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DRAFT

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Dr. Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency, Region V
77 West Jackson Boulevard (R-19)
Chicago, Illinois 60604-3507

Re: The State of Illinois' 110(a) SIP Requirements for the 2008 NAAQS for Ozone and the 2010 NAAQS for NO₂ and SO₂

Dear Dr. Hedman:

I am writing to confirm that the State of Illinois continues to retain the resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, meet the applicable requirements of the new source review program, and effectively enforce all applicable requirements. Specifically, the Illinois Environmental Protection Agency ("Illinois EPA") has the authority and resources to implement and satisfactorily complete the requirements listed below as set forth in Section 110 of the Clean Air Act ("CAA") for the current National Ambient Air Quality Standards ("NAAQS") and thus meets the current applicable requirements of Section 110 of the CAA for the 2008 revision for the NAAQS for ozone and the 2010 NAAQS for NO₂ and SO₂.

The State Implementation Plan ("SIP") elements listed below are required under Section 110(a)(1) and (2). Section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists the basic or "infrastructure" elements that all SIPs must contain.

Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limitations and other control measures, means, or techniques, as well as schedules for compliance, as appropriate to meet the applicable requirements of the CAA.

The Illinois EPA continues to monitor and implement needed revisions to its SIP. The Illinois Environmental Protection Act ("Act") provides the Illinois EPA with the authority to develop rules and regulations necessary to meet ambient air quality standards (415 ILCS 5/4). The Act also created the Illinois Pollution Control Board ("Board") and grants the Board the authority to develop rules and regulations. The Board's rules and regulations are necessary to promote the purposes of the Act, are required by law, and are part of the State's attainment plan to attain the NAAQS or to comply with the requirements of the federal CAA (415 ILCS 5/10).

Ambient air quality monitoring data system: Section 110(a)(2)(B) requires SIPs to provide for the establishment and operation of ambient air quality monitors, and procedures necessary to monitor, compile, and analyze ambient air quality data.

In accordance with its SIP, the Illinois EPA continues to operate an extensive monitoring network incorporating more than 200 monitors that track the measurements of a variety of pollutants and air toxic compounds throughout the State. The Illinois EPA publishes an annual report, most recently the Illinois Annual Air Quality Report 2010 (the 2011 report is due to be available shortly), which describes the monitoring network and summarizes the measurements for the year. The Illinois EPA also prepares and publishes for public comment its plans for the coming year. USEPA provides approval of the plan in advance of each calendar year. All reports and data are routinely shared with the USEPA or readily available to the USEPA upon request. The 2013 Illinois Air Monitoring Network Plan is available on the Illinois EPA's website at www.epa.state.il.us/air/monitoring/.

Program for enforcement, PSD, and NSR: Section 110(a)(2)(C) requires States to include a program providing for the enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet prevention of significant deterioration (“PSD”) and nonattainment New Source Review (“NSR”) requirements.

The Illinois EPA continues to staff and implement a vigorous enforcement program that includes the Compliance Section and Division of Legal of Counsel. Section 4 of the Act provides the Director with the authority to implement and administer this program (415 ILCS 5/4). In Illinois, enforcement actions are brought by the Office of the Illinois Attorney General or local States' Attorney offices, with whom the Illinois EPA consults. Illinois enforces all terms of our PSD and nonattainment NSR construction and operating permits.

Since USEPA has not developed a guidance document for ozone, NO₂, or SO₂ infrastructure SIPs, Illinois EPA has used USEPA's previous guidance for the lead infrastructure SIP along with Illinois EPA's previous PM_{2.5} infrastructure SIP submittal as guidance. The previous guidance for the lead infrastructure SIP included concerns for PSD programs. Specifically, these concerns address the construction or modification of major stationary sources that may cause or contribute to a violation of the NAAQS for lead. The concern for purposes of this submittal is ozone, NO₂, and SO₂. This guidance also stated that PSD programs adequately address sources that emit greenhouse gas (GHG) emissions consistent with USEPA's Tailoring Rule. Illinois EPA administers the Federal PSD regulations under 40 CFR 52.21. These regulations contain provisions specific to ozone, NO₂, and SO₂, as well as the appropriate Federal threshold for the permitting of GHG-emitting sources. Therefore, requirements related to PSD for this section have been met.

Interstate and International transport provisions: Section 110(a)(2)(D)(i) requires SIPs to include provisions preventing any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of the NAAQS in

another state, or from interfering with measures required to prevent significant deterioration of air quality or to protect visibility in another state.

On August 8, 2011, USEPA adopted a final Federal Implementation Plan addressing the majority of interstate transport in Illinois and 26 other States for purposes of the 2006 fine particulate matter NAAQS (76 *Fed. Reg.* 48208). In addition, the Illinois EPA has adopted and implemented two major programs related to the interstate transport of pollution. Title 35 of the Illinois Administrative Code Part 225, Control of Emissions from Large Combustion Sources, sets forth provisions pertaining to the control of mercury emissions from coal-fired electric generating units (“Illinois Mercury Rule”) (35 Ill. Adm. Code Part 225). In particular, the Illinois Mercury Rule contains a multi-pollutant standard to reduce NO_x and SO₂ emissions from coal-fired electric generating units. These provisions, which will result in reductions of SO₂, NO_x, and Hg beyond federal requirements, will significantly reduce the interstate transport of pollutants from sources in Illinois. Moreover, the State of Illinois has good working relationships with the States of Missouri, Indiana, and Wisconsin as part of the continuing effort to achieve compliance in Illinois’ multi-state nonattainment areas. Furthermore, Illinois’ SIP revision to address the visibility protection requirements of Section 169A of the CAA for Federal Class I areas, including provisions to apply Best Available Retrofit Technology (“BART”) to subject emission units, was approved by USEPA on July 6, 2012, thereby meeting the visibility requirements of this section. Together these regulations and cooperative agreements amply address Congressional and USEPA concerns over the interstate transport of emissions of regulated pollutants. With respect to the PSD requirements of section 110(a)(2)(D)(i), we reiterate that Illinois EPA administers the Federal PSD regulations, and therefore Illinois satisfies the applicable PSD requirements of Section 110(a)(2)(D)..

Section 110(a)(2)(D)(ii) requires SIPs to contain provisions that address Section 115 and Section 126 of the Clean Air Act. Illinois has no pending obligations under Section 115 of the Clean Air Act, which pertains to international pollution abatement. With respect to the requirements of Section 126(a), which requires Illinois to notify states of new or modified sources, we administer the Federal PSD regulations per 40 CFR 52.21 which contain the necessary provisions to satisfy the applicable requirement of Section 126(a). Furthermore, Illinois has no obligations under Section 126(b), which pertains to petitions for finding that major sources emit or would emit prohibited air pollutants.

Adequate resources: Section 110(a)(2)(E) requires states to provide for adequate personnel, funding, and legal authority under state law to carry out its SIP and related obligations.

On July 12, 2011, Governor Quinn signed into law Public Act 097-0095/House Bill 1297 (the full text can be found at <http://www.ilga.gov/legislation/publicacts/97/097-0095.htm>). The revisions to the Act increase operating permit fees in Illinois and provide additional funding for the Clean Air Act Permit fund. Including the revisions to the Act, State appropriations provide \$61.1 million of appropriations for the Illinois EPA Bureau of Air programs and 292 full time equivalent staffing positions (see: www.ilga.gov/legislation/96/HB/PDF/09600HB0859sam003.pdf). In combination with the funding provided by the Illinois EPA’s Performance Partnership Agreement (“PPA”) with USEPA, Illinois has the resources to carry out the required air programs. The Act provides the

Director, in conjunction with the Board, with the legal authority to develop rules and regulations necessary to meet ambient air quality standards and respond to any EPA findings of inadequacy with the Illinois SIP program (415 ILCS 5/4 and 10). The Board may also enact regulations that are required by law, that are otherwise part of the State's attainment plan and are necessary to attain the national ambient air quality standards, or that are necessary to comply with the requirements of the federal CAA (415 ILCS 5/10).

Section 110(a)(2)(E) also requires states to comply with the requirements respecting state boards per Section 128 of the Clean Air Act. Board Member Rules can be found under Part 101 of Illinois Administrative Code Title 35, Subtitle A, Chapter 1. Further rules addressing the state board requirements of Section 128 can be found in 5 ILCS 420/, 5 ILCS 430/, and Illinois Executive Order 10.

Stationary source monitoring system: Section 110(a)(2)(F) requires states to establish a system to monitor emissions from stationary sources and to submit periodic emissions reports.

The Act gives the Illinois EPA and the Board the authority to require regulated sources to install and operate monitoring equipment, to perform emissions testing, and to submit emission reports, depending on applicable requirements and the type of permit issued to the source, to the Bureau of Air for review. All reasonable efforts are made to maximize the effectiveness of available resources to review the required reports.

Emergency episodes: Section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

Section 34 of the Act allows the Illinois EPA to declare alerts upon a finding that episode or emergency conditions exist (415 ILCS 5/34). Further, Section 43(a) of the Act authorizes the Illinois EPA to request a State's Attorney of the Office of Illinois Attorney General to seek immediate injunctive relief in circumstances of substantial danger to the environment or to the public health of persons (415 ILCS 5/43(a)). Thus, the Illinois EPA has the necessary authority to address activities causing imminent and substantial endangerment to public health, as required by Section 110(a)(2)(G).

Future SIP revisions: Section 110(a)(2)(H) requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to a USEPA finding that the SIP is substantially inadequate.

The Act provides the Director, in conjunction with the Board, with the authority to develop rules and regulations necessary to meet ambient air quality standards and respond to any USEPA findings of inadequacy with the Illinois SIP program (415 ILCS 5/4 and 10).

Nonattainment area plan or plan revision under Part D: Section 110(a)(2)(I) references nonattainment area planning. Although there are two ozone nonattainment areas in Illinois (Chicago area and Metro-east), planning requirements for these areas are on a different schedule than general infrastructure SIP elements. USEPA's guidance does not expect states to include these planning requirements as part of the infrastructure SIP.

Consultation with government officials, public notification, PSD, and visibility protection: Section 110(a)(2)(J) requires consultation with government officials. Specifically, this section requires states to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to Section 121 relating to consultation.

The Illinois EPA is required to give notice to the Office of the Attorney General and the Illinois Department of Natural Resources during the rulemaking process. The Illinois EPA provides notice to both entities during every rulemaking and includes each as a stakeholder during outreach. The Illinois EPA further provides notice to reasonably anticipated stakeholders and interested parties. The Illinois EPA also gives notice to the Federal Land Manager ("FLM") if the rulemaking applies to Federal land over which the FLM has authority. Finally, the Illinois EPA consults with the USEPA and the States of Indiana, Wisconsin, Michigan, Minnesota, and Ohio through its membership in the Lake Michigan Air Directors' Consortium ("LADCO"), and consults with the State of Missouri through a process established in a Memorandum of Agreement ("MOA").

Public notification: Section 110(a)(2)(J) further requires States to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances.

The Illinois EPA and the Cook County Department of Environmental Control routinely monitor air quality throughout the state and notify the public when unhealthy air quality is measured or forecasted. The Illinois EPA provides air quality data to USEPA's AIRNOW program, and also provides the daily air quality index ("AQI") to the media. In addition, the Illinois EPA provides the AQI to local stakeholder groups, Partners for Clean Air in Chicago, and the Clean Air Partnership in St. Louis, who post the information online. Through these collaborative efforts, the Illinois EPA and the Cook County Department of Environmental Control provide information to the public on measures that can be taken to prevent exceedances and this information is also posted on the Illinois EPA's website.

PSD and visibility protection: Section 110(a)(2)(J) also requires States to meet applicable requirements of Part C related to prevention of significant deterioration and visibility protection.

The Illinois EPA is addressing both the long term requirements to meet natural visibility levels by 2064 and the ongoing review of new major sources and major modifications under Illinois' approved PSD new source review program. On July 6, 2012, USEPA approved Illinois' regional

haze SIP, including provisions to implement Best Available Retrofit Technology (“BART”) (77 FR 3966).

Illinois EPA provides public notice for all SIP revisions and public hearings for those revisions when requested. Requirements for consultation with other government officials and PSD requirements have been addressed in other sections of this document. Specifically, PSD requirements have been included in the discussion addressing Section 110(a)(2)(C), and to reiterate – Illinois EPA administers the Federal PSD regulations per 40 CFR 52.21; therefore, the applicable requirements for section 110(a)(2)(J) regarding PSD have been met.

Air quality modeling/data: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling for predicting effects on air quality of emissions for any NAAQS pollutant and submission of such data to USEPA upon request.

The Illinois EPA maintains a capability to perform modeling of the air quality impacts of emissions of all criteria pollutants, including the capability to use complex photochemical grid models. The Illinois EPA performs modeling in support of the SIP for all nonattainment areas in the State. The Illinois EPA also requires air quality modeling in support of permitting the construction of major and some minor new sources under the PSD program. These modeling studies are thoroughly documented and are available to the USEPA and the public upon request. Furthermore, the Illinois EPA participates in multi-state regional modeling efforts, including participation and providing funding for LADCO. LADCO conducts regional modeling that is utilized for statewide planning purposes.

Permitting fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing, and enforcing a permit.

The Illinois EPA continues to implement the approved Title V operating permit program as set forth in Section 39.5 of the Act, which includes requiring major sources to pay permit fees (415 ILCS 5/39.5). The Illinois EPA also requires fees from applicants of potential new or modified sources in the form of construction permit application fees.

Consultation/participation by affected local entities: Section 110(a)(2)(M) requires States to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

The Illinois EPA follows approved procedures for allowing public participation, consistent with 35 Ill. Adm. Code Part 164, Procedures for Informational and Quasi-Legislative Public Hearings, and 35 Ill. Adm. Code Part 252, Public Participation in the Air Pollution Control Permit Program. Part 252 is an approved portion of Illinois’ SIP.

Based on the information provided in these discussions, I believe that the Illinois EPA meets or exceeds all of the necessary CAA Section 110 infrastructure needs, enabling us to continue to satisfy those requirements of the CAA. If there are any questions, please feel free to contact David Bloomberg (217-524-4949), or myself.

Sincerely,

John J. Kim
Interim Director
Illinois Environmental Protection Agency