



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

NOV 29 2001

REPLY TO THE ATTENTION OF

(AR-18J)

Holly Gordon
Chicago Legal Clinic
205 West Monroe, 4th Floor
Chicago, Illinois 60606

Dear Ms. Gordon:

Thank you for your March 12, 2001, letter regarding the Chicago Legal Clinic's comments on Illinois' Title V operating permit program. You submitted comments in response to the United States Environmental Protection Agency's (USEPA's) Notice of Comment Period on operating permit program deficiencies, published in the Federal Register on December 11, 2000. Pursuant to the settlement agreement discussed in that notice, USEPA is publishing notices of program deficiencies for individual operating permit programs, based on the issues raised that USEPA agrees are deficiencies, and responding to other concerns that USEPA does not agree are deficiencies.

We have reviewed the issue that you raised in your March 12, 2001, letter relating to the lack of permit issuance in a timely fashion.

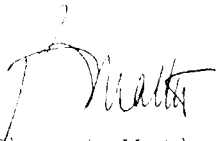
The USEPA believes that you have raised one alleged implementation deficiency that merits special consideration. A number of permitting authorities, including Illinois, have not issued permits at the rate required by the Clean Air Act. Because of the sheer number of permits that remain to be issued, the USEPA believes that many permitting authorities will need a period of up to two years to issue their remaining initial permits. If a permitting authority has submitted a commitment to correct this, the USEPA believes that the permitting authority has already taken "significant action" to correct the problem and thus does not consider the failure to have issued all initial permits a deficiency at this time. To be acceptable to USEPA, the commitment must establish semiannual milestones for expeditious permit issuance, providing that the permitting authority will issue a proportional number of the outstanding

permits during each 6-month period leading to issuance of all outstanding permits no later than December 1, 2003. The USEPA will monitor the permitting authority's compliance with its commitment by performing semiannual evaluations. As long as the permitting authority issues permits consistent with its semi-annual commitment, USEPA will continue to consider that the permitting authority has taken "significant action" such that a notice of deficiency is not warranted. If the permitting authority fails to meet its commitment, the USEPA will issue a notice of deficiency and determine the appropriate time necessary for the State to issue the outstanding permits.

The Illinois EPA has submitted a commitment and a schedule dated November 15, 2001. These milestones reflect a proportional rate of permit issuance for each semiannual period. A copy of the permitting authority's commitment is attached.

We appreciate your interest and efforts in ensuring that Illinois' Title V operating permit program meets all federal requirements. The USEPA agrees that the one permit system that the Title V permit supplies is the best mechanism for sources, citizens and government agencies to determine and review the applicable requirements for a source. If you have any questions regarding our analysis, please contact Steve Marquardt at (312) 353-3214.

Sincerely,



Bharat Mathur, Director
Air and Radiation Division

Attachment

cc: David Kolaz, Illinois Environmental Protection Agency
Don Sutton, Illinois Environmental Protection Agency