



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 16 2009

REPLY TO THE ATTENTION OF:
(A-18J)

Laurel Kroack, Chief
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62706

Re: Memorandum of Agreement with the Illinois Environmental Protection Agency for the Implementation of the Title V Operating Permit Program

Dear Ms. Kroack:

Enclosed is the signed memorandum of agreement (MOA) between the Illinois Environmental Protection Agency (IEPA) and the U.S. Environmental Protection Agency. The MOA establishes a working agreement between our two agencies for the implementation of Illinois' Title V Operating Permit Program, otherwise known as the Clean Air Act Permit Program. I signed the MOA on October 14, 2009 after we received the original signed by you on September 2, 2009. This MOA is the final step in executing the corrective action plan IEPA developed in response to EPA's 2006 Title V program evaluation.

If you would like to discuss this further, please call Genevieve Damico, of my staff at (312) 353-4761.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

MEMORANDUM OF AGREEMENT

I. General

A. Scope of Agreement

This Memorandum of Agreement ("Agreement") establishes a working agreement between the Illinois Environmental Protection Agency ("Illinois EPA") and the United States Environmental Protection Agency ("USEPA") for implementation of Illinois' Clean Air Act Permit Program ("CAAPP"), which is the permit program adopted by the State of Illinois and approved by USEPA to satisfy the mandate of Title V of the Clean Air Act ("CAA").

This Agreement does not address enforcement of the CAAPP, as enforcement is the subject of a separate, agreement between the Illinois EPA and USEPA.

B. Authority

This Agreement is entered into by the Chief of the Bureau of Air of the Illinois EPA and the Director of the Air and Radiation Division of USEPA, Region 5. The Illinois EPA enters into this agreement pursuant to authority granted to it by the Illinois Environmental Protection Act. Both parties recognize that CAAPP permits are to include all applicable requirements for all regulated air pollutants emitted by a source, including emissions of hazardous air pollutants regulated pursuant to Section 112 of the Clean Air Act, and that the CAAPP must be implemented in conformance with applicable state and federal laws and rules. This Agreement is not intended to contravene any such requirements.

C. Coverage

This Agreement covers the implementation of the CAAPP for the entire State of Illinois, except Indian Country¹.

D. Effective Date

This Agreement becomes effective upon signature by both parties.

E. Modification of Agreement

This Agreement may be modified at any time during the effectiveness of the agreement by either party. Modification shall be done in writing and be agreed upon by both parties. Modification may also include extensions of timeframes denoted in this agreement.

¹ Indian country is defined as any lands within the exterior boundaries of Indian reservations within a State; any land held in trust by the U.S. for an Indian tribe; and any other land, whether on or off an Indian reservation, that qualifies as Indian Country. As of the date of signing of this agreement, there is no Indian Country within the State of Illinois.

F. Expiration and Termination of Agreement

Either party may terminate the Agreement by providing written notice to the other terminating participation in the Agreement. Termination shall become effective 30 days after the date on the termination letter unless both parties agree to some alternative action within those 30 days.

G. Review of Agreement

The parties will review this agreement bi-annually and concurrent with development of the Performance Partnership Agreement between the Illinois EPA and USEPA.

II. Policy Statement

Communication and cooperation between the Illinois EPA and USEPA, as addressed by this Agreement, are essential so that Illinois EPA can implement the Illinois CAAPP in an effective and timely manner, while Illinois EPA and USEPA optimize application of resources in implementation and oversight of the CAAPP.

III. Role of Parties

A. Illinois EPA Role

The Illinois EPA, as the state permitting authority in Illinois, has the primary responsibility for implementation of the CAAPP, including:

1. Handling all aspects of CAAPP permitting for individual sources, including determining completeness of applications and processing of applications (e.g. application technical review and addressing public comment), issuance or denial of permits, and reopening and modification of permits, except for those sources for which USEPA is obligated to process the application and permits as required by the Clean Air Act;
2. Processing applications for new CAAPP permits, renewal CAAPP permits, and modification (administrative, minor and significant) of CAAPP permits, including approving National Emission Standards for Hazardous Air Pollutants ("NESHAP") compliance date extensions and making determinations of Maximum Achievable Control Technology for emissions of hazardous air pollutants, pursuant to Section 112(j) of the Clean Air Act;
3. Acting as the primary repository of source related documents submitted by sources subject to the CAAPP, including permit applications, notifications, public comments, reports, and project summaries unless otherwise specified by applicable regulations or permit provisions;

4. Revising its administration of the CAAPP as needed and appropriate to maintain effectiveness and compliance with the Act and implementing regulations at 40 C.F.R. part 70, with appropriate notification to USEPA for such revisions; and
5. Initiating appropriate modifications to the laws and rules that govern the CAAPP to respond to changes in relevant federal laws and rules with appropriate consultation with USEPA during such process, and submission of the revisions to USEPA as modifications to the federally-approved CAAPP.

B. USEPA Role

The USEPA has responsibility for assistance in and oversight of the implementation of the CAAPP, including:

1. Providing technical and administrative assistance to the Illinois EPA on an ongoing basis to assist the Illinois EPA's implementation of the CAAPP, including both specific assistance as requested by the Illinois EPA and other assistance as developed by USEPA, including guidance and instruction regarding national initiatives;
2. Providing timely and clear statements while the Illinois EPA is processing CAAPP applications of the provisions that it finds are needed in a CAAPP permit for an individual source or a category of source to comply with the Clean Air Act and applicable federal regulations there under and applicable state rules in Title 35, Subtitle B: Air Pollution, Chapter I, approved by USEPA as part of Illinois' State Implementation Plan;
3. Providing information to the Illinois EPA that is relevant to the implementation of the CAAPP, including copies of proposed and adopted rules and policies; case decisions; petition responses; and copies of significant correspondence to other permitting authorities and individual sources, either by generally making such material available to the public including the Illinois EPA, e.g., by the Technology Transfer Network (TTN) or by direct transmittal to the Illinois EPA;
4. Overseeing the CAAPP to promote its effective implementation in a manner that is consistent with national policy, by regularly reviewing the Illinois EPA's implementation of the CAAPP and advising the Illinois EPA of its observations;
5. Consulting with the Illinois EPA during the development of federal rules and policy to the extent feasible;
6. Administering permits for individual sources in those limited circumstances where USEPA is obligated to process permits; and

7. Reviewing CAAPP permits that have been proposed to ensure the effectiveness of CAAPP permits is maintained and all facets of the CAAPP are being implemented properly and in accordance with applicable law.

IV. General Practices for Communication

- A. The USEPA and Illinois EPA agree to the following general practices for communication:

1. The USEPA and Illinois EPA will maintain principle contacts, as follows, who will be the focal point of all communication related to the implementation of the CAAPP and will be responsible for any requests for expedited responses to requests. With appropriate notification, the principle contacts may designate specific persons on their staff to serve as contacts for specific projects or purposes:

The Manager of the Permit Section of the Bureau of Air of the Illinois EPA, and the Chief of the Permits and Grants Section, Regulation Development Branch, Air and Radiation Division of Region 5 of USEPA;

2. USEPA and the Illinois EPA shall conduct telephone conferences on a regular basis. Such calls shall occur on a monthly basis, but shall be more frequent if necessary to review the implementation of the CAAPP and discuss specific applications; and

- a. Monthly call Agendas shall consist of the following items:
 - i. Discussion of Monthly Report
 - ii. Program Updates/Modifications
 - iii. Regulatory Updates
 - iv. Specific Permit Applications
 - a. Those with potential for significant comment
 - b. Those with significant USEPA interest
 - v. Summary of significant communications between USEPA or Illinois EPA with CAAPP sources concerning pending application
 - vi. Upcoming Activities
 - vii. Other

- b. Monthly reports to be discussed during the monthly call shall contain the following:

Illinois EPA Portion of monthly report –

- i. Current Status of CAAPP applications
- ii. Accomplishments during previous month
- iii. Challenges

- iv. Backlog
- v. Other

USEPA Portion of monthly report –

- i. Status of pending Petitions for USEPA to object
- ii. Third Party Correspondence
- iii. Statistics within Region 5 and US
- iv. Part 71 applications
- v. Other

3. USEPA or the Illinois EPA may call meetings as needed to review operating procedures, resolve the handling of specific applications, or discuss concerns regarding implementation of the CAAPP. Prior to such a meeting, a written agenda shall be prepared.

B. The USEPA and Illinois EPA agree that new technology, including new computer technology, telecommunication systems and satellite communication, that will facilitate communication between the Illinois EPA and USEPA, should be used when it is available to both parties.

V. Routine Reporting Between the Illinois EPA and USEPA Concerning CAAPP Sources

A. The Illinois EPA and USEPA agree to the following procedures with respect to providing information concerning CAAPP permit applications, CAAPP permits and CAAPP sources to each other. Reports may be provided in any reasonable form, with the preferred means being electronic transmittal, by telephone and computer data bases maintained and updated by the Illinois EPA to which USEPA has access.

B. The Illinois EPA will report the following information to USEPA on a quarterly basis, reflecting information since the previous report:

1. The sources from which Illinois EPA received CAAPP applications and the types of applications (i.e., new CAAPP application, renewal application administrative amendments, minor modification, significant modification) received, with the following types of CAAPP applications specifically flagged:

- a. An application for a case by case MACT determination pursuant to Section 112(j) of the Clean Air Act;
- b. An application for a municipal waste combustor or commercial incineration of hazardous waste or medical waste;
- c. Renewal applications that had significant public participation during the issuance of the previous CAAPP permit.

2. The sources whose CAAPP applications were deemed incomplete by the Illinois EPA;
 3. The sources with CAAPP applications pending for which significant public interest or any concern including environmental justice has been identified;
 4. The sources for which CAAPP permits were denied;
 5. The sources for which the Illinois EPA was unable to timely revise the proposed permits to meet an objection (as specified in Section 505(c) of the Clean Air Act) that will have to be processed by USEPA;
 6. The sources for which a CAAPP permit was issued;
 7. The sources for which a CAAPP permit has been appealed before the Illinois Pollution Control Board; and
 8. For each general CAAPP permit, the Illinois EPA will provide the identity of each source and Permittee authorized to operate pursuant to the permit, updated on at least a quarterly basis.
- C. The USEPA shall report the following information to Illinois EPA on a quarterly basis, reflecting information since the previous report.
1. Any sources with CAAPP applications pending for which significant public interest or a concern including environmental justice has been identified by USEPA;
 2. Any sources with CAAPP applications pending and for which USEPA has any special interest, with explanation; and
 3. Any proposed or issued CAAPP permits about which USEPA received petitions for objection pursuant to Section 505(b)(2) of the Clean Air Act.
- D. The Illinois EPA and USEPA will notify each other when either becomes aware that an issued or pending CAAPP permit has been affected by any administrative, Board, or court action, which notification shall include a copy of the relevant order.
- E. The Illinois EPA will submit the required semi-annual Title V Operating Permit System ("TOPS") reports by January 31 and July 31 of each year.
- VI. Preliminary Review, by the USEPA, of documents generated by Illinois EPA

The USEPA and Illinois EPA agree to the following procedures for USEPA review prior to public notice of working drafts of permits, permit conditions, project summaries, and

regulatory interpretations. These procedures are appropriate to assure that CAAPP permits are efficiently developed, without need for any additional effort in redrafting, to include appropriate conditions, e.g., proper interpretation of federal emission standards, simplification of overlapping regulatory requirements, adequate periodic monitoring, and appropriate definitions of prompt reporting for deviations from requirements in CAAPP permits:

- A. At the request of the Illinois EPA, USEPA will provide the Illinois EPA with detailed comments on working drafts of permits, permit conditions, project summaries, and regulatory interpretations that address a source, emission unit, or situation that have not been addressed before. The USEPA will provide the same level of review for such material as for a proposed permit, to the extent practicable;
- B. The Illinois EPA will submit such requests to Region 5 of USEPA in writing or via email. Region 5 will attempt to respond to Illinois EPA's requests within 15 days, but in any event, will respond as soon as possible, taking into account situations such as when Region 5 must refer the issue to another USEPA office. USEPA shall confirm receipt of each request within 10 working days, and, if possible, will provide an initial oral or email response to such material reviewing relevant facts or issues with Illinois EPA staff and providing any preliminary thoughts; and
- C. The Illinois EPA will take reasonable steps to facilitate USEPA's preliminary review of material, by providing copies of relevant supporting information, e.g., excerpts from the application, supplying the Illinois EPA's preliminary analysis, and highlighting proposed changes to established language for permit conditions.

VII. Handling of Draft, Proposed and Issued Permits

The Illinois EPA and USEPA agree to the following procedures with respect to handling draft, proposed and issued CAAPP permits:

- A. At the beginning of any public comment period on a draft CAAPP permit, the Illinois EPA will provide USEPA with a copy of the draft permit accompanied by the Illinois EPA's public notice and project summary via the USEPA database²:
 - 1. The USEPA shall maintain a log of public inquiries which it receives concerning the draft permit for a source, including any requests for further information, which shall be promptly forwarded within five (5) working days of receipt to Illinois EPA;

² <http://www.epa.gov/region5/air/permits/ilonline.html>

2. The USEPA shall provide any preliminary comments on a draft CAAPP permit, including any editorial comments, to the Illinois EPA by the close of the comment period or the date of a public hearing, if one is scheduled, whichever is first. USEPA will convey its comments to the principle contact for Illinois EPA via email or other form of written communication. Providing Illinois EPA with preliminary comments during the public comment period does not prohibit or deter the USEPA in any way from making additional comments on or objecting to a permit during the 45 day USEPA review period discussed in sub-section B, below; and
 3. Illinois EPA will address all comments received during the public comment period.
- B. The Illinois EPA will provide proposed CAAPP permits to USEPA for review prior to issuance in accordance with Section 505 of the CAA as follows:

1. Propose CAAPP permits for review by USEPA to ensure integrity with the Title V program nationally. Illinois EPA will transmit a copy of the public notice, the proposed CAAPP permit and the project summary from the public comment period to USEPA when it submits the proposed CAAPP permit to USEPA, via USEPA's database¹, for the 45-day USEPA review.

Additional CAAPP application materials may also be available to USEPA upon request.

Illinois EPA agrees to provide these documents either through direct electronic access, or by hardcopy submission to USEPA.

2. Notwithstanding the above, USEPA will promptly notify the Illinois EPA (if Illinois EPA made a request to have the 45 day review period waived) of any proposed permit for which USEPA waives the full 45-day review period to review the proposed permit either because the proposed permit is acceptable as presented to USEPA, or because it would be acceptable with minor changes in wording, provided that (1) Illinois EPA issues the permit in accordance with USEPA's finding, and (2) Illinois EPA did not receive any adverse comments on the draft permit during the public comment period.
3. To the extent possible after receiving the proposed permit and prior to making any formal objection to the proposed permit, the USEPA will inform the Illinois EPA of the reasons that the USEPA is considering an objection and the types of changes that USEPA would require to eliminate the objection. USEPA will allow the Illinois EPA a reasonable opportunity to respond, so as to enable USEPA to reconsider or clarify any written objection to the proposed CAAPP permit.

4. The USEPA will provide any objection to a proposed CAAPP permit in writing within 45 days of receipt of the proposed permit. The objection will provide the reasons for the objection and, to the extent practicable, the specific language change required to correct the permit.
- C. The Illinois EPA will provide USEPA, via the USEPA database¹, a copy of each CAAPP permit at the time that it is issued.
- D. Except for documents that were not prepared by the Illinois EPA, which will be provided in paper form, the above material may be provided in any reasonable form, with the preferred means being electronic transmittal through computer data bases maintained by the Illinois EPA to which USEPA has telephone access or via e-mail.

VIII. Public Comment and EPA Review Periods

The USEPA and Illinois EPA agree to the following procedures with respect to comment periods for draft and proposed CAAPP permits:

- A. Concurrent public comment and USEPA review is appropriate for CAAPP renewals or modifications for which no public comments were submitted during the processing of the CAAPP permit that is being renewed or modified. All other CAAPP permits shall undergo sequential public comment and USEPA review. A CAAPP permit that is under concurrent review will revert to sequential review under the following conditions:
 1. The CAAPP permit receives public comments during the public comment period; or
 2. At the request of USEPA.
- B. The Illinois EPA may request an expedited review by the USEPA of CAAPP permits that have been proposed. Under expedited review, the USEPA will attempt to waive the remainder of its 45 day review period or object to the CAAPP permit within 10 working days of the request. The request by Illinois EPA will be given via email and will contain the name of the source, identification number, permit number and the reason for the request.

IX. Reopening of Permits

The USEPA and Illinois EPA agree to the following procedures with respect to reopening of issued CAAPP permits:

- A. Prior to requiring a CAAPP permit to be reopened, the USEPA will provide the Illinois EPA with notice of its intent to require reopening of a permit, including an explanation why it believes the permit must be reopened, and allow the Illinois

EPA a reasonable opportunity, but not less than 30 days, to respond to such notice of intent;

- B. USEPA will make any objection to the Illinois EPA's proposed determination to modify, revoke and reissue, or terminate a CAAPP permit in writing within 90 days after receipt of the Illinois EPA's proposed action; and
- C. If after 90 days, USEPA has not submitted to the Illinois EPA a written objection, the Illinois EPA may issue the proposed determination as a final action. However, USEPA's failure to act within 90 days of receipt of Illinois EPA's proposed determination does not in any way limit or alter USEPA's authority under 40 C.F.R. § 70.7 to require Illinois EPA to reopen and modify, revoke and reissue or terminate the permit, or to take any action to modify, revoke and reissue or terminate the permit in the future.

X. Integrated Processing of Construction Permits

- A. The USEPA and Illinois EPA agree that the following shall be considered acceptable procedures for integrating the modification of a CAAPP permit with the processing of a construction permit. The modification of a CAAPP permit to include the terms and conditions from a construction permit that was subject to all of these procedures may be done by administrative amendment if Illinois EPA meets the requirements of this section.
- B. A construction permit that the Illinois EPA plans to issue pursuant to integrated processing shall:
 - 1. Be prepared in the same general form as a CAAPP permit;
 - 2. Be clearly identified as being subject to integrated processing;
 - 3. Include all conditions that will be added to the CAAPP permit;
 - 4. Include appropriate conditions to address construction and initial operation of such emission units, as would normally be present in a construction permit, which conditions shall be clearly noted if they will not be included in the CAAPP permit; and
 - 5. Include a condition specifying the circumstances in which the terms of the construction permit may be placed in the CAAPP permit by administrative amendment, as further described in paragraph E, below.
- C. The application for such a construction permit shall also be considered a CAAPP application for purposes of the sections of this agreement addressing routine reporting, preliminary review of material, handling of permits, and availability of information;

- D. The public comment period for the draft of such permit shall also include notice to affected states, as would occur with a CAAPP permit;
- E. A proposed permit will be sent to USEPA by the Illinois EPA for any such construction permit for review by USEPA in accordance with Section 505 of the Clean Air Act, prior to it being considered a construction permit that has completed integrated processing, as follows:
1. The proposed permit sent to USEPA will be accompanied by the Illinois EPA's public notice and project summary from the public comment period, the Illinois EPA's response to public comments, and copies of significant comments on the draft permit, including any comments from other State permit authorities;
 2. If so designated by the Illinois EPA, the proposed permit sent to USEPA may constitute issuance of an enforceable construction permit for the purpose of authorizing commencement of construction under Illinois' State Implementation Plan. Any such construction permit shall clearly indicate that the permit, at the time of issuance, is a proposed CAAPP permit for purposes of integrated processing and will only be considered to have completed integrated processing if USEPA makes no objection to the permit within its 45 day period for review; and
 3. If USEPA objects to the issuance of the construction permit as having completed integrated processing, the Illinois EPA shall issue a revised construction permit addressing USEPA's objections and submit it to USEPA for review until such time that USEPA has no objection or integrated processing is discontinued, as addressed by paragraph F, below.
- F. When revising a CAAPP permit to include the conditions of a construction permit that has completed integrated processing:
1. The Illinois EPA need only include those conditions applicable to the emission units for which the request for revision to the CAAPP Permit has been made (as would occur in the event that construction and initial compliance demonstrations have only been completed for certain units) but shall include all conditions applicable to such emission units except as initially noted in the construction permit;
 2. The terms and conditions from the construction permit shall be included in the CAAPP permit without any substantive changes and with at most minor changes in form or wording as needed to adapt them for placement in the CAAPP permit.
- G. The Illinois EPA may decide at any time that such an application or construction permit will no longer be handled by integrated processing so that the CAAPP permit for the source will not be modified by administrative amendment to

include terms and conditions from the construction permit. The Illinois EPA will promptly notify the USEPA if such a decision is made to discontinue integrated processing while a proposed permit is under review by USEPA.

XI. USEPA Processing of 40 CFR Part 71 Applications

The Illinois EPA and USEPA agree that the following procedures shall be used for CAAPP applications that the USEPA must process.

- A. The Illinois EPA will provide USEPA with a copy of the application and other relevant documents in the Illinois EPA's file for a source within 15 days of a request for such documentation by USEPA;
- B. At the request of the USEPA, the Illinois EPA will provide the USEPA with detailed comments on permitting issues and working drafts of permits or permit conditions; and
- C. The USEPA will provide the Illinois EPA with a copy of the draft Part 71 permit and Statement of Basis prior to the public comment period and at the time that it is made available for public comment.

XII. Annual Workplan

The USEPA and Illinois EPA agree that, in order for the CAAPP to be effective, efficient processing of applications is a priority. The USEPA and Illinois EPA agree to process applications in a timely, efficient and orderly manner. Each year the parties will discuss processing priorities and an annual workplan will be designed to meet the agreed to priorities. The priorities agreed upon are to be included in the Performance Partnership Agreement.

XII. Availability of Documents

The Illinois EPA and USEPA agree to the following procedures with respect to availability of documents:

- A. The Illinois EPA will maintain a record of documents for each source that will include permit applications; public notices, project summaries and other documents associated with public comment periods; permits; notifications, reports, compliance certifications and other submittals made by the source; Illinois EPA inspection reports; documents related to enforcement actions against the source; and other pertinent documents related to the source. This record will be maintained at the Bureau of Air's main office and will be available for inspection by USEPA. This record, other than confidential information, shall also be available for inspection by the public, upon reasonable advance notice consistent with applicable State procedures governing public access to records;

- B. The USEPA will maintain files of material necessary for its review of each proposed permit, which will be available for Illinois EPA and public inspection upon reasonable advance notice consistent with applicable federal procedures governing access to records; and
- C. The Illinois EPA and USEPA will make copies of material in these files available to the other party upon reasonable request, provided however that both USEPA and Illinois EPA will take reasonable and appropriate measures to prevent unnecessary, redundant or overly burdensome requests.

XIII. USEPA Audit of Illinois EPA Implementation of the CAAPP

The USEPA and Illinois EPA agree that the following procedures shall be used for a formal audit by USEPA of the Illinois EPA's general implementation of the CAAPP:

- A. USEPA will regularly conduct an on-site audit of the Illinois EPA's implementation of the CAAPP;
- B. The USEPA will provide the Illinois EPA with at least 60 days advance notice of its audit, identifying the specific sources and material that it intends to review and whether the on-site audit will examine if permit fees adequately reflect the reasonable costs of the CAAPP, as required by Section 502(b)(3) of the Clean Air Act;
- C. The Illinois EPA will make the requested material available for USEPA review at the Bureau of Air's main office; and
- D. The USEPA will discuss its known preliminary observations and draft findings with the Illinois EPA in person followed by a final report documenting the on-site audit.

XIV. Handling of Confidential Information

The Illinois EPA and USEPA agree to the following procedures for handling of confidential information:

- A. Any information subject to a claim of confidentiality that is provided from the Illinois EPA to USEPA or vice versa will be clearly marked as such and will be separated from information that is not so claimed;
- B. If either Illinois EPA or USEPA is prohibited from providing requested information to the other party, because of a claim of confidentiality, the party holding the information will instruct the source to provide the information directly to the party requesting the information; and
- C. Any information subject to a claim of confidentiality will be treated in accordance with applicable regulations governing protection of such materials, i.e., USEPA

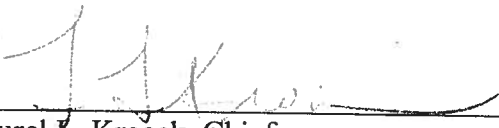
will follow 40 CFR 2 and the Illinois EPA will follow Section 7 of Illinois' Environmental Protection Act.

XV. Dispute Resolution

The USEPA and Illinois EPA agree to the following procedures in the event of a dispute between the USEPA and Illinois EPA over the implementation of the CAAPP. For this purpose, a dispute is any disagreement between the staff of USEPA and Illinois EPA handling a particular matter that prevents further action on the matter by these individuals:

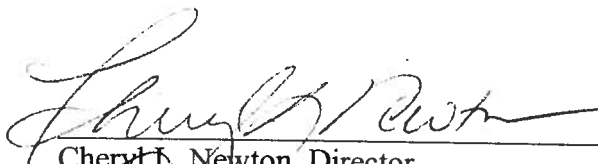
- A. A dispute will be promptly referred to the Manager of the Permit Section of the Bureau of Air of the Illinois EPA and the Chief of the Permits and Grants Section for Region 5 of USEPA, or their designees, who will promptly review the issues and the relevant facts and circumstances and attempt to resolve the dispute;
- B. If the dispute cannot be resolved at this level within 15 working days, the matter may be referred to the supervisors of these persons for resolution;
- C. This process will continue, if necessary, to the level of the Chief of the Bureau of Air, of the Illinois EPA, and the Director of the Air and Radiation Division of USEPA, Region 5; and
- D. Upon conclusion of dispute resolution, the Illinois EPA and USEPA will each review the nature of the disagreement and its resolution to identify opportunities for improving implementation of the CAAPP.

XVI. Signatures



Laurel L. Kroack, Chief
Bureau of Air
Illinois Environmental Protection Agency

3/22/09
Date



Cheryl L. Newton, Director
Air and Radiation Division, Region 5
United States Environmental Protection Agency

10/14/09
Date