

## Illinois Program Work Plan for 2013

### Agreement Between

#### Illinois Environmental Protection Agency and Region 5, U.S. Environmental Protection Agency

Pursuant to federal assistance statutes, the Illinois Environmental Protection Agency (Illinois EPA) and Region 5, U.S. Environmental Protection Agency (EPA Region 5) work together to implement authorized, delegated, and/or approved environmental programs within the State of Illinois in a timely, appropriate, and effective manner. Together we establish priorities, negotiate program commitments and work sharing, and evaluate program performance.

Illinois EPA and EPA Region 5 are replacing the previous Work Plan Agreement as a means to continue to strengthen Illinois' implementation of several federally authorized, delegated, and/or approved environmental programs. The Work Plan for 2013 includes activities and commitments for both Agencies relating to the Clean Water Act National Pollutant Discharge Elimination System (NPDES) and Clean Air Act Title V permitting program. This Work Plan Agreement extends the previous 2011/2012 federal fiscal year work plan agreement to December 31, 2013. In the event of a conflict between this Work Plan Agreement and the November 1, 2010, Memorandum of Agreement (MOA) between the EPA Region 5 and the Illinois EPA, this document supersedes the MOA.

Illinois EPA and EPA Region 5 will monitor progress under the Work Plan Agreement via existing program-to-program communications, as well as during the annual joint senior management planning meeting. The Work Plan may be adjusted by mutual agreement. As part of our joint planning for Federal Fiscal Year 2014/2015, Illinois EPA and EPA Region 5 will formally assess the need to negotiate a revised Work Plan for the Clean Water Act NPDES and Clean Air Act Title V permitting programs.

The execution of this Agreement demonstrates our continuing commitment to environmental improvement through a strong partnership and shared responsibility for meeting our regulatory obligations.

Entered into on 2-4-13

For Illinois EPA:



John J. Kim, Interim Director  
Illinois Environmental Protection Agency

For EPA Region 5:



Susan Hedman  
Regional Administrator

**Illinois Program Work Plan  
For 2013  
Water Programs**

In March 2008, the Illinois Citizens for Clean Air & Water (Illinois Citizens) submitted a petition to the U.S. Environmental Protection Agency (U.S. EPA) requesting the withdrawal of Illinois' authorized Clean Water Act National Pollutant Discharge Elimination System (NPDES) program. Illinois Citizens contend that the Illinois Environmental Protection Agency (Illinois EPA) was not properly administering the NPDES program for concentrated animal feeding operations (CAFOs). In February 2009, Illinois Citizens, joined by the Environmental Integrity Project, provided additional information in a supplementary petition to U.S. EPA.

U.S. EPA conducted an informal investigation of the petitioners' allegations and issued a report in September 2010.<sup>1</sup> The report discusses U.S. EPA's initial findings for the various program areas, and the actions that Illinois EPA must take to comply with Clean Water Act requirements for authorized state NPDES programs. In particular, Illinois EPA must accomplish the following:

**NPDES Permitting for CAFOs**

- Issue NPDES permits to CAFOs that are required to be permitted under NPDES regulations.
- Develop and maintain a comprehensive inventory of CAFOs and evaluate their regulatory status.
- Establish technical standards for nutrient management by Large CAFOs and revise title 35 of the Illinois Administrative Code, Subtitle E, as necessary to be consistent with the federal CAFO rules.
- Ensure that sufficient resources are maintained to issue or deny permits.

**NPDES Compliance Monitoring and Enforcement for CAFOs**

- Revise the inspection process for livestock and poultry facilities to enable Illinois EPA to determine and track whether inspected facilities are CAFOs that are required to have NPDES permits and whether they are in compliance with NPDES requirements.
- Develop standard operating procedures and properly investigate, track, and respond to citizen complaints reporting potential violations of NPDES requirements.
- Take timely and appropriate enforcement action to address noncompliance by CAFOs.
- Require that Illinois EPA enforcement actions address CAFOs failing to apply for an NPDES permit, where a facility has discharged, is discharging, or is designed, constructed, operated, or maintained such that it will discharge.
- Ensure that sufficient resources are maintained for inspections and enforcement of NPDES requirements for CAFOs.

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<sup>1</sup>See the "Initial Results of an Informal Investigation of the National Pollutant Discharge Elimination System Program for Concentrated Animal Feeding Operations in the State of Illinois" (Initial Results), available at: <http://epa.gov/region5/illinoiscafo>.

## **Progress to date and plan forward**

- Since February 2011, Illinois EPA has hired and trained six new CAFO staff; made progress on issuing, reinvestigating and tracking CAFO permits; has an inventory of large CAFOs under development; has made progress on conducting and tracking CAFO inspections; has issued violation notices and referred actions to the Illinois Attorney General Office; has submitted proposed amendments to Title 35 of the Illinois Administrative Code to the Illinois Pollution Control Board; and has developed and implemented standard operating procedures and its Enforcement Response Guidelines related to inspections and enforcement.
- Both U.S. EPA and Illinois EPA agree to extend the Work Plan through 2013 to continue the progress of the February 2011 Work Plan, including completing the CAFO inventory and a related workload assessment, finalizing four Illinois EPA standard operating procedures concerning CAFOs, and amending Title 35 of the Illinois Administrative Code, Subtitle E, Parts 501, 502, and 504.

The following outlines specific actions that Illinois EPA will continue to take to address the initial findings in U.S. EPA's report. Actions that U.S. EPA will take to assist Illinois EPA are provided below as well.

### **NPDES Permitting for Concentrated Animal Feeding Operations**

#### **Objective 1: All Large CAFOs that discharge are in compliance with NPDES permits.**

This objective addresses U.S. EPA's CAFO program review findings related to issuance of NPDES permits to CAFOs as required under the NPDES regulations.<sup>2</sup> It also addresses U.S. EPA's finding related to resources for the CAFO NPDES program.<sup>3</sup>

#### **Approach**

1. By February 28, 2013, Illinois EPA will report on the status of the 13 cases identified in the August 31, 2011, re-investigation report as either needing additional investigation or considering withdrawing permit applications. The report will include conclusions and, as appropriate, recommendations for further action.
2. By September 30, 2013, Illinois EPA will prepare a final workload assessment that will identify the number of full time employees required to implement an effective CAFO permitting, compliance evaluation, and enforcement program taking into account the CAFO universe identified in the CAFO inventory discussed below.<sup>4</sup> The final assessment will identify staff distribution by function and geographic area of responsibility.

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<sup>2</sup>*Ibid*, Section VI. 1, p. 35.

<sup>3</sup>*Ibid*, Section VI. 6, p. 40.

<sup>4</sup>Compliance Monitoring and Enforcement Objective 1, Approach 1.b.

3. Illinois EPA will continue to provide U.S. EPA with a bi-monthly status report on each CAFO permit application. Any future changes to the current version of the status report shall be mutually agreed upon by Illinois EPA and U.S. EPA.

4. Illinois EPA will establish a standard operating procedure (SOP), with timelines, for making a completeness determination and taking preliminary and final action on permit applications. The SOP will provide for final action not more than 180 days after receipt of a complete application. Under the SOP, Illinois EPA will respond to all incomplete applications with a notice of incompleteness (NOI) delineating the deficiencies in the application and requiring a response within 30 days. Illinois EPA will copy U.S. EPA on all NOIs. The SOP will provide that Illinois EPA will issue a violation notice (VN) under Section 31 of the Illinois Environmental Protection Act or request U.S. EPA to issue an information collection order under Section 308 of the Clean Water Act for any applicant who has not responded or when Illinois EPA finds that the application is still incomplete after appropriate use of the NOI process. By February 28, 2013, Illinois EPA will provide a final SOP to U.S. EPA for review and approval or approval with modification. The final shall consider comments and recommendations from U.S. EPA on previous draft versions of the SOP.

5. U.S. EPA will issue information collection orders to CAFOs that have submitted incomplete applications to Illinois EPA and are not subject to federal enforcement. Illinois EPA will refer such CAFOs to U.S. EPA within 30 days after the deadline Illinois EPA sets in a final NOI letter or VN to the applicant. U.S. EPA will issue the information collection orders within 60 days after receipt of a complete referral from Illinois EPA.

6. Within 60 days following publication of amendments to 35 Ill. Adm. Code, subtitle E, Illinois EPA and U.S. EPA will jointly identify permit conditions that Illinois EPA could modify and practices that Illinois EPA could adopt, consistent with the 2003 and 2008 federal rules for CAFOs, to streamline the process for review of Nutrient Management Plans (NMPs) and incorporation of NMP terms into permits. Such methods include, but are not limited to, use of Manure Management Planner or other nutrient management planning software. For any conditions or practices so identified, Illinois EPA will act to modify the conditions or adopt the practices in accordance with the schedule set in Objective 2, Approach 4, of this section. Illinois EPA may request support for implementation of the streamlining actions.

**Indicia of Progress:** For applications submitted prior to March 31, 2011, Illinois EPA completes the following by December 31, 2012, issue permits to the applicants, post draft permits or notices of coverage for public comment, or refers the CAFO to the Illinois Attorney General's office for formal enforcement or U.S. EPA for an information collection order. For other applicants, Illinois EPA takes final action as detailed in the SOP contemplated in Approach 4 in this section.

**Objective 2: U.S. EPA approves amendments to 35 Ill. Adm. Code, subtitle E, which reflect the 2003 and 2008 revisions to the federal regulations for CAFOs.** This objective addresses U.S. EPA's CAFO program review findings related to administrative rules for CAFOs as well as technical standards for nutrient management by Large CAFOs.<sup>5</sup>

### **Approach**

1. As appropriate given the content of the draft amendments and other considerations, U.S. EPA will recommend that the Illinois Pollution Control Board (the Board) propose the amendments for the purpose of requesting public comment.
2. Within 30 days after publication of amendments to 35 Ill. Adm. Code, subtitle E, Illinois EPA will inform the owner of each Large CAFO in the State's inventory, in writing, about the unpermitted discharge prohibition and the duty to apply for a permit, and the potential consequences for discharge without a permit. Illinois EPA will provide a draft of the letter to U.S. EPA for review and approval or approval with modification.
3. Within 45 days after the amendatory rulemaking becomes effective, Illinois EPA will submit the final amendments to U.S. EPA for action under 40 C.F.R. §123.62.
4. Within 120 days after the effective date of the amendatory rulemaking, Illinois EPA will revise its permit application forms and formally ask the public to comment on draft modifications to general permit ILA01, as appropriate, based on the amendments and the federal regulations.

**Indicia of Progress:** U.S. EPA finds the amended rules to be consistent with federal regulations. Illinois EPA implements the amended rules upon becoming effective. U.S. EPA acts on the amendments within 90 days of receipt.

### **NPDES Compliance Monitoring and Enforcement for CAFOs**

**Objective 1: To detect, report, and sufficiently document all violations in order to support enforcement of the federal regulations.** This objective addresses U.S. EPA's CAFO program review findings related to developing and maintaining a comprehensive inventory of CAFOs and evaluating their regulatory status, revising the inspection processes to determine and track CAFOs requiring NPDES permits, and developing and implementing SOPs for responding to CAFO-related citizen complaints.<sup>6</sup>

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<sup>5</sup>*Initial Results*, Section VI. 7, p. 41.

<sup>6</sup>*Ibid*, Section VI. 2, pp. 36-38.

## Approach

1. Illinois EPA will implement a short-term strategy for evaluating facilities that are likely to be Large CAFOs. The strategy includes the following:

- a. Illinois EPA will provide the NPDES inspection list identifying 25 facilities including location data to U.S. EPA, no later than February 28, 2013.
- b. By February 28, 2013, Illinois EPA will provide an inventory to U.S. EPA that lists Large CAFOs and any other permitted CAFOs as a basis for the final Workload Assessment. Illinois EPA will maintain and regularly update its CAFO inventory through a process of confirming sizes of additional livestock facilities. Illinois EPA will make the inventory publicly accessible and send updates to U.S. EPA at least twice a year. By September 30, 2013, Illinois EPA will provide an update to its CAFO inventory that confirms whether additional livestock facilities are Large CAFOs. Illinois EPA will have a process in place to get regular updates about potential Large CAFOs from Illinois Department of Agriculture and Illinois Department of Public Health. The inventory will include all confirmed Large and permitted CAFO sites identified by Illinois EPA regional offices, permit applications, citizen tips and complaints, U.S. EPA, the Illinois Department of Agriculture, the Illinois Department of Public Health, and the Illinois Emergency Management Agency. The inventory may make use of a Geographic Information System-based pilot inventory currently being developed for seven high profile Illinois counties.
- c. Following U.S. EPA's 2012 oversight inspections, U.S. EPA will provide its comments on the CAFO NPDES inspection/evaluation standard operating procedure by January 15, 2013. Illinois EPA will address U.S. EPA's comments and revise its CAFO NPDES inspection/evaluation standard operating procedure as necessary and will provide the updated SOP to U.S. EPA for review and approval or approval with modification by February 28, 2013.
- d. Illinois EPA will perform 25 NPDES evaluations by June 1, 2013, to determine whether the facilities discharge, with at least 12 of these evaluations completed during or after precipitation events.
- e. At its existing Compliance Group monthly meetings, Illinois EPA will review the findings and documentation of all NPDES evaluations for: a determination as to whether the facility meets the definition of a CAFO, areas of non-compliance, wet weather Significant Non-compliance (SNC) determinations, violations detected, documentary evidence, and recommendations for correcting the violations. Illinois EPA and U.S. EPA will confer quarterly to review the findings and documentation of all CAFO noncompliance cases beginning with those initiated in 2009.

2. By February 28, 2013, Illinois EPA will confirm that CAFO inspectors and their first-line supervisors have completed Illinois EPA's training curriculum. Newly hired Illinois EPA CAFO inspectors will be trained within 6 months of starting and before independently leading a CAFO inspection.

3. By February 28, 2013, Illinois EPA will address U.S. EPA's comments and revise its citizen complaint SOP as necessary and will provide the SOP to U.S. EPA for review and approval or approval with modification. The SOP is to provide for a written report on investigation results to the complainant. The database is to include a field recording the response to the complaint. The SOP will also provide instruction for ensuring 24-hour spill/release response capability which includes on-site presence of an NPDES trained inspector, sampling capability, and equipment to ensure that spills/releases from facilities are documented and assessed to determine if the facilities are CAFOs and require NPDES permits. The SOP will describe laboratory capabilities and services necessary to complete data analysis within prescribed holding times for pollutants of concern. The SOP must specifically address maintenance of those capabilities for those events which occur at night, on weekends, and on holidays.

4. Illinois EPA will develop an annual site-specific CAFO inspection plan which ensures NPDES inspection at a minimum of 20 percent of all permitted CAFOs, consistent with U.S. EPA's National NPDES Compliance Monitoring Strategy. Illinois EPA will provide the plan to U.S. EPA by September 30 of each year.

5. During Federal Fiscal Year 2013, U.S. EPA will conduct oversight inspections of a minimum of three Illinois EPA NPDES CAFO inspections to evaluate the effectiveness of the Illinois EPA inspection program. U.S. EPA inspectors will document their findings, and evaluate the thoroughness and scope of prior Illinois EPA inspections as well as the appropriateness of the record-keeping and reporting associated with the inspections. U.S. EPA will provide copies of these inspection reports to Illinois EPA within 60 days of completion. U.S. EPA will also conduct independent inspections at additional CAFOs with suspected wet weather discharges. U.S. EPA will invite Illinois EPA participation. U.S. EPA will initiate any appropriate follow-up enforcement consistent with existing State/U.S. EPA enforcement communication agreements and the Environmental Performance Partnership Agreement.

**Indicia of Progress:** Illinois EPA creates and maintains a consolidated inventory of Large CAFOs and other permitted CAFOs. The inventory is easily accessible to all Illinois EPA staff and the public. Illinois EPA conducts NPDES evaluations at 25 potential Large CAFOs by June 1, 2013, consistent with approved SOPs. Illinois EPA will report all CAFO inspections it conducted to U.S. EPA annually by July 31. Illinois EPA implements approved annual inspection plans for permitted CAFOs consistent with the National Compliance Monitoring Strategy. Illinois EPA implements a satisfactory training program for inspectors. Illinois EPA responds to all citizen complaints and emergency CAFO-related discharges in a timely manner. Illinois EPA identifies and records 100 percent of Single Event Violations and all wet weather SNC in the Integrated Compliance Information System (ICIS).

**Objective 2: To properly track and efficiently resolve newly-identified violations.** This objective focuses on newly-identified violators and addresses U.S. EPA's CAFO program review findings related to timely and appropriate enforcement addressing noncompliance by CAFOs and the requirement that all CAFOs that discharge must apply for an NPDES permit.<sup>7</sup>

### **Approach**

1. Illinois EPA's Bureau of Water will revise its Enforcement Response Guide (ERG) in a manner designed to assure timely and appropriate response to violations detected at CAFOs and ensure a prompt return to compliance.<sup>8</sup> Illinois EPA will submit the revised ERG to U.S. EPA by February 28, 2013. The ERG will require all Large CAFOs to apply for and obtain an NPDES permit where the CAFOs discharge. The ERG will require all medium livestock and poultry facilities to apply for and obtain a permit where the facility meets the definition of a CAFO. In addition, the ERG will reflect the wet weather SNC policy in the determination of SNC, as well as the appropriate enforcement response. Illinois EPA will submit the ERG to U.S. EPA for review and approval or approval with modifications. Illinois EPA will fully adopt and implement the ERG within 30 days of U.S. EPA approval or approval with modifications.
2. Illinois EPA will issue VNs for all significant noncompliance detected at CAFOs, within 180 days of Illinois EPA becoming aware of the alleged violation, pursuant to Section 31(a) of the Illinois Environmental Protection Act (Act). The VN will contain a recommended remedy and schedule for implementation as appropriate. Compliance Commitment Agreements (CCAs) will be accepted when they bind the respondent to the requirements and timeframes recommended in the VNs. If Illinois EPA is unable to negotiate an acceptable CCA within 120 days of issuing the VN, Illinois EPA will refer the matter to the Illinois Attorney General's office. For conditions that constitute an imminent or substantial endangerment to human health, the environment or property, Illinois EPA will immediately refer the matter to the Illinois Attorney General's office pursuant to Section 43 of the Act.
3. In cases where the facility does not respond to the VN or proposes a remedy that is less effective than the remedy proposed by Illinois EPA, Illinois EPA will immediately complete the necessary actions under Section 31 to allow Illinois EPA to formally refer the matter to the Illinois Attorney General's office or the State's Attorney of the county in which the alleged violation occurred. Simultaneously, Illinois EPA will refer the case to its existing Enforcement Decision Group for pre-referral consideration of the case.

**Indicia of Progress:** Illinois EPA consistently follows the approved ERG. All CCAs are finalized within 120 days of the VN. No State-lead enforcement cases result in U.S. EPA taking additional action to resolve the same violations.

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<sup>7</sup>*Ibid*, Section VI. 3, pp. 38-39.

<sup>8</sup>The ERG should include systems and procedures which assure timely and appropriate response to violations detected at other sources, as well.



**Objective 3: To assure that unresolved enforcement matters are properly tracked and efficiently resolved.** This objective focuses on existing matters and addresses U.S. EPA's CAFO program review findings related to timely and appropriate enforcement addressing noncompliance by CAFOs.<sup>9</sup>

### **Approach**

1. Illinois EPA program and legal managers, Illinois Attorney General's Environmental Division managers, and U.S. EPA program and legal managers will continue to conduct a quarterly docket review of all referred CAFO matters and all open federal enforcement cases. Participants will agree on the lead agency, path to resolution (including target dates), appropriate penalty resolution, and desired results. Illinois EPA will document decisions.

2. Illinois EPA will provide a report by no later than the 15<sup>th</sup> of every odd numbered month to the U.S. EPA Water Enforcement Branch Chief. The report will reflect the activities completed during the preceding two months. The reports will include the following:

- a list and electronic copy of the report for each facility evaluated under Objective 1, approach 1(e), to determine whether the facility is subject to NPDES permitting requirements;
- results of the Compliance Group's determinations under Objective 1, approach 1(f);
- a list of all potential CAFO-related citizen complaints/spills/releases received in the preceding month under Objective 1, approach 3, and the disposition of the cases;
- a list of potential CAFO facilities evaluated by the Enforcement Decision Group and a description of actions taken with regard to those facilities, including copies of any referrals to the Illinois Attorney General's office or written compliance determinations; and
- a list of all potential CAFO NPDES enforcement matters referred to the Illinois Attorney General's office or that are before the Board and a written summary of the status of the cases.

The frequency of reports may be adjusted after the initial six months by mutual agreement by Illinois EPA and U.S. EPA.

**Indicia of Progress:** All pending matters meet agreed-upon schedules for action and resolution. Decisions affecting case progress are made expeditiously and barriers to progress are removed. Newly-referred matters placed on the docket progress appropriately. Monthly reports are submitted timely and contain all required information.

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<sup>9</sup>*Initial Results*, Section VI. 3, pp. 38-39.

**Illinois Program Work Plan  
For 2013  
Clean Air Act Title V Permitting**

The Illinois Environmental Protection Agency (Illinois EPA) implements the requirements of Title V of the Clean Air Act via its Clean Air Act Permit Program (CAAPP), which was approved by U.S. EPA on December 4, 2001 (66 Fed. Reg. 62946). Through regular program interactions, our annual planning process, and periodic program reviews, U.S. EPA and Illinois EPA discuss program progress and implementation barriers. On February 24, 2011, U.S. EPA and Illinois EPA signed a work plan with the following objectives:

- Issue CAAPP permits pursuant to the Clean Air Act and Section 39.5 of the Illinois Environmental Protection Act, 415 ILCS 5/39.5 (Section 39.5).
- Significantly reduce issuance backlogs of CAAPP permit renewals and federally enforceable state operating permits (FESOPs), as identified in U.S. EPA's Title V Operating Permit System data base.

**Progress to date and plan forward**

- Illinois EPA has met or exceeded each of the milestones in the February 2011 Work Plan.
- Both U.S. EPA and Illinois EPA agree to extend the work plan through Calendar Year (CY) 2013 to continue the success of the February 2011 work plan, the reduction of the CAAPP permit backlog, work on lifting the stay of the initial CAAPP permits issued to the coal-fired power plants, and updating those permits through the permit reopening process.

**Objective 1: To reduce permit issuance backlogs of CAAPP permit renewals and Federally Enforceable State Operating Permits (FESOP).**

**Approach**

- U.S. EPA will, at a minimum, review one draft permit and accompanying Statement of Basis per month, if available. Illinois EPA will work with U.S. EPA to address any U.S. EPA comments.
- U.S. EPA will also work with Illinois EPA to most efficiently address U.S. EPA's comments. U.S. EPA commits to discussing our concerns with any specific operating permit with the Illinois EPA permit writer prior to submitting any formal comments. U.S. EPA will provide Illinois EPA with formal comments where it is warranted.
- U.S. EPA will support Illinois EPA with training and help with permit-specific issues, including addressing actual and perceived barriers that could delay permit issuance, and assist with applicability determinations where appropriate. In addition to U.S. EPA's data base of Title V petitions, orders, and other guidance documents, which is accessible by states, U.S. EPA commits to provide on-going assistance.
- U.S. EPA and Illinois EPA will follow the April 20, 2011, Memorandum of Agreement.
- Illinois EPA management will work with permit staff to identify and address barriers preventing the public noticing and issuance of final permits.

**Indicia of Progress:** The following tables summarize Illinois EPA’s and U.S. EPA’s permitting goals for CY 2013 for the current CAAPP and FESOP backlog.<sup>1</sup> Thereafter, Illinois EPA will continue to public notice and issue CAAPP permits and FESOPs from the backlog.

**CAAPP backlog table<sup>2</sup>**

| <b>Date</b>                       | <b>Cumulative Total of Draft Backlogged Permits Sent to Public Notice</b> | <b>Targeted<sup>3</sup> Cumulative Total of Final Backlogged Permits Issued</b> |
|-----------------------------------|---|---|
| Targeted Milestones for June 2013 | 72  | 39  |
| December 2013                     | 102   | 54  |

<sup>1</sup> The backlog was developed under the February 2011 Work Plan and includes the CAAPP and FESOP lists submitted to U.S. EPA and identifying pending permits as of October 2010.

<sup>2</sup> The number of permits for public notice and final issuance are continued from the February 2011 Work Plan for the CAAPP permit backlog.

<sup>3</sup> The word “targeted” is used in relation to final permit issuance in recognition that third parties can impact “final” permit issuance and/or effective dates through petitions to object filed with the Administrator and permit appeals filed with the State by permittees.

**Objective 2: To issue CAAPP permits to appealed coal-fired power plants based on the approach agreed to for the Ameren – Coffeen Generating Station permit.**

**Approach**

The remaining coal-fired power plant initial CAAPP permits that have been appealed will be processed consistent with the methodology and process as described in the September 25, 2012, letter to U.S. EPA from the Illinois EPA, outlining our strategy and administrative process to getting final and effective initial permits and updating those permits to reflect new applicable Clean Air Act requirements through the reopening process.