



Chicago Metropolitan Agency for Planning

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February 10, 2011

Via E-Mail: marcia.willhite@illinois.gov

First Class U.S. Mail

Ms. Marcia T. Willhite
Chief, Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794

Dear Ms. Willhite:

CMAAP staff has had considerable discussion regarding the Illinois EPA's intent to change the Facility Planning Area Process, and feel it necessary to question the appropriateness of the proposal. In your June 1, 2010 letter to me, you state that "This means that the Illinois EPA will no longer deny a State construction permit-based solely on that project's inconsistency with an FPA boundary." Your letter further states that CMAAP will continue to perform consistency reviews of domestic wastewater NPDES permits and facility plans associated with wastewater loan applications, and that CMAAP *may* (emphasis added) also continue to perform consistency reviews for proposed FPA amendments and maintain FPA maps. It appears that the Illinois EPA no longer feels that consistency reviews are necessary except when wastewater loan applications are involved.

Our discussions have led us to believe that Illinois EPA can and indeed should be able to deny a permit on the basis of a project's inconsistency with an FPA boundary. There are a number of statements contained in the Illinois Water Quality Management Plan that appear to support that position. For instance, Chapter Two states that the review by the Agency (Illinois EPA) assures that an NPDES permitted treatment plant will not serve areas outside the facility planning boundaries. Section II (a) of the plan states that "no NPDES permit may be issued to any point source which is in conflict with an approved WQM plan." That same section goes on further to say that the base data for the point source consistency reviews will include geographic location of facility planning area boundaries. A number of other sections also refer to the need to consider the location of facility planning boundaries including Section 2.321, Section 2.33 and under Section IV, "Amendatory Procedures."

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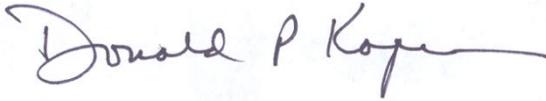
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Finally, the Regional Planning Act which established CMAP required us to create a Wastewater Committee with the responsibility to recommend directly to Illinois EPA the appropriateness of proposed requests for modifications and amendments to the established boundaries of wastewater facility planning areas.

We would appreciate the opportunity to discuss with you the full implications of Illinois EPA proposed changes to the Facility Planning Area Process.

Sincerely,

A handwritten signature in blue ink that reads "Donald P. Kopec". The signature is fluid and cursive, with a long horizontal stroke at the end.

Donald P. Kopec
Deputy Executive Director-Planning & Programming

DK/stk