



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-1654

June 1, 2010

Mr. Don Kopec, Deputy Executive Director  
Planning & Programming  
Chicago Metropolitan Agency for Planning  
233 South Wacker Drive, Suite 800  
Chicago, Illinois 60606

Re: Facility Planning Area Process

Dear Mr. Kopec:

Thank you for your letter requesting further clarification of the new revisions to the Facility Planning Area (FPA) process that we discussed in our recent phone conversation.

For many years the Illinois EPA has had a policy of denying construction permits for sanitary sewers that would cross an FPA boundary and would require amendment of the FPA prior to the issuance of such a permit. The ability of the Illinois EPA to impose this policy has lately been challenged and our legal counsel has concluded that we lack the legal authority for its continuance. 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.

Under Financial Assistance Agreement Number 604101, the Chicago Metropolitan Agency for Planning (CMAP) will continue to perform consistency reviews of domestic wastewater NPDES permits and facility plans associated with wastewater loan applications. CMAP may also continue to perform consistency reviews for proposed FPA amendments and maintain FPA maps under our current agreement. As a result of the change to the FPA process for sewer extension permits we may propose to amend our agreement's scope of work to add additional activities, such as the development of watershed-based plans for water quality protection and improvement. We intend to work closely with CMAP in the development of an alternate scope of work that will best address our mutual program goals.

The precise administrative path for transitioning from the current FPAs amendment process to a watershed-based planning process in a manner consistent with the State's planning obligations under Section 208 of the Clean Water Act has yet to be determined. After further consultation with CMAP and other interested stakeholders, it is likely that this path will be defined as part of the Illinois EPA's Annual Bureau of Water hearing in 2010

Sincerely,

A handwritten signature in black ink that reads "Marcia T. Willhite". The signature is written in a cursive style with a large initial 'M' and a distinct 'T'.

Marcia T. Willhite  
Chief  
Bureau of Water