois EPA will proceed to public notice 8 facilities for coverage under its general permit by November 1, 2009, or will public notice individual permits to these facilities by that date. Illinois EPA will cover these 8 facilities under general or individual permit by January 31, 2010, provided no public hearing is held.

The remaining 32 will proceed to public notice stage by June 30, 2010, and will be issued by August 30, 2010, provided no public hearing is held.

- In the next 24 months Illinois EPA will either pursue options to advance the remaining facilities that are now lacking complete applications toward permit coverage, such as inspecting sites or initiating appropriate enforcement actions.
- Of the 40 complete applications, 8 will proceed to the public notice stage by November 1, 2009 and the remaining 32 will proceed to the public notice stage by June 30, 2010.
- Individual CAFO permits will be issued when additional permit conditions are needed or when the conditions of the general permit would not be met, thereby requiring different permit conditions.
- The applicants will be required to submit best management practices plans for nutrient management, stormwater control and spill control as part of the permit application.
- A notice will be posted on the Illinois EPA website when review of the application and plans is complete and the Illinois EPA has determined that the CAFO can be covered under the general permit.
- In addition to traditional compliance assurance activities, Region 5 will provide assistance to Illinois EPA in updating its CAFO inventory, including providing best practices employed by other states, and providing technical and financial assistance to the extent it is available. In this regard, Illinois EPA makes the commitments that are based on the assumption that Illinois EPA's existing resources will remain intact for the next five years to complete the CAFO inventory. In the event these resources are reduced from the existing levels, Illinois EPA will request Region 5's help regarding funding and outside contractor assistance.
- In the next nine months (by June 30, 2010), Illinois EPA will develop and complete a pilot inventory of all medium and large CAFOs in a defined area (county or watershed based). The primary objective of this inventory database is to assist Illinois EPA in permitting and inspection of CAFO facilities.
- Within twelve to eighteen months of finalizing the pilot inventory, Illinois EPA will complete the CAFO inventory database.
- Illinois EPA will use data acquired in the NPDES applications, the pilot and final inventories and from Region 5 to inspect 20 percent of all large CAFOs on an annual basis.
- Illinois EPA will finalize revisions to its CAFO rules within 24 months of USEPA's final rule, provided that USEPA's rule is not stayed by December 2010. In order to complete the rulemaking process within that timeframe, Illinois EPA will provide Region 5 draft rules by December 30, 2009 for review and comment. Region 5 contract assistance is available in support of this activity.

- Region 5 will provide review of Illinois EPA's draft CAFO rules within 60 days of receiving a draft from Illinois EPA.

Compliance Assurance

- Monitor compliance and evaluate all violations of NPDES permittees to ensure that majors are addressed by timely and appropriate actions.

- Take appropriate compliance and enforcement actions in accordance with Section 31 of the Illinois Environmental Protection Act for violations of NPDES, Stormwater, Sanitary Sewer Overflow/Combined Sewer Overflow (SSO/CSO), Concentrated Animal Feedlot Operation (CAFO) and other violations of environmental regulations. Where an action is taken against a CAFO requiring a permit, that action will, among other things, compel the violator to obtain permit.

- Monitor compliance with Compliance Commitment Agreements (CCAs) and enforcement orders and take appropriate follow-up actions.

- Maintain major annual compliance rate at >=93 percent.

- Prepare, review and update Quarterly Non-Compliance Reports (QNCRs) and "Watch Lists" on a quarterly basis.

- Maintain required data in ICIS-NPDES in accordance with USEPA policies and rules, to the extent that resources allow, including:
  - NPDES permits, permitted features, and limits
  - Discharge Monitoring Reports (DMRs) for all major ($\geq$ 95%)and minor dischargers as required in NPDES permits
  - Inspections
  - Single event violation entry
  - CSO notifications
  - SSO notifications
  - Compliance\Enforcement actions

- Illinois EPA will review pretreatment annual reports submitted by POTWs with approved pretreatment programs, enter required data elements in ICIS-NPDES and take necessary follow-up actions on deficiencies identified or inform Region 5.

- The wastewater operator certification program will be enhanced to include a continuing education requirement for renewing certificates to ensure certified operators receive training on a continuing basis.

- Illinois EPA will provide timely feedback on the nature of and results of responses to complaints forwarded to Illinois EPA by Region 5.

- Compile and submit calendar year annual non-compliance reports for NPDES non-majors by the required dates.

- Illinois EPA will respond, as appropriate, to the findings and recommendations contained in final reports under the State Review Framework.

- Develop and submit a SSO enforcement strategy to Region 5 by March 31, 2010.

Compliance Assistance

- Illinois EPA will conduct a minimum of 4 Operation and Maintenance Evaluation Projects and 6 Compliance Maintenance Evaluation Projects during the reporting year. We will also include the development of training aids for field use by a wider group of field personnel.

Inspection Activities

- The Division of Water Pollution will continue to implement a field inspection program to meet its NPDES program administration responsibilities. The inspection program will prepare and implement an annual inspections plan consistent with the USEPA National-National Compliance Monitoring Strategy which reflects current USEPA Inspection Frequency Guidance, acknowledging that additional resources will be needed for Illinois EPA to fully implement the Strategy, ICIS-NPDES Policy Statement and Wet Weather SNC definition. The annual inspection plan will be prepared and submitted to Region 5 by September 30 each year. The annual inspection plan will include inspection projections for the coming year as well as a brief assessment of the successful implementation of the previous year's plan relative to consistency with the USEPA National Compliance Monitoring Strategy. Region 5 will review and provide comments consistent with national strategy within 30 days of receipt of the plan. For FY 2010, the inspection plan will reflect changes from the 2009 annual inspection plan as follows:
    - The frequency of inspecting Major dischargers that have a good compliance history will be slightly reduced, and resources will be diverted to inspections of wet weather sources. A specific list and schedule of Major discharger inspections will be transmitted to Region 5 by September 30, 2009.
    - Reconnaissance inspections by sampling technicians will continue to be an important element of the inspection program. These inspections include a brief overview of treatment plant operating conditions and collection of an effluent sample, providing a significant increase in our on-site presence. Unfortunately, vacancies have reduced inspection coverage from past years.
    - Agreements are in place with Soil and Water Conservation Districts (Districts) covering eighteen counties for inspections of NPDES-permitted construction. The primary role of the Districts is to provide on-site technical assistance to developers and contractors. In addition, Districts work closely with regional office staff to identify problem sites which are then designated as priority sites for Illinois EPA compliance inspections.
    - Field staffs are reviewing CSO Long Term Control Plan reports. CSO inspections consistent with FY09 SRF program review recommendations will frequently be conducted in conjunction with those reviews.
    - Field staffs are also reviewing CAFO NPDES permit application materials and will conduct field inspections in conjunction with many of those reviews.

Objective: Eliminate use impairments in Illinois waters with identified problems.

Total Maximum Daily Load (TMDL) Development

- Continue watershed-based TMDLs according to the request for proposal (RFP) that is currently being implemented. Additionally, Illinois EPA will release a new RFP that will

refine the existing RFP. Through this process the agency will continue to produce watershed –based TMDLs.

- Provide Region 5 with a specific listing of TMDLs to be delivered in final form in FY 2010 and FY2011 by December 15, 2009 and December 15, 2010, respectively.
- Report to Region 5 TMDLs to be delivered in each FFY, by January 15 of the previous year. Deliver a schedule to Region 5 by September 15 of each year, of final TMDLs to be submitted for approval by Region 5 in each subsequent FFY.

- Illinois EPA will address 100 segment-impairments through completed TMDLs, new accountability projects, SP-11* delistings, Watershed-based Plan/TMDL development and reassigned Cat 5 impairments to Cat 4b and Cat 4c. Any other delistings resulting in impairments being removed from Category 5 will be taken from the universe of TMDLs needed and the proportional annual reduction, equivalent to 1/13 of a TMDL, applied to the annual segment-impairment commitment of 60. It is the intent of Illinois EPA to address 40 segment-pollutant combinations through TMDL development.

- Provide draft TMDLs to Region 5 60 days prior to public notice, or alternate timeframe as agreed upon, for review and comment.

- The Accountability Pilot Illinois EPA will continue to work with Region 5 during FFY10 to identify a minimum of two additional projects which meet the Pilot criteria and to include these in the Accountability Pilot.

- Illinois EPA will work with Region 5 to discuss and develop ways to make the TMDL process in Illinois more efficient and to ensure that Illinois EPA remains on pace in TMDL development. Illinois EPA will continue to cooperate with the Ohio River Workgroup and participate in the development of a TMDL in the Ohio River watershed.

- Illinois EPA will continue work with Region 5 in the Peoria area to develop a TMDL for the middle Illinois River watershed, this is an EPA funded TMDL project. The designated workgroup will also investigate developing an implementation plan or load reductions for sediment entering the Illinois River even though there is no impairment for sedimentation on the Illinois River.

- Both agencies will continue to work with local watershed interests in high priority watersheds, as identified in the most recently approved Section 303(d) List. Among other actions, this will include participation by both agencies in the Illinois River Coordinating Council. The goal of this is initiation of at least one locally led watershed effort focused on eliminating the impairments identified in the 303(d) list for this waterbody.

- <u>303(d) List Development</u> - Illinois EPA will submit a draft 2010 Integrated Report (IR) to USEPA by December 15, 2009. The final 2010 IR will be submitted to USEPA by April 1, 2010. As part of the 303(d) list, Illinois EPA will include a detailed justification for the removal of any waters and impairments from the 303(d) list.

Objective: <u>Address non-continuous but recurring pollutant discharges.</u>
<u>Reduce Nonpoint Source Pollution</u>

- Implement at least 2 pilot Evaluation Framework projects in 2010/2011 for the Section 319 program.

- Continue Watershed-based planning on impaired waters and, more specifically, for impaired waters identified as a priority for Farm Bill funding.

- Continue the Aurora/River City Edge Nonpoint Source (NPS) Revolving Loan Program pilot. The project will allow the assessment of the feasibility of financing high cost structural Best Management Practices with low interest State Revolving Fund (SRF) program loans.

- Finalize and upload all data relevant to the National Nonpoint Source Monitoring program (Lake Pittsfield and Waukegan River) to STORET.

Objective: Reduce nutrient loadings by promoting nutrient management practices.

- 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 will implement the elements of the nutrient plan for FY2010 and FY2011.(PAM WQ-1a and 1b)

- Illinois EPA will continue to hold meetings of the Illinois Nutrient Standards Workgroup in FY2010 and FY2011.

- Nutrient Implementation Planning
  - Develop implementation planning pilots to address nutrient impairments in streams
  - Focus on NPS dominated watersheds across the state
  - Nine-element based plans with focus on source and critical area identification
  - Discuss potential for Illinois EPA support

Objective: Work toward science-based standards (nutrients, bacteria, boron, manganese and fluoride) and more accurate use classifications.

- Lower Des Plaines River and Chicago Area Waterway Use Attainability Analysis (UAA)
  - Illinois PCB hearings will continue into 2010
  - Hearings will progress from the current use designation topic to water quality standards
  - Region 5 has committed to preparing comprehensive comments on the water quality standards proposal for the CAW and Lower Des Plaines River. Illinois EPA and Region 5 will work together to ensure adequate resolution of the outstanding issues for the rulemaking.

- Nutrients
  - Continue to develop water quality standards for nutrients specific to the needs and conditions in Illinois, in accordance with its approved plan. Make annual plan updates for mutual agency agreement, as needed each summer if there has been slippage to major milestones in the plan. (PAM WQ-1a and 1b)
  - Determine what additional statistical analyses on the existing dataset might yield stronger correlations between nutrient concentrations and biological effects. In collaboration with Illinois EPA, Region 5 may refine the data set to exclude sites not

appropriate for assessing eutrophication effects (e.g., sites where turbidity, canopy cover and unsuitable bottom substrate limit photosynthesis and plant establishment thus reducing algal response to high nutrient levels).
    - In collaboration with Illinois EPA, Region 5 will determine what other data within and outside of Illinois may possibly be added to the Illinois dataset to strengthen criteria development. Use of out-of-state data will be conditioned on the streams from the other states having comparable hydrologic and physical conditions (e.g., geological, topographical, soil, temperature). Region 5 will work with Illinois EPA and other Midwestern states to review existing nutrient-related data on an eco-region scale.

- Bacteria
    - Illinois EPA will closely monitor USEPA bacteria criteria development. In the interim, Illinois EPA and Region 5 will complete a joint review of Illinois' existing rules regarding disinfection and identify draft recommended revisions so that these can be factored into the bacteria rule change.
    - Future Illinois bacteria standards will consider a tiered structure based on human risk for various levels of recreation.
    - USEPA will hold a meeting in October 2009 for interested stakeholders to provide input on the development of USEPA's revised recreational water quality criteria.

- Boron, manganese and fluoride
    - Illinois EPA will work closely with Region 5 to develop standards for these substances that are consistent with USEPA's 1985 guidelines for aquatic life criteria.
    - Decisions such as species selection for toxicity tests, determination of acceptable literature data and calculations for deriving the standard will be discussed with Region 5 counterparts.
    - USEPA grant funds will be used to generate necessary toxicity data.
    - An Illinois PCB petition is anticipated in early FFY 2010. (PAM WQ-3a)

- Human Health Criteria Development - Currently Illinois' narrative toxics standard, 35 IAC 302, Subpart F contains procedures to derive human health criteria for regulatory application. Illinois EPA will review and compare those procedures with current USEPA methodologies to ensure consistency. Any inconsistencies or incompatibilities will be evaluated to determine if regulatory updates to current regulations are warranted.

- Endangered Species Act Consultation - Illinois EPA commits to coordinating with the Region 5 and the U.S. Fish and Wildlife Service on draft and final new and revised water quality standards including variances and site-specific criteria consistent with section 7 of the Endangered Species Act.

- Disinfection Exemptions - Illinois EPA will continue to implement the modified procedures that were developed in FY 07 regarding the review and reissuance of disinfection exemptions. The Illinois EPA will work with the Region and the Prairie Rivers Network on ways that these procedures can be further improved.

- Use Designations and Biocriteria - Illinois EPA commits to working with Region 5, Illinois DNR, Illinois Association of Wastewater Agencies (IAWA), and potentially

many others on the possible reorganization of state use designations. Specifically considered will be Tiered Aquatic Life Uses (TALU), with an initial focus on wadable streams. Biocriteria to support a TALU system will also be worked on. Illinois EPA will respond by October 2009 to IAWA regarding their final draft report developed in July 2009 by Midwest Biodiversity Institute, and will subsequently determine what additional next steps are necessary to keep TALU/biocriteria development moving forward. Region 5 will seek additional funding and provide technical assistance to help guide the development process.

Fox River Water Quality Study - The Fox River Study Group will achieve 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.

- Illinois EPA will continue to participate in work by the Fox River Study Group to develop and employ a comprehensive computer model of the watershed. When completed, the model will be used to assess methods to correct existing water quality issues throughout the watershed, as well as identifying and preventing potential new problems.

- Illinois EPA will also continue to work with Region 5 and the Fox River Study Group to direct funding from Congressional appropriations or other state or federal sources for the project.

State Revolving Fund Loan Program

- Illinois EPA will utilize not less than 20% of the American Recovery and Reinvestment Act of 2009 (ARRA) capitalization grants to fund projects that address green infrastructure, water or energy efficiency improvements or other environmentally innovative projects. This amounts to using at least $15,907,600 of the Public Water Supply ARRA award, and at least $35,448,600 of the Water Pollution Control ARRA award to fund green projects.

- Illinois EPA will continue to manage the Water Pollution Control and Public Water Supply loan programs, providing low interest financing for both wastewater and drinking water facilities.

- Illinois EPA is prepared to leverage its programs should loan demand warrant the need for additional funding. (*PAM#70)* Projected appropriation levels for FY2010 and FY2011 could be used to support bond sales up to $150 million for the Clean Water SRF and $75M for the Drinking Water SRF. Should state match be unavailable through normal appropriation channels, the State is also prepared to leverage for its match.

- Illinois EPA expects the increase in demand associated with the American Recovery and Reinvestment Act of 2009 to have a major impact on the SRF programs in FY2010 and FY2011, with additional state bond funding and anticipated increases in federal funding contributing to strong program years for both the Water Pollution Control and Public Water Supply loan programs.

- Illinois EPA is evaluating the potential for rules changes to extend the use of SRF funds for storm water management, nonpoint source and other projects that contribute to a watershed-based approach to clean water in Illinois. In addition, the Illinois EPA will continue the current practice of "banking" set-aside allotments under the Drinking Water SRF and will evaluate priorities for the utilization of those funds.

Illinois Strategic Plan Initiative: Move from facility planning to watershed protection.

- The Bureau will re-structure watershed approach.
- Illinois EPA will work with Region 5 to update the continuing Planning Process as appropriate.
- As part of the water quality monitoring strategy development process.
- Watershed-based planning continues to be a priority.
- Continuation of 205(j) water quality management planning activities, including the Areawide Planning Commissions.
- Illinois EPA will investigate the potential for using the Watershed-based Planning process to meet the goals of 208(j) planning.
- The Illinois EPA will continue to work with Region 5 to coordinate the implementation of agricultural and environmental programs relative to impaired waters in the LaMoine River watershed.

Objective: Improve Watershed-based Planning

- 604(b) Projects - The Agency applied for FY09 Section 604(b) funds to Region 5 on May 6, 2009. The Agency will implement all projects therein.

D. Public Water Supplies

FY 2010 DRINKING WATER ANNUAL RESOURCE DEPLOYMENT PLAN
State Fiscal Year 2010

Not all State Public Water System Supervision (PWSS) programs have access to enough resources to implement all of the provisions of existing drinking water regulations, and other primacy program requirements. Resource shortfalls have occurred as the regulations, mandated by the Safe Drinking Water Act (SDWA), come into effect.

Therefore, we need to plan for circumstances where resources are inadequate to implement the entire drinking water protection program. Since the purpose of the SDWA is to protect public health, federal and state agencies have an obligation to ensure that limited resources are deployed in a way that ensures maximum health protection benefit, and that we collectively keep track of what is and is not being done as we strive for full implementation.

To that end, Region 5, in cooperation with our State program partners, has developed a program plan that includes all of the major activities required by primacy regulations and primary drinking water regulations, to guide annual work plan and/or EnPPA discussions leading to annual grant commitments and work sharing agreements. We recognize that new initiatives that are not included in this plan, such as the activities generated by the American Recovery and Reinvestment Act (ARRA) of 2009, will require significant state resources to implement and should also have considerable benefits to promote compliance at public water systems (PWSs).

The plan documents what will and will not be done during the year. The agreement reflects state capacity based on available resources, as well as local health protection priorities. For instance, in a state where radionuclides are prevalent, the state may need to devote proportionately more resources to implementing that regulation than another state, where arsenic is more prevalent.

Core activities, such as explaining regulation requirements to public water supplies, and tracking and reporting violations, are fundamental to the integrity of the public health protection program and are not amenable to priority setting. U.S. EPA will participate and support state implementation efforts where appropriate and possible. U.S. EPA commitments in support of State programs are listed in the table.

The State and U.S. EPA will both report annually on their accomplishments so we can jointly appraise our effectiveness, and our progress toward implementing the complete program. Where resource shortfalls continue to exist, the State and EPA will simultaneously continue efforts to obtain additional resources in order to fill the resource gap.

Using this resource deployment plan as a framework for annual planning and progress assessment should meet several objectives:

(1) Promote clear understanding of both State and U.S. EPA commitments.
(2) Minimize ad hoc requests for program reporting.
(3) Promote judicious use of limited resources to achieve the best possible public health protection.
(4) Support efforts to increase resources by clearly identifying resource and program constraints.
(5) Promote collaborative inter-agency program planning and implementation.

PUBLIC WATER SYSTEM SUPERVISION PROGRAM
CORE STATE ACTIVITIES

⇒ Provide an adequate laboratory certification program for all regulated contaminants. This does not mean that States must expand their labs to perform all the analyses. At a minimum, a State should have an adequate certification program to certify commercial labs within the State.

⇒ Maintain a data management system that tracks requirements for all rules. This means to have the appropriate combination of hardware, software and personnel to accurately and within a reasonable timeframe identify the inventories, (including routine updates of system information), maintain water quality monitoring information, and track compliance with all M/R, MCL, MRDL, TT, PN and public information requirements.

⇒ Keep adequate records of pertinent State decisions.

⇒ Adopt all rules in a timely manner (within two year extension period).

⇒ Notify all systems of regulatory requirements and respond to questions.

⇒ Determine violations for all rules and report to U.S. EPA.[1]

⇒ Maintain an adequate enforcement and compliance assistance program (adequacy determined by a decrease in violation frequency).

⇒ Maintain a baseline core of individuals with the technical expertise needed, to perform sanitary surveys, plan and spec reviews, and respond to emergencies.

⇒ To improve our ability to understand, measure, assess, and communicate progress, conduct a joint evaluation of program performance with EPA.

⇒ Develop and implement a plan to provide adequate funding to carry out all functions of the PWSS program.

[1] States must report actions and sample data quarterly and inventory data at least annually in accordance with 40 CFR 140.15. These data must be reported in XML format and utilize the Central Data Exchange (CDX) as the media for data transfer to U.S. EPA. The reporting schedule for States to the national database, SDWIS/FED-ODS, is as follows: FFYQ1 – February 15, FFYQ2 – May 15, FFYQ3 – August 15, and FFYQ4 – November 15. If the data is not reported within 60 days, the Region will raise the issue to the State Director's attention.

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
1.0 – Surface Water Treatment Rules: FBRR, SWTR, IESWTR, LT1ESWTR, LT2ESWTR			
1.1 – Adopt all rules in a timely manner (within two year extension period).	Illinois is timely adopting all rules and implementing them as required.	Provide comments on draft rules, as requested. Respond to questions from our state programs about surface water treatment regulations. Train state staff about surface water treatment regulations by offering in-state and/or regional training opportunities. Maintain a forum for U.S. EPA-State communications through the monthly U.S. EPA-State conference calls, holding an annual meeting, and conducting additional meetings/calls as needed.	
1.2 – Notify all surface water and GUDI systems of their regulatory requirements. ***Listed below is a broad summary of LT2ESWTR requirements. For complete requirements, see 40 CFR Part 141, Subpart W.*** Systems must conduct an initial and a second round of source water monitoring for each plant that treats a surface water or GUDI source, to determine what level, if any, of additional	Implement all LT2ESWTR activities. All supplies have been notified and monitoring will proceed as required.	Promote understanding of surface water treatment regulations by conducting presentations at state water industry organization functions.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
1.0 – Surface Water Treatment Rules: FBRR, SWTR, IESWTR, LT1ESWTR, LT2ESWTR			
Cryptosporidium treatment they must provide. NOTE: There are four schedules depending on system size with the first round of monitoring beginning 10/06, 4/07, 4/08, and 10/08, for Schedules 1-4 respectively. Treatment is based on first round of monitoring with initial monitoring schedules of 4/12 for Sch 1, 10/12 for Sch 2, 10/13 for Sch 3, and 10/14 for Sch 4.	Systems will be required to do this. No significant changes have been noted or reported.		
Systems that plan to make a significant change to their distribution system must develop disinfection profiles and calculate disinfection benchmarks.	All Group 1 systems are in Bin 1.		
Filtered water systems must determine their *Cryptosporidium* treatment bin classification, and provide additional treatment, if required and unfiltered systems must provide treatment.	Illinois does not allow uncovered finished water storage tanks.		
Systems with uncovered finished water storage must comply with	N/A		
	Only one supply has opted to install treatment (UV) rater than sample. All others have completed sampling		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
1.0 – Surface Water Treatment Rules: FBRR, SWTR, IESWTR, LT1ESWTR, LT2ESWTR			
the requirements to cover the facility or treat the discharge from the facility. Systems with uncovered finished water storage must comply with the requirements to cover the facility or treat the discharge from the facility. Systems required to provide additional treatment for *Cryptosporidium* must implement microbial toolbox options. Systems must address significant deficiencies identified in sanitary surveys. Systems must respond within 45 days of being notified of a significant deficiency, indicating how and on what schedule they will address the significant deficiency. Systems must electronically report all Schedules 1, 2 and 3 early implementation activities to EPA's Data Collection and Tracking System (DCTS).	or are in the process of doing so. Deficiencies or any type as noted in a Sanitary Survey Report will be timely addressed with appropriate support or legal action. All data is being reported as required.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
1.0 – Surface Water Treatment Rules: FBRR, SWTR, IESWTR, LT1ESWTR, LT2ESWTR			
1.3a – Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the Surface Water Treatment Rules. *NOTE: The next update for SDWIS/State will contain compliance modules for Stage 2 and LT-2 rules.*	Data is maintained in SDWIS/State.		
1.3b – Assist U.S. EPA with the review, approval, and correction of data in the Data Collection and Tracking System (DCTS), to accurately track the inventory, schedules, correspondence, and approvals for the early implementation of LT2ESWTR.	Data is maintained and tracked in SDWIS/State.		
1.4 – Electronically report all TT, M/R, and PN violations and inventory updates to SDWIS/FED for all surface water systems.	Data is maintained in SDWIS/State and will be used to update SDWIS/FED.	Region will provide states with new rule (LT2) violation codes when established by HQ. Monitor surface water treatment regulation related to State follow-up to the findings of the last data and enforcement verification report.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
1.0 – Surface Water Treatment Rules: FBRR, SWTR, IESWTR, LT1ESWTR, LT2ESWTR			
1.5 – Conduct and report sanitary surveys at surface water (40 CFR Part 141 Subpart H) systems.	Sanitary surveys will be conducted on all CWS as frequently as feasible under existing resource constraints. Illinois is committed to taking corrective actions that will comply with the requirements of 40 CFR Part 141 Subpart H. NCWS sanitary surveys meet the frequency requirements of 40 CFR Part 141 Subpart H (currently a one to two year inspection cycle). Illinois EPA will continue to request staff to fill vacant positions. The continuing state budget shortfall does not support staff expansions. However, an engineer has been hired for Rockford	Provide training, as requested. Region 5 is actively working with Illinois to track progress made in correcting overdue sanitary surveys. Region 5 is aware of corrective action plans and progress made in the Marion and Elgin Regions of Illinois where the most severe staff vacancies have been present.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
1.0 – Surface Water Treatment Rules: FBRR, SWTR, IESWTR, LT1ESWTR, LT2ESWTR			
1.6 – Ensure that all surface water and GUDI systems that notify the State that they recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes, return these flows through the processes of a system's existing conventional or direct filtration system, or at alternate location approved by the State.	Replies have been received from all surface water supplies.		
1.7 – Use sanitary surveys, CPEs, other inspections, or other activities to evaluate recycled backwash water practices when they occur at surface water and GUDI systems. When those practices are not in compliance with the FBRR require the system to modify the practices to achieve compliance.	Ongoing – will continue.		
1.8 – Ensure that filter/disinfection practices are adequate to achieve inactivation/removal requirements for regulated microbial contaminants found in surface water sources.	Ongoing – will continue.		
1.9 – Follow-up on turbidity TT violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
1.10 – Follow-up on individual filter turbidity M/R violations. **a.** Track individual filter turbidity trigger exceedances. **b.** Track completion of individual filter turbidity profiles	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
1.0 – Surface Water Treatment Rules: FBRR, SWTR, IESWTR, LT1ESWTR, LT2ESWTR			
for systems exceeding individual filter triggering criteria.			
1.11 – When required, track the completion of CPE/CTA for PWSs where the cause/solution of turbidity problems is unclear.	Ongoing – will continue. Tracked in SDWIS/State.		
1.12 – Ensure that a residual disinfectant concentration is measured according to rule requirements.	Ongoing – will continue.		
1.13 – Follow-up on disinfection residual TT violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested	
1.14 – Follow up on disinfection residual M/R violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested	
1.15 – Report treatment data (e.g., treatment codes for all surface water, GUDI, and purchased GUDI sources, seller's PWSID number for purchased surface water and purchased GUDI sources, etc.)	Ongoing – will continue. Tracked in SDWIS/State.		
1.16 – Ensure that disinfection profiling and benchmarking is conducted when required by rule.	Ongoing – will continue.		
1.17 – Ensure that all required records are kept by surface water systems.	Ongoing – will continue.		
1.18 – Complete remaining GUDI determinations.	Ongoing – will continue.		
1.19 – When required, track the completion of CPE/CTA for PWSs where the causes/solutions of turbidity problems are clear.	Ongoing – will continue. Tracked in SDWIS/State.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
2.0 – Total Coliform Rule			
2.1 – Notify all public water systems of their regulatory requirements.	Ongoing – will continue.		
2.2 – Maintain a data base management system that accurately tracks the inventory (including routine updates of system information) and violations for the TCR.	Ongoing – will continue. Tracked in SDWIS/State.		
2.2.1 Illinois DPH should proceed with its planned training for the regional offices. Particular training needs include recognition of MCL violations and reporting of these violations to SDWIS/Fed. [Major DV finding]	Any training planned in 2010? Illinois DPH conducted training sessions in four of six regional offices since November 2008. Sessions will be conducted in the other two regional offices in 2010.		
2.3 – Electronically report all TCR MCL, M/R and PN violations and inventory updates to SDWIS/FED for all public water systems.	Ongoing – will continue. Tracked in SDWIS/State.	Monitor TCR related State follow-up to the findings of the last data and enforcement verification report.	
2.4 – Follow-up on all MCL violations and determine a proper course of action to ensure public health protection.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
2.0 – Total Coliform Rule			
2.5 – Ensure sanitary surveys are conducted periodically that, at a minimum, meet frequency requirements specified by Rule.	Sanitary surveys will be conducted on all CWS as frequently as feasible under existing resource constraints. Illinois is committed to taking corrective actions that will comply with the requirements of this Rule. NCWSs are on a 1 to 2 year cycle.	Region 5 is actively working with Illinois to track progress made in correcting overdue sanitary surveys. Region 5 is aware of corrective action plans and progress made in the Marion and Elgin Regions of Illinois where the most severe staff vacancies have been present.	
2.6 – Follow-up on all M/R violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
3.0 – Ground Water Rule			
3.1 – Adopt the GWR in a timely manner (within two year extension period).	Illinois PCB's GWR currently under review by Region 5.	Respond to questions from our state programs about the GWR. Train state staff about GWR by offering in-state and/or regional training opportunities after promulgation. Maintain a forum for U.S. EPA-State communications through the monthly U.S. EPA-State conference calls, holding an annual meeting, and conducting additional meetings/calls as needed.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
3.0 – Ground Water Rule			
3.2 – Notify all public water systems of their regulatory requirements. Regulatory requirements are applicable 12/1/09.	Public water systems have been notified as required by the GWR.	Promote understanding of the GWR by conducting presentations at state water industry organization functions after promulgation.	
3.3 – Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the GWR.	States to relay to Region 5 any issues with limited SDWIS/State rule tracking functionality. Illinois will track GWR compliance on a separate system and SDWIS.	Region 5 commits to communicate any issues our states have with limited SDWIS/State rule tracking functionality to HQ via the national GWR workgroup.	
3.4 – Electronically report all TT, M/R and PN violations and inventory updates to SDWIS/FED for all public water systems. State will begin reporting on regulatory requirements during FY 2010.	Data will be tracked in SDWIS/State and transferred to SDWIS 3.0 when available.	Region will provide State with new rule (GWR) violation codes when established by HQ.	
3.5 – Conduct sanitary surveys that meet requirements by 12/31/12 at CWSs and then every 3 years thereafter, and by 12/31/14 at NCWSs served by a groundwater source and then every 5 years thereafter.	Sanitary surveys will be conducted on all CWS as frequently as feasible under existing resource constraints. Illinois is committed to taking corrective actions that will comply with the requirements of this Rule. NCWSs are on a 1 to 2 year cycle.		
3.6 – Ensure that GWSs that must treat to the 4-log virus removal/inactivation standard conduct compliance monitoring to demonstrate treatment effectiveness.	Treatment will be required if noted. No GW supplies have been so identified at this time.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
3.0 – Ground Water Rule			
3.7 – Determine appropriate corrective actions in consultation with GWSs that collect fecal indicator-positive source water sample(s) or that have significant deficiencies identified in a sanitary survey. Regulatory requirements are not applicable until 12/1/09.	Illinois EPA is implementing a raw water sampling plan approved by Region 5. Illinois DPH will implement the triggered source water monitoring requirements by the compliance date specified in the GWR,		
3.8 – Determine if optional source water monitoring will be used. If so, determine GWS applicability.	See 3.7 above.		
3.9 – Follow-up on corrective action reporting violations. Regulatory requirements are not applicable until 12/1/09.	Ongoing – follow up actions will be taken as appropriate.		
3.10 – Follow-up on M/R violations.	Ongoing – follow up actions will be taken as appropriate.		
3.11 – Follow-up on public notification violations.	Ongoing – follow up actions will be taken as appropriate.		
3.12 – Follow-up on other discovered recordkeeping/reporting violations.	Ongoing – follow up actions will be taken as appropriate.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
4.0 – Nitrate and Nitrite			
4.1 – Notify all public water systems of their regulatory requirements.	Ongoing – will continue.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
4.0 – Nitrate and Nitrite			
4.2 – Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and tracks nitrate/nitrite violations.	Ongoing – will continue. Tracked in SDWIS/State.		
4.3 – Electronically report all MCL, M/R and PN violations and inventory updates to SDWIS/FED for all public water systems.	Ongoing – will continue. Tracked in SDWIS/State.	Monitor State nitrate/nitrite related follow-up to the findings of the last data and enforcement verification report.	
4.4 – Follow-up on all MCL violations and determine a proper course of action to ensure public health protection.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
4.5 – Follow-up on SNC M/R violations and M/R violations that occur at schools or day cares. Explain how schools and day cares M/R violators will be identified and tracked.	Ongoing – will continue. SDWIS/State used to track and flag violations and follow-up using sanitary survey investigation as needed.	Region 5 will assist as necessary, or as requested.	
4.6 – Follow-up on M/R violations for systems that had levels > 50 % MCL in last 3 years. Explain how systems that had levels at or above 50% MCL, including transient systems, will be identified and tracked.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
4.7 – Follow-up on all other M/R violations.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
5.0 – Lead and Copper			
5.1 – Adopt LCR minor revisions and LCR Short Term Revisions in a timely manner (within two year extension period). (Inserted LCRSTR per 6/24/09 memo)	Illinois PCB has adopted the LCR short term and minor revisions and the rules are being implemented.	Maintain a forum for U.S. EPA-State communications through the monthly U.S. EPA-State conference calls, holding an annual meeting, and conducting additional meetings/calls as needed.	
5.2 – Incorporate minor rule revisions into state oversight and enforcement operations.	Illinois PCB has adopted the LCR minor and short term revisions and the rules are being implemented.		
5.3 – Notify all CWSs and NTNCWSs of their regulatory requirements.	Ongoing-will continue.		
5.4 – Maintain a data base management system that accurately tracks lead and copper action level exceedances (sample data), violations, and milestone data for CWSs and NTNCWSs.	Ongoing – will continue. Tracked in SDWIS/State.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
5.0 – Lead and Copper			
5.5 – Electronically report violation and milestone data to SDWIS-FED for all CWSs and NTNCWSs and lead and copper 90th percentile action level sample data for all large and medium sized systems and 90th percentile action level exceedance sample data for small systems.	Illinois DPH should review LCRMR reporting guidance and seek additional training to improve reporting. (DV recommendation) Illinois DPH has not reported any Lead and Cooper Milestones data (as of April, 2009) and should re-commit to when this can be completed. Illinois DPH will develop and commit to schedule of reporting LCR milestone data to the national data system. (new deadline December 2009) Illinois EPA: Ongoing – will continue. Tracked in SDWIS/State.	Region will provide States with new rule (LCR Short-Term Revisions) violation codes when established by HQ. Monitor State LCR related follow-up to the findings of the last data and enforcement verification report.	
5.6 – Designate OCCT and follow-up on OCCT installation violations at all required CWSs.	Ongoing – will continue. Tracked in SDWIS/State.		
5.7 – Designate OCCT and follow-up on OCCT violations at all NTNCWSs that likely serve water to sensitive subpopulations (i.e., schools, daycares). Explain how school and day care M/R violators will be identified and tracked.	Ongoing – will continue. SDWIS/State used to track and flag violations and follow-up using sanitary survey investigation as needed.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
5.0 – Lead and Copper			
5.8 – Follow-up on SNC M/R violations when lead was detected > 5 ppb at 90th percentile in the last round of initial tap sampling conducted. Explain how these systems will be identified and tracked.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
5.9 – Follow-up on all SNC M/R violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
5.10 – Follow-up on M/R violations when lead was detected > 5 ppb at 90th percentile in last round of reduced sampling conducted. Explain how these systems will be identified and tracked.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
5.11 – Optimize corrosion control at NTNCWSs that are unlikely to serve water to sensitive sub-populations.	Ongoing – will continue. Tracked in SDWIS/State.		
5.12 – Set water quality parameter ranges for all CWSs and NTNCWSs that are required to optimize corrosion control.	Ongoing – will continue. Tracked in SDWIS/State.		
5.13 – Follow-up on all other M/R violations (when lead was detected < 5 ppb at 90th percentile in last round of reduced sampling conducted). Explain how these systems will be identified and tracked.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
6.0 – D/DBPRs			
6.1 – Adopt all rule changes in a timely manner (within two year extension period).	Illinois PCB has adopted LT2 & Stage 2 rules and Illinois EPA & Illinois DPH are in the process of implementing the regulations.	Respond to questions from our state programs about D/DBP regulations. Train state staff about Stage 2 D/DBPR by offering in-state and/or regional training opportunities. Maintain a forum for U.S. EPA-State communications through the monthly U.S. EPA-State conference calls, holding an annual meeting, and conducting additional meetings/calls as needed.	
6.2 – Notify all CWSs, and NTNCWSs (serving greater than 10,000 people), delivering water that has been treated with a primary or residual disinfectant (other than ultraviolet light) of their regulatory requirements. In broad summary, requirements for regulated water systems include:	See 6.1 above.	Region 5 will implement ST2 requirements as outlined in the State/U.S. EPA Primacy Extension Agreement and/or the attached early implementation transition table in Attachment B.	.
–Identifying 40 CFR Part 141 subpart V monitoring locations to determine compliance with TTHM and HAA5 MCLs by completing an IDSE in accordance with the appropriate schedule.	Group 1 and most of Group 2 have completed IDSE monitoring		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
	6.0 – D/DBPRs		
–Determining compliance with TTHM and HAA5 MCLs via subpart V monitoring in accordance with the appropriate schedule.	Monitoring will be done when required.		
–Continuing to comply with Subpart L requirements.	Ongoing – will continue.		
6.3 – Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the D/DBP rule.	Data will be maintained in SDWIS/ State		
6.3.1. As soon as SDWIS/State is fixed to accept data, Illinois EPA and Illinois DPH will ensure that systems collect the same number of distribution system chlorine residual samples as TCR samples, including when repeat TCR samples are collected.[major DV finding]	Illinois EPA & Illinois DPH will ensure that systems collect the same number of distribution system chlorine residual samples as TCR samples, including when repeat TCR samples are collected, as soon as SDWIS/State is fixed to accept data.		
6.3.2 – Assist U.S. EPA with the review, approval, and correction of data in the Data Collection and Tracking System (DCTS) and the Region 5 early implementation database to accurately track the	Assistance has been and will be provided as needed.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
6.0 – D/DBPRs			
inventory, schedules, correspondence, and approvals for the early implementation of Stage 2.			
6.4 – Electronically report all MCL, M/R TT and PN violations and inventory updates to SDWIS/FED for all public water systems.	Ongoing – will continue. Tracked in SDWIS/State.	Region will provide States with new rule (ST2) violation codes when established by HQ. Monitor D/DBPR related State follow-up to the findings of the last data and enforcement verification report.	
6.5 – Follow-up on chlorine dioxide MRDL violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
6.6 – Follow-up on all other MCL/MRDL violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
6.7 – Ensure that Subpart H systems using conventional filtration operate in compliance with the DBP precursor control treatment technique requirements.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
6.8 – Follow-up on all M/R violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
6.9 – Determine which systems do not qualify for reduced monitoring and inform them they must return to the routine monitoring frequency.	Ongoing – will continue.		
6.10 – Follow-up on all other reporting requirement violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
7.0 – IOCs (including Arsenic)			
7.1 – Adopt all rule changes in a timely manner (within two year extension period).	Illinois PCB has adopted IOC Rules and they are being implemented (including arsenic).	Maintain a forum for U.S. EPA-State communications through the monthly U.S. EPA-State conference calls, holding an annual meeting, and conducting additional meetings/calls as needed.	
7.2 – Notify all CWSs and NTNCWSs of their regulatory requirements.	Ongoing – will continue.		
7.3 – Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the IOCs.	Ongoing – will continue. Tracked in SDWIS/State.		
7.4 – Electronically report all MCL, M/R and PN violations and inventory updates to SDWIS/FED for all CWSs and NTNCWSs.	Ongoing – will continue. Tracked in SDWIS/State.	Monitor State IOC related follow-up to the findings of the last data and enforcement verification report.	
7.5 – Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level) and MCL violations that occur at CWSs and NTNCWSs for > 1 year and take an appropriate course of action that ensures public health protection.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
7.6 – Follow-up on new MCL violations.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
7.0 – IOCs (including Arsenic)			
7.7 – Enforce against CWSs and NTNCWSs that are SNCs because of M/R violations.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
7.8 – Enforce against CWSs and NTNCWSs that have M/R violations when historic results are not reliably and consistently below the MCL.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
7.9 – Follow-up on all other M/R violations.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
8.0 – Radionuclides (including Radon)			
8.1 – Adopt all rule changes in a timely manner (within two year extension period).	Illinois PCB has adopted Radionuclide Rules and they are being implemented.		
8.2 – State makes decision on grand-fathering system data.	Ongoing – will continue.		
8.3 – Notify all CWSs of their regulatory requirements.	Ongoing – will continue.		
8.4 – Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for radionuclides.	Ongoing – will continue. Tracked in SDWIS/State.		
8.5 – Electronically report all MCL, M/R and PN violations and inventory updates to SDWIS/FED for all CWSs.	Ongoing – will continue. Tracked in SDWIS/State.	Monitor State radionuclide related follow-up to the findings of the last data and enforcement verification report.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
8.0 – Radionuclides (including Radon)			
8.6 – Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level) and MCL violations that occur at a PWS for > 1 year and take an appropriate course of action that ensures public health protection.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
8.7 – Follow-up on new MCL violations.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
8.8 – Enforce against CWSs that are SNCs because of M/R violations.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
8.9 – Follow-up on M/R violations at regulated systems with a history of gross alpha measurements > 5 pCi/L in last 3 years.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	
8.10 – Follow-up on all other M/R violations.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
	9.0 – SOCs		
9.1 – Notify all CWSs and NTNCWSs of their regulatory requirements.	Ongoing – will continue.		
9.2 – Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the SOCs.	Ongoing – will continue. Tracked in SDWIS/State.		
9.3 – Electronically report all MCL, M/R and PN violations and inventory updates to SDWIS/FED for all CWSs and NTNCWSs.	Ongoing – will continue. Tracked in SDWIS/State.	Monitor State SOC related follow-up to the findings of the last data and enforcement verification report.	
9.4 – Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level) and MCL violations that occur at a PWS for > 1 year and take an appropriate course of action that ensures public health protection.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
9.5 – Follow-up on all other MCL violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
9.6 – Enforce against CWSs and NTNCWSs that are SNCs because of M/R violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
9.7 – Enforce against CWSs and NTNCWSs that have M/R violations when historic results are not reliably and consistently below the MCL.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
9.0 – SOCs			
9.8 – Follow-up on all other M/R violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
		10.0 – VOCs	
10.1 – Notify all CWSs and NTNCWSs of their regulatory requirements.	Ongoing – will continue.		
10.2 – Maintain a data base management system that accurately tracks the inventory (including routine updates of system info), and violations for VOCs.	Ongoing – will continue. Tracked in SDWIS/State.		
10.3 – Electronically report all VOC MCL, M/R and PN violations and inventory updates to SDWIS/FED for all CWSs and NTNCWSs.	Ongoing – will continue. Tracked in SDWIS/State.	Monitor State VOC related follow-up to the findings of the last data and enforcement verification report.	
10.4 – Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level) and MCL violations that occur at CWSs and NTNCWSs for > 1 year and take an appropriate course of action that ensures public health protection.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
10.5 – Follow-up on all other MCL violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
10.6 – Enforce against CWSs and NTNCWSs that are SNCs because of M/R violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
10.7 – Enforce against CWSs and NTNCWSs that have M/R violations when historic results are not reliably and consistently below the MCL.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
10.8 – Follow-up on all other M/R violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
11.0 – Phase II/V Monitoring Waiver Program			
11.1 – Any changes to the originally approved waiver program must be submitted to Region 5 for approval.	There have been no changes to the Phase II/V monitoring waiver program. Any future changes will be reported.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
12.0 – Sodium			
12.1 – Notify all CWSs of their regulatory requirements.	Ongoing – will continue.		
12.2 – Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for sodium M/Rs.	Ongoing – will continue. Tracked in SDWIS/State.		
12.3 – Notify appropriate local and State health departments of the sodium levels in CWS drinking water.	Ongoing – will continue.		
12.4 – Follow-up on M/R violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
13.0 – Public Notification			
13.1 – Notify all public water systems of their public notification requirements.	Ongoing – will continue.		
13.2 – Maintain a data base management system that accurately tracks PN violations.	Ongoing – will continue. Tracked in SDWIS/State.		
13.3 – Electronically report all public notification violations to SDWIS/FED.	Ongoing – will continue.	Monitor State PN related follow-up to the findings of the last data and enforcement verification report.	
13.4 – Follow-up on all Tier 1 violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
13.5 – Follow-up on all Tier 2 violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	
13.6 – Follow-up on all Tier 3 violations.	Ongoing – will continue.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
14.0 – CCR			
14.1 – Notify all regulated water systems of their CCR requirements.	Ongoing – will continue.		
14.2 – Maintain a data base management system that accurately tracks CCR violations.	Ongoing – will continue. Tracked in SDWIS/State.		
14.3 – Electronically report all CCR violations to SDWIS/FED.	Ongoing – will continue. Tracked in SDWIS/State.	Monitor State CCR related follow-up to the findings of the last data and enforcement verification report.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
14.0 – CCR			
14.4 – Enforce the rule when the water system has not issued a CCR or issued one with insufficient content.	Ongoing – will continue. Tracked in SDWIS/State.	Region 5 will assist as necessary, or as requested.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
15.0 – Compliance and Enforcement Management			
15.1 – Participate with R5 in compliance and enforcement planning actions including referrals, Enforcement Verification audits, and state compliance and enforcement strategy updates.	*(Each State should include whether its strategy is current/relevant and if not, its plan to update it.)* Ongoing – will continue. Tracked in SDWIS /State.		
15.2 – The State will conduct compliance assistance and enforcement activities to help prevent systems from becoming SNCs. The State will address SNCs before they become Exceptions, and address or RTC Exceptions as soon as possible.	Ongoing – will continue. Tracked in SDWIS /State.	Assist with, referrals, analysis, data clean up or other joint efforts as requested by state.	
15.3 – Evaluate compliance with all rules for which the State has primacy. Respond to all violations, provide compliance assistance where appropriate and escalate to formal enforcement where systems have not returned to compliance in a timely way or are not complying with a schedule to return to compliance.	*(Each state should note any disinvestments already agreed to or alternative approaches or disinvestments to discuss.)* Ongoing – will continue. Tracked in SDWIS /State.	Assist with, referrals, analysis, data clean up or other joint efforts as requested by state.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
	15.0 – Compliance and Enforcement Management		
15.4 – The State will send Region 5 an update on compliance and enforcement activities, within the timeframe requested in the quarterly SNC letter.	Ongoing – will continue. Tracked in SDWIS /State.	Each quarter, Region 5 will send the states updated SNC reports requesting a state update. Region 5 will integrate State updates into reports before the next request is sent out.	
15.5 – Electronically report state formal enforcement actions, return to compliance (SOX) dates, and deactivation dates to SDWIS/FED, and correct data errors in SDWIS/FED which result in systems erroneously being classified as SNCs. Reporting SOX dates and enforcement actions and ensuring to link to all appropriate violations helps ensure an accurate SNC list.	The State will update SDWIS/FED with this information quarterly, and link SNC addressing enforcement actions, and/or SOX dates to violations as appropriate such that SDWIS/FED accurately represents those actions for each violation affected. Ongoing – will continue. Tracked in SDWIS /State.	Region to provide guidance (at very least in draft) on RTC definitions.	
Reporting SOX also helps ensure accurate violation duration. It is particularly important to SOX open-ended violations that, if left "un-SOX'd," will negatively affect this measure.	Ongoing – will continue. Tracked in SDWIS /State.		
15.6 – U.S. EPA has shared with ASDWA and states the draft revised Enforcement Response Policy (ERP) and draft Enforcement Targeting Tool. With input from the ASDWA workgroup, U.S. EPA OECA expects to formally launch the draft ERP and Enforcement Targeting Tool pilot process for	EPA may consider revisions. However, the draft revised Enforcement Response Policy (ERP) and draft Enforcement Targeting Tool does not keep pace with the process used in Illinois. The addition of record keeping for this program would only further deplete scarce resources.	Region 5 to participate with OECA and the ASDWA/EPA workgroup in development of the policy and formula.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
15.0 – Compliance and Enforcement Management			
getting input from states. The proposed revisions to the ERP and Enforcement Targeting Tool could be used as early as 2010 or 2011, and we want to ensure any concerns or input from Region 5 states is considered and incorporated.			

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
16.0 – Data Management			
16.1 – State must use the latest version of SDWIS/FedRep to validate and correct errors prior to data submittal. The State must also correct all object errors and as many data quality errors identified by the SDWIS/FED-ODS processing software. These corrections should be submitted before the end of the quarter. Further, States should follow agreed upon protocol (dated 10/5/2006) for transmittal, receipt, and review of output reports by the Region.	For each data submission with errors, the State will contact the Region about their plans for fixing the errors. Ongoing – will continue. Tracked in SDWIS /State.	Maintain a forum for U.S. EPA-State communications through the monthly U.S. EPA-State conference calls, holding an annual meeting, and conducting additional meetings/calls as needed. Provide technical assistance and program assistance to all Region 5 States related to data management.	
16.2.0 – Continue to improve inventory reporting to SDWIS/FED focusing primarily on inventory data quality errors and improving locational data for CWS intakes, wells, and treatment plants for increased emphasis on Regional emergency response needs. (As of April 2009, Illinois DPH is still missing 128 NTNC source water system facilities locational data per the Inventory error report.)	Ongoing – will continue. Illinois has made significant progress in improving inventory data quality in SDWIS as recognized in State and Federal Audit reports. As resources allow, tracking elements will continue to be expanded with a high degree of quality control. Illinois DPH is in the process of obtaining the missing 128 source water system facilities locational data and will report this information in the 4th Quarter 2009 federal report to SDWIS/FED.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
	16.0 – Data Management		
16.2.1 IDPH will evaluate the approximately 50 systems impacted by Policy 13 as to whether classification as a nontransient noncommunity, or a transient noncommunity water system is appropriate, and whether NTNCWS qualify for monitoring waivers [major DV finding]. **Illinois DPH will also explore expanding monitoring waivers where systems provide bottled water for drinking.**	Illinois DPH will rescind Policy 13 and evaluate systems that were impacted by Policy 13 by Oct.31, 2007. Systems will be reclassified as Non-Transient if applicable and required to initiate sampling and compliance measures as appropriate. This has been done as reported in the FY2009 ARDP.		
16.3 – Continue to improve the data reliability by the following activities (Data Quality Improvement Plan):			
16.3.a – State will utilize to the fullest extent possible electronic technology to improve reporting of water system data including electronic reporting from labs and automated monitoring schedule generation and system notification.	a. Automated monitoring schedule generation and system notification has been underway for some time. Electronic reporting will be undertaken as resources allow.		
16.3. b – State will utilize automated compliance determination tools to the fullest extent possible.	b. Illinois EPA is using the ACD tools where possible.		
16.3. c – State will update standard operating procedures, as necessary, to ensure proper compliance	c. Compliance determinations are		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
16.0 – Data Management			
determinations are being made. 16.3.d – State will provide timely compliance determination training to staff, particularly for new rules. 16.3.e – State to consider utilizing the eDV tool to evaluate compliance determinations and identify and correct potential discrepancies as soon as possible. 16.3.f – For States using SDWIS/State, please list those modules the State is not using at all or not fully utilizing and the State's plans or schedule to use them. This includes the timeline to switch over to the latest version of SDWIS/State. 16.3.g - Since data management is critical to each State's ability to maintain primacy, the State shall send a representative to the annual ASDWA Data Management User's conference.	made using SOPs. d. Training is provided. Better coordination between the Illinois DPH regional offices and the central office may ensure that data are entered into SDWIS/State as soon as sampling results are received so that compliance decisions can be made in time to report violations to SDWIS/Fed within the reporting deadline of 45 days of the end of the compliance quarter. (DV recommendation) Illinois DPH continues to work on refining this process by utilizing SDWIS/State and generating compliance reports to check data being submitted by Regional and Local Health Department offices. e. Illinois EPA is in the process of trying to implement the eDV program. f. Illinois EPA is using the mandatory parts. g. While Illinois EPA & Illinois DPH are aware of the importance, travel approval is not always given. Illinois EPA has been able to participate		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
16.0 – Data Management			
	previously when travel funds were generously offered by Region 5.		

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
17.0 – Annual Compliance Report			
17.1 – Prepare and submit an **Annual Compliance Report** (ACR). Please provide a summary of the number and percentage of systems (by system type) in compliance with monitoring requirements, by rule, as part of this report.	Due Dates: 7/1/09 and 7/1/10 The ACR was submitted to EPA on 6/29/2009.		
17.2 – Review and provide input to ACR data verification reports sent by the Region or USEPA Headquarters.	Illinois EPA & Illinois DPH will continue to cooperate as requested.		
Activity Components	**State Commitment**	**Region 5 Activities**	**State/U.S. EPA Evaluation**
18.0 – Variances and Exemptions			
18.1 – Follow all variance and exemption requirements when variances and exemptions are allowed by the State.	Illinois does not issue Variances or Exemptions.	Monitor State V&E related follow-up to the findings of the last data and enforcement verification report.	

Table 1. Primacy Activities

Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
19.0 – Conduct Joint Assessment of Program Progress Using Evaluation Tools such as U.S. EPA's Strategic Plan and State/U.S. EPA Shared Goals			
19.1 – Gather information to track strategic plan progress.	Report on status of state's commitments for measures in USEPA's strategic plan Ongoing - will continue through the PPA program.	Compile information and report to HQ. Annually assess each State's progress in attaining the shared goals milestones, and identify U.S. EPA or State follow-up actions needed to maintain or improve compliance. Negotiate appropriate disinvestments with States as necessary to ensure that the highest priority work is done. Work with State Drinking Water and Ground Water Programs to increase public understanding of the impacts of budget cuts on public health protection efforts, and assist in state efforts to gain additional program resources. The Region commits to visit each State annually, as travel funds allow, to discuss and negotiate activities in the ARDP and related progress.	

Table 2. Other, Non-Primacy Activities

Other, Non-Primacy Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
1.0 – Preparing for Security Threats at PWSs			
State-specific security work plan activities.	Report work plan progress semi-annually. On-going – will continue to work with Region 5 as needed.	Review work plan updates. Maintain a forum for U.S. EPA-State communications through the monthly U.S. EPA-State conference calls, holding an annual meeting, and conducting additional meetings/calls as needed. Hold quarterly conference calls with state security contacts.	

Table 2. Other, Non-Primacy Activities

Other, Non-Primacy Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
2.0 – Operator Certification			
2.1 – Annually provide documentation to U.S. EPA showing the ongoing implementation of the Operator Certification Program to avoid 20% withholding of the DWSRF capitalization grant. Due Dates – September 30, 2009 and September 30, 2010	Revise ERG workplan to reflect progress. Develop a fiscal plan as the ERG approaches the end of the budget period. On-going – will continue.	Coordinate information and issues on Op Cert Program implementation and annual reports as well as ERG progress. Maintain a forum for U.S. EPA-State communications through the monthly U.S. EPA-State conference calls, holding an annual meeting, and conducting additional meetings/calls as needed. The ERG funds are to be expended within the existing grant end dates, and to help Region 5 states expend these funds within this timeframe, Region 5 staff will share information about successful state efforts to use ERG funds (for example, by convening conference calls to discuss possible next steps and passing along "best practices" information from the May and June 2009 webcasts and other sources).	
2.2 – Certify surface water system operators.	Ongoing – will continue		
2.3 – Provide training for community and non-community operators that have never been certified.	Ongoing – will continue		

Table 2. Other, Non-Primacy Activities

Other, Non-Primacy Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
	2.0 – Operator Certification		
2.4 – Certify operators at systems with a history of violations.	Ongoing – will continue		
2.5 – Certify CWS operators that have never been certified before.	Ongoing – will continue		
2.6 – Certify NTNCWS operators that have never been certified before.	Ongoing – will continue		
	3.0 – Capacity Development		
3.1 – Annually provide documentation to U.S. EPA showing the ongoing implementation of both the new systems program and the existing systems strategy to avoid 20% withholding of the DWSRF capitalization grant. Annual report should address the new Capacity Development reporting measures. Due Date – 90 days after the end of the federal or state fiscal year. State decides which one.	Ongoing – will continue. Annual Capacity Development Report will be submitted 90 days after end of FFY.	Region 5 will send a reminder to the State about the capacity development annual report in August 2009 and August 2010. Maintain a forum for U.S. EPA-State communications through the monthly U.S. EPA-State conference calls, holding an annual meeting, and conducting additional meetings/calls as needed.	
3.2 – Submit a list of CWSs and NTNCWSs that have a history of significant noncompliance and, to the extent possible, the reasons for noncompliance. Due Date: August 6, 2009.	A list of CWSs and NTNCWS with a history of SNC will be submitted along with reasons for non-compliance, if known.		

Table 2. Other, Non-Primacy Activities

Other, Non-Primacy Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
	4.0 – Source Water Assessments and Protection		
4.1 – Update source water assessments, as resources allow. Assist local community source water protection plan preparation and implementation.	Report the number of CWSs with SWP plans and the number of CWSs implementing SWP measures. (electronically via SDWIS, if possible.) **Ongoing – will continue.**	Continue to develop tools as needed, foster cross-program coordination, and encourage coordination between States and Tribes, and at federal facilities. Maintain a forum for U.S. EPA-State communications through U.S. EPA-State conference calls, and holding an annual meeting.	
4.2 – Actively support National Rural Water Association and Rural Community Assistance Partnership technical assistance efforts.	Provide technical assistance and outreach materials at rural water tech sponsored outreach events. **Ongoing – will continue.**	Participate in annual forum and provide recommendations for future activities.	

Table 2. Other, Non-Primacy Activities

Other, Non-Primacy Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
	4.0 – Source Water Assessments and Protection		
4.3 – Develop and implement coordinated approaches with other regulatory programs to protect source water.	Work with Clean Water Act (CWA) entities to ensure adequate assessment of surface waters with a Public Water Supply (PWS) use. **Ongoing – will continue.** Work with CWA entities to prioritize impaired waters with PWS impairments to increase TMDL or other pollution control plan development. **Ongoing – will continue.** Work with CWA entities to identify PWS impaired waters in which TMDL or other pollution control plan implementation is occurring and encourage follow-up monitoring assessment which could document restoration. **Ongoing – will continue.** Work with other media programs to develop and implement tailored approaches that will achieve substantial implementation of source water protection. **Ongoing – will continue.**	Facilitate information exchange. Encourage other programs to prioritize permitting and compliance activities in source water areas.	

Table 2. Other, Non-Primacy Activities

Other, Non-Primacy Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
5.0 – DWSRF			
5.1 – Implement all required activities.	**Ongoing – will continue. Handled by the Infrastructure Financial Assistance Section.**	Review IUP and set-aside workplans. Ensure the set-aside funds are spent in a timely manner, or transferred to the Loan Fund and then banked for future use.	

Table 2. Other, Non-Primacy Activities

Other, Non-Primacy Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
6.0 – Conduct Joint Assessment of Program Progress Using the Logic Model			
6.1 – Review the draft report prepared by Region 5 and assist in filling gaps related to the State's PWSS program to support the various components of the PWSS Logic Model.	Will coordinate and discuss LM assessments with Region 5 when available. Will comment after review of a final draft document.	Use the logic model to improve our ability to understand measure, assess, and communicate progress. SPM will work with state program to determine state-specific approach, and schedule. [SPMs – add state-specific commentary into the appropriate sections based on what you learned and what information you still lack for your report. We are trying to make the logic model the cornerstone of our assessment of each state program, so if you are still lacking any information to complete or improve your report, you may want to describe what's lacking and see if there is a way we can work with the state to improve our communication for that section of the report.] *LM in Draft stage….waiting on regional comments. Also need to do a few pivot tables before submittal to State.*	

Table 2. Other, Non-Primacy Activities

Other, Non-Primacy Activity Components	State Commitment	Region 5 Activities	State/U.S. EPA Evaluation
7.0 – Special Initiatives			
7.1 Provide incentives through DWSRF set-asides and grant criteria or otherwise promote and encourage various special initiatives, including, for example: 7.1.a water and/or energy efficiency 7.1.b sustainable infrastructure 7.1.c green infrastructure 7.1.d climate change–related initiatives 7.1.e environmental justice	These programs are being handled under the ARRA stimulus grant program. Information is not yet available on the FY2010 DWSRF program.	7.1.a and b – Region 5 staff participate in a region-wide sustainable water infrastructure (SWI) workgroup created to develop and share information about the cost savings and benefits of investments in SWI initiatives, including WaterSense. 7.1.d – Region 5 staff participate in regional and national EPA climate change workgroups that share information about ongoing initiatives.	

Attachment A: Linking the Strategic Plan to this Workplan

This continuing program grant is consistent with U.S. EPA's Strategic Plan Goal 2: Clean and Safe Water, which calls for protecting public health by providing safe drinking water. Many of the grant workplan activities contribute to the goal of assuring that people served by public water systems receive drinking water that meets all applicable standards through effective treatment and source water protection. Continuing program implementation includes adopting rules at least as stringent as federal regulations, providing assistance to public water systems on regulatory requirements, conducting sanitary surveys, ensuring that monitoring and follow-up is conducted, and enforcing regulations.

Table A. Draft FY 2010 National Water Program Guidance: OW and OECA National Program Manager (NPM) Guidance Targets and Program Activity Measures

NOTE: The information in the table below is based on draft measures at www.epa.gov/ocfo/npmguidance/owater/2010/2010_NWPG_appendixa.pdf and http://www.epa.gov/ocfo/npmguidance/oppts/2010/fy2010_npm_ocea_guiidance_0225.pdf (public comments due March 20, 2009. This table will be updated if and when any changes are made in the final measures.

OW ACS code	Goal 2: Clean and Safe Water Subobjective 2.1.1: Water Safe to Drink
2.1.1	By FY2010, 90 percent of the population served by community water systems will receive drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection. State FY10 target: **95%**
SP-1	By FY2010, 90 percent of the community water systems will meet all applicable health-based standards through approaches that include effective treatment and source water protection. State FY10 target: **90%**
SP-2	By FY2010, community water systems (CWSs) will provide drinking water that meets all applicable health-based drinking water standards during 95 percent of "person months" (i.e., all persons served by CWSs times 12 months). State FY10 target: **96%**
SP-4a	By FY2010, minimize risk to public health through source water protection for 41 percent of CWSs (i.e., "minimized risk" achieved by substantial implementation, as determined by the state, of actions in a source water protection strategy). State FY10 target: **45%**
SP-4b	By FY2010, minimize risk to public health through source water protection for 55 percent of the population served by CWSs (i.e., "minimized risk" achieved by substantial implementation, as determined by the state, of actions in a source water protection strategy). State FY10 target: **75%**
SDW-1a	By FY2010, 95 percent of CWSs that have undergone a sanitary survey within the past three years (five years for outstanding performers) as required under the Interim Enhanced and Long-Term 1 Surface Water Treatment Rules. State FY10 target: **86%**

OW ACS code	Goal 2: Clean and Safe Water Subobjective 2.1.1: Water Safe to Drink
SDW-2	Percent of the data for violations of health-based standards at public water systems that is accurate and complete in SDWIS-FED for all maximum contaminant level and treatment technique rules (excluding the Lead and Copper Rule) [based on three-year rolling data from data verification audits]. **HQ reports. No State target requested at this time.**
SDW-3	Percent of the Lead action level date for the Lead and Copper Rule for CWS serving over 3,300 people that is complete in SDWIS-FED. **HQ reports.** State FY10 target:
SDW-4	In FY2010, achieve a 89 percent fund utilization rate [cumulative dollar amount of loan agreements divided by cumulative funds available for projects] for the Drinking Water State Revolving Fund (DWSRF). **HQ reports** State FY10 target
SDW-5	The number of Drinking Water State Revolving Fund projects that have initiated operations. NOTE: The FY2010 target is 450 (4,532). State FY10 target: [Information to be provided by Illinois EPA, BOW, Infrastructure Financial Assistance Section]
SDW-9	Percent of CWS intakes for which the source water was assessed. **HQ reports**
SDW-10a	Percent of waterbody impairments identified by states in which there is a CWS intake and for which there is a TMDL. **HQ reports**
SDW-10b	Percent of waterbody impairments identified by states in which there is a CWS intake and for which the waterbody impairment causes have been removed. **HQ reports**
OECA ACS code	**Goal 5: Compliance and Environmental Stewardship** **Subobjective 5.1.3: Address Environmental Problems from Waste, Toxics, and Pesticides Pollution**
5.1.3 (SDWA02)	PWSs listed on a "Fixed Base" SNC/Exceptions list will be addressed or resolved either by a state or tribe with primacy, or by U.S. EPA. It is recommended that high priority systems be substituted for lower priority systems on the fixed base list. The regions should provide a break out number by state and by tribe in the comment field. Later identified high priority systems can be substituted to meet the commitment to address/resolve systems. [The "Fixed Base" list consists of PWSs that were identified as SNC or Exceptions during the most recent four quarters available from SDWIS.] State FY10 target: **Illinois EPA & Illinois DPH intend to address or resolve all PWSs on the SNC/Exceptions list.**

IV. Multimedia Programs Planning and Outputs

A. Toxic Chemical Management Program

- Illinois EPA will conduct 29 inspections during the first year of this agreement. This is a reduction of 3 inspections due to a reduction in funding. The second year will be the same unless funding changes. The number of inspections may increase or decrease depending on available funding. The number of inspections may also be reduced if USEPA requests Illinois EPA becomes involved in oversight responsibilities or pipeline investigation as has occurred often in the past couple of years. The number of inspections that are increased or decreased for various reasons will be negotiated and agreed upon by both Illinois EPA and Region 5 staff. Illinois TSCA/PCB certified inspectors will perform the inspections. All credentialed responders will attend refresher training as deemed necessary by Region 5.

- Illinois EPA will have one primary inspector in the Springfield office. Additional inspectors, one South and two North have agreed to meet the requirements necessary to retain their credentials.

- Illinois has agreed that all credentialed inspectors will attend USEPA sponsored refresher training.

- Illinois will utilize its Organic Chemistry Lab in Springfield for securing and analysis of samples taken during compliance inspections. The Illinois EPA lab in Springfield has been evaluated and approved for PCB analysis by Region 5.

- The manager of the Office of Emergency Response will assure that the 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. 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 within a timely manner so that corrections and or adjustments can be made prior to the program ending date.

- Illinois agrees to oversee any PCB cleanup that requires federal assistance, which may include verification samples. Sample analysis quality will be assured by a review process as specified in the Quality Assurance Project Plan (QAPP). Region 5 and Illinois EPA currently have an updated and approved QAPP in place. The current QAPP will expire at the end of 2009. It is believed that minimal tweaking will be necessary to update the existing document. Necessary changes and updates must meet Region 5 requirements expectations in order to be approved.

B. Pollution Prevention

Educational Outreach

- Support and/or participate in at least six workshops in different areas of the state to promote pollution prevention (P2) and sustainability concepts to facilities.
- Work with the state administrative services agency to expand the procurement of environmentally preferable products, focusing on recycled content paper, integrated pest management, EPEAT electronic products and low mercury fluorescent lamps.

Technical Assistance

- Provide on-site technical assistance to facilities to help them identify P2 opportunities.
- Recruit, train and place student interns at selected facilities to research and implement P2 projects.

Product Stewardship

- Continue to work with interest groups to improve the collection and recycling of mercury-switch thermostats take out of service within the state.
- Conduct outreach to auto recyclers to encourage participation in the automakers' mercury switch collection program.

Voluntary Initiatives

- Provide technical assistance to facilities participating in the Mercury Switch Removal Program, Illinois Green Governments Program, Region 5 Sustainability Network and other partnership initiatives.

Measurement

- Create a protocol to collect data on environmental outcomes from P2 intern host facilities and report the results to the National P2 Results Data System. Create a link that summarizes P2 activities and outcomes on the agency web site.

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.

1. Define dispute - any disagreement over an issue that prevents a matter from going forward.
2. Resolution process - a process whereby the parties move from disagreement to agreement over an issue.
3. Principle - all disputes should be resolved at the front line or staff level.
4. Time frame - 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. Escalation - 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.