

# **STATE REVIEW FRAMEWORK**

## **Illinois**

### **Clean Water Act, Clean Air Act, and Resource Conservation and Recovery Act Implementation in Federal Fiscal Year 2013**

**U.S. Environmental Protection Agency  
Region 5, Chicago**

**Final Report  
May 4, 2015**

# Executive Summary

## Introduction

EPA Region 5 enforcement staff conducted a State Review Framework (SRF) enforcement program oversight review of the Illinois Environmental Protection Agency (IEPA).

EPA bases SRF findings on data and file review metrics, and conversations with program management and staff. EPA will track recommended actions from the review in the SRF Tracker and publish reports and recommendations on EPA's ECHO web site.

## Areas of Strong Performance

- CWA - IEPA data entry rates for permit limits and DMRs at major facilities exceeds national goal of greater than 95%. As a result, one of the primary functions of ICIS-NPDES, which is monitoring the performance at major facilities, can be accomplished. IEPA inspection reports were found to be complete and contain sufficient documentation from which to make a compliance determination. As such, reports generally included appropriate narrative information, relevant checklists and documentation to support compliance determination. IEPA penalty calculations considered gravity and economic benefit in six of 6 or 100% of the cases reviewed. Additionally, IEPA penalty files documented collection of penalty in five of 5 or 100% of the cases reviewed.
- CAA - IEPA continues to escalate their enforcement program in identifying violations, including High Priority Violations, and referring cases/violations to the Illinois Attorney General Office (AGO). The enforcement numbers increase each year (FY12 NOVs = 161, FY13 NOVs = 194, FY14 NOVs = 258). The AGO and Illinois Pollution Control Board also increased the number of cases resolved with either a court or consent order assessing penalties. IEPA full compliance evaluations of facilities are evaluated thoroughly by inspectors and have very well written documentation of the inspection in the compliance monitoring report. IEPA continues to meet or exceed their CMS plan commitments each FY in conducting FCEs at their Title V major and SM80 facilities.
- RCRA - IEPA continues to issue appropriate and timely enforcement actions and adheres to the RCRA ERP. In addition, IEPA continues to refer cases to EPA for administrative action if it is judged that this is the best course of action needed for the case. In 2013 IEPA referred four cases to EPA for administrative action.

## Priority Issues to Address

The following are the top-priority issues affecting the state program's performance:

## Most Significant CWA-NPDES Program Issues<sup>1</sup>

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<sup>1</sup> EPA's "National Strategy for Improving Oversight of State Enforcement Performance" identifies the following as significant recurrent issues: "Widespread and persistent data inaccuracy and incompleteness, which make it hard to

- The Region found that IEPA was not always accurately characterizing whether Single Event Violations (SEVs) constitute Significant Noncompliance (SNC) in ICIS. Single Event Violations capture permit violations that are not automatically detected by ICIS. Such violations are often found during compliance monitoring activities, but may also arise in other ways, such as reported Sanitary Sewer Overflows. The Region recommends that IEPA review and implement SNC guidance and consider training from the Region on how to identify, determine and resolve SNC.
- The file review also revealed that SNC violations are not always addressed in a timely or appropriate manner. According to EPA’s Enforcement Management System, a SNC determination requires that the violation be corrected, or that a formal enforcement response be initiated within a specific period of time, unless an acceptable justification for no action is provided. IEPA’s procedures should be as stringent as EPA’s EMS regarding timely and appropriate enforcement.
- EPA found that IEPA had issued some Compliance Commitment Agreements (CCAs) that did not include compliance schedule milestones and that facilities are submitting compliance certifications before compliance is fully attained. The Region recommends that IEPA take steps to ensure CCAs contain the necessary milestones to correct and attain continuing compliance and conduct a self-audit of its CCAs.

### **Most Significant CAA Stationary Source Program Issues**

- Case files reviewed did not document IEPA’s determination on whether violations should be addressed with a referral to the Illinois Attorney General Office assessing a penalty versus a Compliance Commitment Agreement (CCA) without assessing a penalty. Furthermore, IEPA does not have a set process for determining when to use these separate enforcement response options. IEPA should develop and implement a universal policy for determining which cases are referred to the Illinois Attorney General Office for enforcement and (importantly) collection of a penalty, versus those that are resolved using the State’s CCA authority (such cases are resolved without assessing a penalty).

### **Most Significant RCRA Subtitle C Program Issues**

- No significant RCRA Subtitle C Program issues to address.

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identify when serious problems exist or to track state actions; routine failure of states to identify and report significant noncompliance; routine failure of states to take timely or appropriate enforcement actions to return violating facilities to compliance, potentially allowing pollution to continue unabated; failure of states to take appropriate penalty actions, which results in ineffective deterrence for noncompliance and an unlevel playing field for companies that do comply; use of enforcement orders to circumvent standards or to extend permits without appropriate notice and comment; and failure to inspect and enforce in some regulated sectors.”

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# I. Background on the State Review Framework

The State Review Framework (SRF) is designed to ensure that EPA conducts nationally consistent oversight. It reviews the following local, state, and EPA compliance and enforcement programs:

- Clean Water Act National Pollutant Discharge Elimination System
- Clean Air Act Stationary Sources (Title V)
- Resource Conservation and Recovery Act Subtitle C

Reviews cover:

- **Data** — completeness, accuracy, and timeliness of data entry into national data systems
- **Inspections** — meeting inspection and coverage commitments, inspection report quality, and report timeliness
- **Violations** — identification of violations, determination of significant noncompliance (SNC) for the CWA and RCRA programs and high priority violators (HPV) for the CAA program, and accuracy of compliance determinations
- **Enforcement** — timeliness and appropriateness, returning facilities to compliance
- **Penalties** — calculation including gravity and economic benefit components, assessment, and collection

EPA conducts SRF reviews in three phases:

- Analyzing information from the national data systems in the form of data metrics
- Reviewing facility files and compiling file metrics
- Development of findings and recommendations

EPA builds consultation into the SRF to ensure that EPA and the state understand the causes of issues and agree, to the degree possible, on actions needed to address them. SRF reports capture the agreements developed during the review process in order to facilitate program improvements. EPA also uses the information in the reports to develop a better understanding of enforcement and compliance nationwide, and to identify issues that require a national response.

Reports provide factual information. They do not include determinations of overall program adequacy, nor are they used to compare or rank state programs.

Each state's programs are reviewed once every five years. The first round of SRF reviews began in FY 2004. The third round of reviews began in FY 2013 and will continue through FY 2017.

## II. SRF Review Process

**Review period: FY 2013**

**Key dates:**

- Kickoff letter sent to state: April 24, 2014
- Kickoff meeting conducted: April 21, 2014
- Data metric analysis and file selection list sent to state: April 18, 2014
- On-site file review conducted: May – July 2014
- Draft report sent to state: February 11, 2015
- Report finalized: May 4, 2015

**State and EPA key contacts for review:**

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John Kim/IEPA (217-782-5544)
  
- CAA - Rochelle Marceillars/R5 (312-353-4370),  
Anna Wagner/R5 (312) 886-5870, Jennifer Wilson/R5 (312-353-3115),  
Nathan Frank/R5 (312-886-3850), Eric Jones/IEPA (217-558-1264), Ron  
Robeen/IEPA (217)524-0229, James Morgan/IEPA (217) 782-5544
  
- CWA - Ken Gunter/R5 (312-353-9076), Rhiannon Dee/R5 (312-886-4882), James  
Coleman/R5 (312-886-0148), Roger Callaway/IEPA (217-782-9852)
  
- RCRA - Spiros Bourgikos/R5 (312-886-6862), John Richardson /IEPA

### III. SRF Findings

Findings represent EPA’s conclusions regarding state performance and are based on findings made during the data and/or file reviews and may also be informed by:

- Annual data metric reviews conducted since the state’s last SRF review
- Follow-up conversations with state agency personnel
- Review of previous SRF reports, Memoranda of Agreement, or other data sources
- Additional information collected to determine an issue’s severity and root causes

There are three categories of findings:

**Meets or Exceeds Expectations:** The SRF was established to define a base level or floor for enforcement program performance. This rating describes a situation where the base level is met and no performance deficiency is identified, or a state performs above national program expectations.

**Area for State Attention:** An activity, process, or policy that one or more SRF metrics show as a minor problem. Where appropriate, the state should correct the issue without additional EPA oversight. EPA may make recommendations to improve performance, but it will not monitor these recommendations for completion between SRF reviews. These areas are not highlighted as significant in an executive summary.

**Area for State Improvement:** An activity, process, or policy that one or more SRF metrics show as a significant problem that the agency is required to address. Recommendations should address root causes. These recommendations must have well-defined timelines and milestones for completion, and EPA will monitor them for completion between SRF reviews in the SRF Tracker.

Whenever a metric indicates a major performance issue, EPA will write up a finding of Area for State Improvement, regardless of other metric values pertaining to a particular element.

The relevant SRF metrics are listed within each finding. The following information is provided for each metric:

- **Metric ID Number and Description:** The metric’s SRF identification number and a description of what the metric measures.
- **Natl Goal:** The national goal, if applicable, of the metric, or the CMS commitment that the state has made.
- **Natl Avg:** The national average across all states, territories, and the District of Columbia.
- **State N:** For metrics expressed as percentages, the numerator.
- **State D:** The denominator.
- **State % or #:** The percentage, or if the metric is expressed as a whole number, the count.

## Clean Water Act Findings

CWA Element 1 — Data																																																																		
<b>Finding 1-1</b>	<b>Area for State Improvement</b>																																																																	
<b>Summary</b>	Nineteen of 39 reviewed files (48.7%) accurately reflected data reported to the national data systems. Six of 12 facilities (50.0%) with enforcement actions during the review year addressed SNC violations at major facilities in a timely manner.																																																																	
<b>Explanation</b>	<p>Data in 20 of the 39 files reviewed were inaccurately reflected in the ECHO. Examples of inaccuracies noted are: 1) six files missing an inspection report; 2) two Recon inspections not reported to ECHO; 3) seven files with inspection type incorrectly reported to ECHO; 4) one file missing Violation Notice; and 5) two files with inaccurate formal action dates reported to ECHO.</p> <p>A similar finding was noted in IEPA’s Round 2 SRF report and remains an issue.</p> <p>Metrics listed below only refer to the accuracy and completeness of data in EPA systems and files for purposes of this Element.</p>																																																																	
<b>Relevant metrics</b>	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>2b Files reviewed where data are accurately reflected in the national data system</td> <td>100%</td> <td>N/A</td> <td>19</td> <td>39</td> <td>48.7%</td> </tr> <tr> <td>5a1 Inspection coverage of NPDES majors</td> <td>100% CMS</td> <td>53.1%</td> <td>161</td> <td>274</td> <td>58.8%</td> </tr> <tr> <td>5b1 Inspection coverage of NPDES non-majors with individual permits</td> <td>100% CMS</td> <td>25.2%</td> <td>486</td> <td>1278</td> <td>38.0%</td> </tr> <tr> <td>5b2 Inspection coverage of NPDES non-majors with general permits</td> <td>100% CMS</td> <td>6.8%</td> <td>392</td> <td>6173</td> <td>6.4%</td> </tr> <tr> <td>7a1 Number of major facilities with single event violations</td> <td>N/A</td> <td>N/A</td> <td>39</td> <td></td> <td></td> </tr> <tr> <td>7d1 Major facilities in noncompliance</td> <td>N/A</td> <td>63.1%</td> <td>205</td> <td>274</td> <td>74.8%</td> </tr> <tr> <td>7f1 Non-major facilities in Category 1 noncompliance</td> <td>N/A</td> <td>N/A</td> <td>609</td> <td></td> <td></td> </tr> <tr> <td>7g1 Non-major facilities in Category 2 noncompliance</td> <td>N/A</td> <td>N/A</td> <td>439</td> <td></td> <td></td> </tr> <tr> <td>8a2 Percentage of major facilities in SNC</td> <td>N/A</td> <td>24.4%</td> <td>39</td> <td>277</td> <td>14.1%</td> </tr> </tbody> </table>						Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	2b Files reviewed where data are accurately reflected in the national data system	100%	N/A	19	39	48.7%	5a1 Inspection coverage of NPDES majors	100% CMS	53.1%	161	274	58.8%	5b1 Inspection coverage of NPDES non-majors with individual permits	100% CMS	25.2%	486	1278	38.0%	5b2 Inspection coverage of NPDES non-majors with general permits	100% CMS	6.8%	392	6173	6.4%	7a1 Number of major facilities with single event violations	N/A	N/A	39			7d1 Major facilities in noncompliance	N/A	63.1%	205	274	74.8%	7f1 Non-major facilities in Category 1 noncompliance	N/A	N/A	609			7g1 Non-major facilities in Category 2 noncompliance	N/A	N/A	439			8a2 Percentage of major facilities in SNC	N/A	24.4%	39	277	14.1%
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10a1 Major facilities with timely action as appropriate	≥98%	8.0%	6	12	50.0%
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**State response**

In response to the Recommendations (all but that related to Element 4, which is addressed below), the Illinois EPA states that by April 30, 2015, it will develop a draft plan to address issues found in ICIS/ECHO reporting. Illinois EPA will continue to work with Region 5 thorough the Work Plan Joint Priority regarding any data issues and the draft work plan will be implement and updated as issues are identified.

In addition, the Illinois EPA provides the following additional response.

2b As to Metric 2b, implementing proposed responses to Metrics 8b and 8c as described above will help ensure that data is accurately reflected into ICIS. Furthermore, all data entered into ICIS (formal/informal enforcement, inspections, etc.) will be coded in a way that accurately reflects the events that took place on the date they occurred.

Inspection Type Entry Errors:

All identified ICIS entry errors are in the process of being corrected. The Division of Water Pollution Control (“DWPC”)/Field Operations Section (“FOS”) has reemphasized use of the appropriate inspection codes and, where applicable, program codes, to staff; redesigned the monthly reporting tool that in part, will greatly reduce or eliminate use of improper codes; and working with IS for direct entry of the data that will eliminate entry errors.

Stipulated CAFO Inspections Entry into ICIS:

In conformance with the USEPA Compliance Monitoring Strategy (“CMS”), all inspections of “Large,” “Medium” and “Small” (greater than 50 animals) CAFOs/AFOs and applicable program codes are entered into ICIS.

Purported Absent Inspection Reports:

Illinois EPA is in the process of verifying that the purported FOS inspection reports have been previously routed to Records. DWPC/FOS has reemphasized to staff that the FOS Procedures Manual stipulates that all inspection reports are routed to the Division of Records Management (“Records”).

**Recommendation**

- Regarding SNC addressing actions, see recommendation for Element 4.
- By 60 days of the final report, IEPA should review current data entry procedures to reconcile issues found in this review and report findings to EPA.

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- By April 30, 2015 IEPA will develop a draft plan to address identified issues in coordination with EPA.
  - IEPA and EPA will work through the IEPA and Region 5 Workplan Joint Priority on data issues to implement and update the draft plan and address identified issues.
  - Progress will be monitored by Region 5 and steps will be taken as necessary to review implementation of recommended actions.
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## CWA Element 1 — Data

<b>Finding 1-2</b>	<b>Meets or Exceeds Expectations</b>					
<b>Summary</b>	Strong program performance was demonstrated by IEPA and supported by exceeding greater than 95% national goals for both permit limits and DMR entry rates for major facilities.					
<b>Explanation</b>	Metrics listed below indicate IEPA data completeness rates for Permit limits and DMR entry for major facilities are 100% and 98.7% respectively.					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	1b1 Permit limit rate for major facilities	>95%	98.4%	274	274	100%
	1b2 DMR entry rate for major facilities	>95%	97.1%	16285	16504	98.7%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

## CWA Element 2 — Inspections

<b>Finding 2-1</b>	<b>Area for State Attention</b>																																			
<b>Summary</b>	IEPA met seven of 8 inspection commitments (87.5%) per the negotiated state-specific Compliance Monitoring Strategy (CMS) Plan. Twenty-five of 27 reviewed inspection reports (92.6%) provided sufficient documentation to determine compliance.																																			
<b>Explanation</b>	<p>Based on a review of IEPA FY13 EOY report, 13 out of 15 inspection categories included in the State-specific CMS commitments were met. Be advised that the pretreatment program is not delegated in Illinois and EPA has direct program implementation authority. IEPA inspection performance for major and non-major individual permits are consistent with CMS commitments. Although the CMS plan mentioned the final number generally depends on state’s overall workload, the Phase II MS4 audits and inspections commitment was not accomplished as specified. In terms of the CSO commitment, IEPA goal was to conduct 3 majors and 26 minors for a total of 29 CSO inspections. The actual total number of CSO inspections reported at EOY was 5. The state indicated that follow-up was needed to confirm; however, it believes CSO/SSO inspections are performed in conjunction with some CEIs and CSIs, but they are not recorded appropriately in ICIS.</p> <p>Two of the 27 inspection reports reviewed were incomplete or did not provide sufficient information to determine compliance. Examples of inspection report discrepancies include: 1) one inspection field report provided few recommendations to minimize collection system and grease build-up issues; and 2) one file had inspection equivalent to a Recon inspection, not a CEI as reported.</p> <p>This finding is only an Area for State Attention because the Region believes that IEPA can improve performance in this area on its own without a recommendation.</p>																																			
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4a5 SSO inspections	100% CMS	N/A	N/A	N/A	N/A																															

	4a7 Phase I & II MS4 audits or inspections	100% CMS	N/A	49	69	71.0%
	4a8 Industrial stormwater inspections	100% CMS	N/A	211	110	191.8%
	4a9 Phase I and II stormwater construction inspections	100% CMS	N/A	602	516	116.6%
	4a10 Medium and large NPDES CAFO inspections	100% CMS	N/A	13	7	185.7%
	5a1 Inspection coverage of NPDES majors	100% CMS	53.1%	161	274	58.8%
	5b1 Inspection coverage of NPDES non-majors with individual permits	100% CMS	25.2%	486	1278	38.0%
	5b2 Inspection coverage of NPDES non-majors with general permits	100% CMS	6.8%	392	6173	6.4%
	6a Inspection reports complete and sufficient to determine compliance at the facility	100%	N/A	25	27	92.6%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

## CWA Element 2 — Inspections

<b>Finding 2-2</b>	<b>Area for State Improvement</b>					
<b>Summary</b>	Sixteen of 27 reviewed inspection reports (59.3%) were timely. IEPA did not provide additional specific information for each category of facility.					
<b>Explanation</b>	<p>Based on EPA’s file review, 11 inspection reports were not completed within the prescribed 30 to 45 day timeframe and therefore exceeded the timeliness threshold.</p> <p>The NPDES Enforcement Management System (EMS), Chapter 5, Section A, provides guidance on timeliness of inspection reports. According to the EMS, timely inspection reports are those completed within 45 calendar days of the date of inspection for sampling inspections or within 30 calendar days for non-sampling inspections. The completion date is the date that the manager signed the report. IEPA Field Procedures Manual WPC-FOS revised September 2013 indicate inspection reports should be completed in a timely manner, ideally within 45 days. Therefore, the state will be evaluate by its own timeliness standard.</p> <p>Another SRF measure involves using supplemental information to assess program performance for inspections at each facility category covered by the CMS. Where inspections covered by the CMS do not have data entered in ICIS- NPDES, EPA ask the State to provide additional information for each category. IEPA provided an overall summary of the violations found, enforcement actions taken and penalties assessed for metrics 4a4, 4a5, 4a7, 4a8, 4a9, and 4a10 collectively. However, to conduct a thorough program performance evaluation, the number of violations found, enforcement actions taken and penalties assessed should be provided disaggregated for each facility category covered by the SRF metrics mentioned above separately.</p>					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	6b Inspection reports completed within prescribed timeframe	100%	N/A	16	27	59.3%
<b>State response</b>	In response to the Recommendations, the Illinois EPA agrees to develop the described tracking system within 90 days, with implementation of that system to begin once finalized. However, the Illinois EPA seeks clarification on this Finding, insofar as a review of the FFY 2013 CMS did not find specific USEPA guidance on the prescribed timeframe for the filing of the inspection reports.					

	<p>Regardless, the Illinois EPA continues to place priority on inspection reports that warrant enforcement consideration per the Enforcement Response Guide (“ERG”), such as NPDES and State permit violations, Significant Non-Compliance (“SNC”), or Reportable Non-Compliance (“RNC”) findings.</p> <p>DWPC/FOS is striving to decrease the time for all inspection reports through innovative approaches, such as acquisition and use of hand-held tablet devices and implementation of a variety of program checklists. These approaches will streamline report preparation, assure accurate entry into ICIS, and allow direct routing of the report to Records.</p>
<p><b>Recommendation</b></p>	<ul style="list-style-type: none"> <li>• By 90 days of the final report, IEPA will develop a tracking system designed to report the progress of inspection reports and violations found, enforcement actions taken, and penalties assessed for metrics 4a4, 4a5, 4a7, 4a8, 4a9, and 4a10 and provide system specifications to EPA for review.</li> <li>• Once the system is finalized, IEPA will immediately begin implementation to ensure that inspection reports are completed in the prescribed timeframe and supplemental CMS program performance information is reported.</li> <li>• Progress will be monitored by Region 5 via quarterly conference calls, semi-annual reports from IEPA and annual SRF data metric analysis.</li> </ul>

## CWA Element 3 — Violations

<b>Finding 3-1</b>	<b>Area for State Improvement</b>																																																					
<b>Summary</b>	SEVs and SNCs are being reported to ICIS-NPDES; however SNC determinations are not being made accurately for all single event violations. Two of 10 reviewed SEVs (20.0%) were accurately identified as SNC or non-SNC. Zero of 8 SEVs (0%) identified as SNC were reported timely. IEPA’s SNC rate is 14.1%, which is better than the national average.																																																					
<b>Explanation</b>	<p>IEPA’s SNC rate is less than the national average, which is a positive indicator. However, during the file review, the Region observed that SEVs were not appropriately identified as SNCs and therefore not reported timely. This may artificially lower IEPA’s SNC rate.</p> <p>A similar finding was noted in IEPA’s Round 2 SRF report and remains an issue.</p>																																																					
<b>Relevant metrics</b>	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>7a1 Number of major facilities with single event violations</td> <td>N/A</td> <td>N/A</td> <td>39</td> <td></td> <td></td> </tr> <tr> <td>7d1 Major facilities in noncompliance</td> <td>N/A</td> <td>63.1%</td> <td>205</td> <td>274</td> <td>74.8%</td> </tr> <tr> <td>7f1 Non-major facilities in Category 1 noncompliance</td> <td>N/A</td> <td>N/A</td> <td>609</td> <td></td> <td></td> </tr> <tr> <td>7g1 Non-major facilities in Category 2 noncompliance</td> <td>N/A</td> <td>N/A</td> <td>439</td> <td></td> <td></td> </tr> <tr> <td>8a2 Percentage of major facilities in SNC</td> <td>N/A</td> <td>24.4%</td> <td>39</td> <td>277</td> <td>14.1%</td> </tr> <tr> <td>8b Single-event violations accurately identified as SNC or non-SNC</td> <td>100%</td> <td>N/A</td> <td>2</td> <td>10</td> <td>20.0%</td> </tr> <tr> <td>8c Percentage of SEVs identified as SNC reported timely at major facilities</td> <td>100%</td> <td>N/A</td> <td>0</td> <td>8</td> <td>0.0%</td> </tr> </tbody> </table>						Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	7a1 Number of major facilities with single event violations	N/A	N/A	39			7d1 Major facilities in noncompliance	N/A	63.1%	205	274	74.8%	7f1 Non-major facilities in Category 1 noncompliance	N/A	N/A	609			7g1 Non-major facilities in Category 2 noncompliance	N/A	N/A	439			8a2 Percentage of major facilities in SNC	N/A	24.4%	39	277	14.1%	8b Single-event violations accurately identified as SNC or non-SNC	100%	N/A	2	10	20.0%	8c Percentage of SEVs identified as SNC reported timely at major facilities	100%	N/A	0	8	0.0%
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<b>State response</b>	<p>In response to the Recommendations, the Illinois EPA agrees that within 90 days of the final report, it will develop a SOP for making SNC determinations and will send the SOP to USEPA for approval. Upon approval, Illinois EPA will immediately begin implementing the SOP. The Illinois EPA further states as follows.</p> <p>8b 8c All SSOs are currently being entered into ICIS as program reports. All SSOs that result in a VN are currently entered as SEVs. Pursuant to USEPA comments, all SSOs will be entered into ICIS as SEVs. In addition, the Illinois EPA will enter any SSO that resulted in a VN into</p>																																																					



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	<p>ICIS as a SNC. USEPA expects that a formal enforcement action be taken on SSOs that are identified as SNC. A formal enforcement action can include a Compliance Commitment Agreement (“CCA”) or a referral. All other SEVs that result in VNs are currently being entered into ICIS. Designating the SEV as SNC will be discretionary by the State.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"><li>• By 90 days of the final report, IEPA will develop a Standard Operating Procedure (SOP) for accurately making SNC determinations, and will send a copy to EPA for approval.</li><li>• Once the SOP is finalized, IEPA state will immediately begin implementing the SOP to make accurate SNC determination.</li><li>• Progress will be monitored by Region 5 via quarterly conference calls, semi-annual reports from IEPA, and annual SRF data metric analyses.</li></ul>

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### CWA Element 3 — Violations

<b>Finding 3-2</b>	<b>Meets or Exceeds Expectations</b>					
<b>Summary</b>	Twenty-six of 27 reviewed inspection reports (96.3%) led to an accurate compliance determination.					
<b>Explanation</b>	EPA file reviews indicated that nearly all inspection reports were complete and contained sufficient documentation to make a compliance determination.					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	7e Inspection reports reviewed that led to an accurate compliance determination	100%	N/A	26	27	96.3%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

## CWA Element 4 — Enforcement

Finding 4-1	Area for State Improvement
<b>Summary</b>	Thirteen of 21 reviewed enforcement responses (61.9%) returned, or will return, a source in violation to compliance. Six of 12 facilities (50.0%) with enforcement actions during the review year addressed SNC violations at major facilities in a timely manner. Twelve of 25 reviewed enforcement responses (48.0%) addressed SNC that are appropriate to the violations.
<b>Explanation</b>	<p>Eight of 21 reviewed enforcement responses did not, or will not return, a source in violation to compliance. Examples of discrepancies include: 1) four files show SSO violations continue despite issuance of several violation notices; 2) two files had CCAs without compliance schedules or milestones; and 3) missing fiscal reports. EPA also noted that in some cases facilities had submitted compliance certifications before compliance was fully attained.</p> <p>EPA recognizes that Section 31 of IEPA Act makes it difficult for the state to always issue formal enforcement actions for SNC violations based on EPA’s timeliness standard. However, the concept of SNC is important because it identifies those violations which must receive a formal enforcement response or return to compliance within a fixed period of time unless an acceptable justification is established for not taking action.</p> <p>In both Round 1 and Round 2 SRF reports, EPA recommended IEPA properly code CCAs as informal actions. It was determined that IEPA was coding CCAs in ICIS as formal actions despite the fact that they did not meet the minimum elements of what constitutes a formal action. The components of a formal action, consist of, requiring actions to achieve compliance, specifies a timetable, contains consequences for noncompliance that are independently enforceable and subjects the person to adverse legal consequences for noncompliance. The Illinois Environment Protection Act was amended in 2011 providing CCAs with elements that function similar to formal actions. As a result, CCAs can be coded into ICIS as formal actions, provided the following minimum data entry requirements and actions are performed:</p> <ul style="list-style-type: none"><li>• Add Final Order Type,</li><li>• Link violations addressed by action for SEV/SNC/RNC processing</li><li>• Add and track compliance schedule milestones, especially final compliance achieved date,</li><li>• Penalty data, if applicable</li><li>• Close enforcement action</li></ul>

Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	9a Percentage of enforcement responses that return or will return source in violation to compliance	100%	N/A	13	21	61.9%
10a1 Major facilities with timely action as appropriate	≥98%	8.0%	6	12	50.0%	
10b Enforcement responses reviewed that address violations in an appropriate manner	100%	N/A	12	25	48.0%	

**State response**

In response to the Recommendations, the Illinois EPA first states that All SSOs will be entered as SEVs. The SEVs that result in issuance of a VN will be entered into ICIS as a SEV/SNC, while those which do not result in a VN will designated as RNC. This practice began on March 16, 2015. Further, staff has already been instructed that all CCAs must contain specific activities to address violations. All CCA compliance schedules are now entered into ICIS – this practice also began on March 16, 2015. By August 1, 2015, Illinois EPA will report on all CCAs issued between March 15, 2015 and June 30, 2015, and will identify how many of those CCAs addressed SNC and had compliance schedules.

The Illinois EPA further states as follows.

9a, 10bThe Draft Report contains several comments regarding formal enforcement requirements for non-SNC reporting violations. “Informal” action such as a Non-Compliance Advisory Letter (“NCA”) will be entered into ICIS to resolve the non-SNC reporting violations. Compliance schedule dates contained in CCAs are not currently being entered into ICIS. To address this concern made by USEPA, all CCA compliance schedules will be entered into ICIS. USEPA formal enforcement timelines require that the violations be addressed by the quarter following the designation as SNC. The procedural timelines mandated in Section 31 of the Illinois Environmental Protection Act will not allow the Agency to meet this requirement.

- Recommendation**
- Regarding SEVs identified as SNC, see recommendation in Element 3, Finding 3-1.
  - By 60 days of the final report, IEPA should reassess procedures to ensure protocols are in place to address SNC and instruct staff that compliance commitment agreements must contain specific activities that an entity must take in order to address the alleged violation as well as the timelines for returning to compliance.
  - IEPA should conduct a review of its CCAs issued from January 1, 2015 to June 30, 2015 and report by August 15, 2015 how may CCAs addressed SNC and had compliance schedules.

- Progress will be monitored by Region 5 and steps will be taken as necessary to review implementation of recommended actions.

### CWA Element 5 — Penalties

<b>Finding 5-1</b>	<b>Meets or Exceeds Expectations</b>					
<b>Summary</b>	Six of 6 reviewed penalty calculations (100%) considered and included, where appropriate, gravity and economic benefit. Five of 5 reviewed penalty files (100%) documented collection of penalty.					
<b>Explanation</b>	<p>EPA review of the 6 enforcement files which assessed penalties indicated each penalty calculation included and documented gravity and economic benefit.</p> <p>IEPA also provided documentation that the final penalty was collected, or documentation of appropriate follow-up measures.</p>					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	11a Penalty calculations reviewed that consider and include gravity and economic benefit	100%	N/A	6	6	100%
	12b Penalties collected	100%	N/A	5	5	100%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

## CWA Element 5 — Penalties

<b>Finding 5-2</b>	<b>Area for State Attention</b>					
<b>Summary</b>	Three of 5 reviewed penalties (60.0%) documented the rationale for the final value assessed compared to the initial value assessed.					
<b>Explanation</b>	<p>Two reviewed penalties failed to document the difference between initial and final penalty rationale. In both files there was no further action noted in the file after calculation of draft penalty and final penalties were issued by Illinois Attorney General.</p> <p>This finding is only an Area for State Attention because the Region believes that IEPA can improve performance in this area on its own without a recommendation.</p>					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	12a Documentation of the difference between initial and final penalty and rationale	100%	N/A	3	5	60.0%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

## Clean Air Act Findings

CAA Element 1 — Data																																				
<b>Finding 1-1</b>	<b>Area for State Improvement</b>																																			
<b>Summary</b>	Twelve of 30 reviewed files (40.0%) accurately reflected MDR data reported to AFS.																																			
<b>Explanation</b>	<p>Data in 18 of the 30 files reviewed were inaccurately reflected in ECHO. Examples of inaccuracies noted are: 1) three files with stack test and/or Title V ACC not or incorrectly reported to AFS; 2) one file missing FCE reported to AFS; 3) four files with incorrect violation type reported to AFS; 4) duplicate PCEs reported on same date; 5) one file with incorrect inspection dates; 7) three files with incorrect facility addresses; 8) four files with incorrect facility name reported to AFS; and 9) one file with incorrect penalty amount reported to AFS.</p> <p>A similar finding was noted in IEPA’s Round 2 SRF report and remains an issue.</p> <p>Metrics listed below only refer to the accuracy and completeness of data in EPA systems and files for purposes of this Element.</p>																																			
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<b>State response</b>	<p>In response to the Recommendations, the Illinois EPA accepts and will implement all the listed Recommendations. The Illinois EPA further states as follows.</p> <p>2b Crown Gym Mats is a Title V source, not a FESOP source. The PCE dated May 15, 2013, for KIK Customs was not an ACC review but instead was the trigger action for a HPV VN (A-2013-00184). The Illinois EPA will upload data bi-weekly instead of monthly. The Illinois EPA will also revise its VN process and re-train staff to ensure VNs are prepared and issued timely, and VN files contain all elements used to initiate and resolve VN. Illinois EPA’s Bureau of Air (“BOA”) FOS and</p>																																			

	Compliance Sections will ensure site information (name, address, permit type, etc.) is uniform in ICEMAN, VN and inspection documents.
<b>Recommendation</b>	<ul style="list-style-type: none"><li>• By 60 days of the final report, EPA will pull compliance monitoring and enforcement data and discuss any data entry issues with IEPA during monthly conference calls.</li><li>• If issues are not resolved through monthly conference calls, IEPA will propose a plan to address them, including specific actions to address data gaps identified above and milestones for implementation.</li><li>• Progress will be monitored by Region 5 through monthly conference calls and steps will be taken as necessary within 180 days to review implementation of recommended actions.</li></ul>



## CAA Element 1 — Data

<b>Finding 1-2</b>	<b>Meets or Exceeds Expectations</b>					
<b>Summary</b>	IEPA timely reported compliance monitoring MDRs; stack test dates and results; and enforcement MDRs.					
<b>Explanation</b>	IEPA successfully submitted data for the following data metrics.					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	3b1 Timely reporting of compliance monitoring MDRs	100%	80.9%	863	879	98.2%
	3b2 Timely reporting of stack test dates and results	100%	75.4%	120	130	92.3%
	3b3 Timely reporting of enforcement MDRs	100%	68.7%	243	250	97.2%
	5a FCE coverage: majors and mega-sites	100%	88.5%	218	218	100%
	5b FCE coverage: SM-80s	100%	93.3%	50	50	100%
	7b1 Violations reported per informal actions	100%	59.5%	89	90	98.9%
	7b3 Violations reported per HPV identified	100%	57.5%	46	50	92.0%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

## CAA Element 2 — Inspections

<b>Finding 2-1</b>	<b>Meets or Exceeds Expectations</b>																																																					
<b>Summary</b>	According to AFS for IEPA, 100% of CMS majors and mega-sites received an FCE, 100% of CMS SM-80s received an FCE, and IEPA has reviewed Title V annual compliance certificates (ACC) for 76.3% of the active Title V universe. Nineteen of 21 FCEs (90.5%) reviewed met all criteria in the compliance monitoring report (CMR) checklist. Twenty-two of the 24 files reviewed (91.7%) provided sufficient documentation to determine source compliance.																																																					
<b>Explanation</b>	<p>Two of the 21 files reviewed lacked documentation of FCE elements. Two of the 24 CMRs reviewed lacked sufficient documentation to determine facility compliance.</p> <p>The Region is not concerned with IEPA’s Title V ACC rate as IEPA continues to work on the backlog of Title V permit applications per IEPA’s work plan with EPA. The work plan includes the total number of permits IEPA will issue each given year until backlog is complete. The sources who submitted an application are entered in EPA’s national database system as Title V major sources, however, the sources are not required to submit an annual compliance certification until IEPA issues them the permit. In addition, sources with a Clean Air Act Permit (CAAP) have applied for a Federally Enforceable State Operating Permit (FESOP) permit which is pending prior to the expiration of the CAAP permit.</p>																																																					
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<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.
<b>Recommendation</b>	No action needed.

### CAA Element 3 — Violations

<b>Finding 3-1</b>	<b>Area for State Improvement</b>																													
<b>Summary</b>	Seventeen of 31 reviewed CMRs or source files (54.8%) led to accurate compliance determinations and were accurately reported in AFS. IEPA’s HPV discovery rate is 10.1%, which is higher than the national average of 4.0%. Seventeen of 20 reviewed violations (85.0%) were accurately determined to be HPVs.																													
<b>Explanation</b>	<p>Fourteen of 31 reviewed CMRs containing information and documentation used by IEPA to determine compliance were inaccurately reported in AFS. The “Three Year Compliance Status by Quarter” section of the ECHO Detailed Facility Report (DFR) did not match information found in 14 files reviewed.</p> <p>Three of the 20 violations reviewed were not accurately determined to be HPVs and should have been identified as HPVs in AFS.</p> <p>A similar finding was noted in IEPA’s Round 2 SRF report and remains an issue.</p>																													
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<b>State response</b>	<p>In response to the Recommendations, the Illinois EPA accepts and will implement all Recommendations. The Illinois EPA further states that it is currently training/re-training staff on the HPV and FRV policy. This exercise will ensure improved accuracy in HPV determinations. Additionally, the BOA/FOS manager will re-train FOS staff to ensure FCE inspections contain all required FCE elements and improved accuracy of the MDR elements reported to EPA. Finally, the BOA/Compliance manager will institute improved processes and procedures to ensure the Compliance Section meets or exceeds its obligations for meeting the requirements of the FRV and HPV policies.</p>																													
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>• Solutions to issues regarding data entry will be resolved under Element 1 of this report.</li> <li>• If issues are not resolved through monthly conference calls, IEPA will propose a plan to address them, including specific actions to</li> </ul>																													

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address data gaps identified above and milestones for implementation.

- By 60 days of the final report, IEPA will train staff in making accurate identification of violation and HPV determinations.
  - Progress will be monitored by Region 5 through monthly conference calls and steps will be taken as necessary within 180 days to review implementation of recommended actions.
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## CAA Element 4 — Enforcement

<b>Finding 4-1</b>	<b>Meets or Exceeds Expectations</b>																								
<b>Summary</b>	Fifteen of 15 reviewed formal enforcement responses (100%) included required corrective actions that will return the source to compliance in a specified time frame. Eighteen of 24 reviewed HPV addressing actions (75.0%) met the timeliness standard in the HPV Policy. Fourteen of 14 reviewed HPVs (100%) demonstrated the violation was appropriately addressed.																								
<b>Explanation</b>	<p>All of the reviewed formal enforcement responses included documentation to show that the formal enforcement action required corrective action that returned or will return the facility to compliance.</p> <p>Six HPV addressing actions were not addressed within 270 days of the Day Zero date.</p> <p>All of the reviewed HPVs did demonstrate the violation was appropriately addressed.</p>																								
<b>Relevant metrics</b>	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>9a Formal enforcement responses that include required corrective action that will return the facility to compliance in a specified timeframe</td> <td>100%</td> <td>N/A</td> <td>15</td> <td>15</td> <td>100%</td> </tr> <tr> <td>10a Timely action taken to address HPVs</td> <td>N/A</td> <td>67.5%</td> <td>18</td> <td>24</td> <td>75.0%</td> </tr> <tr> <td>10b Appropriate enforcement responses for HPVs</td> <td>100%</td> <td>N/A</td> <td>14</td> <td>14</td> <td>100%</td> </tr> </tbody> </table>	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	9a Formal enforcement responses that include required corrective action that will return the facility to compliance in a specified timeframe	100%	N/A	15	15	100%	10a Timely action taken to address HPVs	N/A	67.5%	18	24	75.0%	10b Appropriate enforcement responses for HPVs	100%	N/A	14	14	100%
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<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.																								
<b>Recommendation</b>	No action needed.																								

## CAA Element 5 — Penalties

<b>Finding 5-1</b>	<b>Area for State Improvement</b>																													
<b>Summary</b>	Two of 6 penalty calculations (33.3%) reviewed that consider and include, where appropriate, gravity and economic benefit. Two of 4 penalties (50.0%) reviewed documented the rationale for the final value assessed compared to the initial value assessed. Six of 6 penalty files (100%) reviewed documented collection of penalty.																													
<b>Explanation</b>	<p>Four of the penalty calculations reviewed did not document both economic benefit and gravity consideration. The same penalty did not document the rationale for the final value assessed compared to the initial value assessed. All of the files reviewed showed documentation that the penalty had been collected.</p> <p>In accordance with Section IV of the revised HPV policy, IEPA should ensure that all cases document the procedures utilized to calculate both the gravity and economic benefit component of all penalties assessed, along with documentation of the rationale for the final penalty value assessed compared with the initial value assessed.</p> <p>For several case files reviewed, there was not a clear understanding of why IEPA made a determination to address the violation with a referral to the Illinois Attorney General Office assessing a penalty but addressed/resolved other violations with a Compliance Commitment Agreement (CCA) between IEPA and the facility. IEPA has no clear universal policy for determining the separate enforcement procedures implemented with or without an assessed a penalty.</p>																													
<b>Relevant metrics</b>	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>11a Penalty calculations include gravity and economic benefit</td> <td>100%</td> <td>N/A</td> <td>2</td> <td>6</td> <td>33.3%</td> </tr> <tr> <td>12a Documentation on difference between initial and final penalty</td> <td>100%</td> <td>N/A</td> <td>2</td> <td>4</td> <td>50.0%</td> </tr> <tr> <td>12b Penalties collected</td> <td>100%</td> <td>N/A</td> <td>6</td> <td>6</td> <td>100%</td> </tr> </tbody> </table>						Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	11a Penalty calculations include gravity and economic benefit	100%	N/A	2	6	33.3%	12a Documentation on difference between initial and final penalty	100%	N/A	2	4	50.0%	12b Penalties collected	100%	N/A	6	6	100%
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #																									
11a Penalty calculations include gravity and economic benefit	100%	N/A	2	6	33.3%																									
12a Documentation on difference between initial and final penalty	100%	N/A	2	4	50.0%																									
12b Penalties collected	100%	N/A	6	6	100%																									
<b>State response</b>	In response to the Recommendations, the Illinois EPA does not believe developing and implementing a universal policy as described is appropriate given the different case-specific factors that must be considered in each matter. However, the Illinois EPA will take a consistent approach to CCA acceptance and/or referral to the OAG, applying such case-specific facts. The Illinois EPA will also consider																													

	<p>referring HPVs to the OAG as described. The Illinois EPA further states that it will ensure that enforcement files contain documentation on economic benefit, if any, and gravity. In addition, the Illinois EPA will document the rationale for the final value assessed compared to the initial value assessed. If the information is missing from the legal file at the time of USEPA review, the cause was an oversight in file preparation and not pursuant to any policy.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"><li>• By 60 days of the final report, IEPA should develop and implement a universal policy for determining which cases are referred to the Illinois Attorney General Office for enforcement and (importantly) collection of a penalty, versus those that are resolved using the State’s CCA authority (such cases are resolved without assessing a penalty).</li><li>• IEPA should consider referring all HPVs to the Attorney General Office (unless the violation is removed from the list of HPVs entered in ICIS-Air as stated under Section III of the revised HPV policy).</li><li>• Progress will be monitored by Region 5 through monthly conference calls and steps will be taken as necessary within 180 days to review implementation of recommended actions.</li></ul>



## Resource Conservation and Recovery Act Findings

RCRA Element 1 — Data						
<b>Finding 1-1</b>	<b>Meets or Exceeds Expectations</b>					
<b>Summary</b>	Twenty-six of 30 files (86.7%) contained data that was accurately reflected in RCRAInfo. Two of 2 reviewed SNC designations (100%) were addressed in a timely manner, according to ECHO. 93 sites in RCRAInfo were in violation for greater than 240 days without being evaluated for re-designation as SNCs.					
<b>Explanation</b>	<p>Four of the 30 files reviewed were inaccurately reflected in ECHO. The inaccuracies noted were: 1) CCA signed on 10/22/13, facility not RTCd in ECHO/RCRAInfo; 2) referral to EPA not in ECHO/RCRAInfo; 3) incorrect SNC date; and 4) ECHO/RCRAInfo shows referral to AG, no referral in file.</p> <p>These incidents do not represent a concern. IEPA has addressed data accuracy in its Bureau of Land Enforcement Management System (EMS). IEPA also provides training to all staff involved with RCRAInfo data entry responsibilities.</p> <p>In reference to the sites in RCRAInfo in violation for greater than 240 days, IEPA continues to address these cases in accordance with the language for “Re-evaluation of Secondary Violators” included in the EMS. EPA is confident that IEPA will clean up the status of these sites in RCRAInfo.</p> <p>Metrics listed below only refer to the accuracy and completeness of data in EPA systems and files for purposes of this Element.</p>					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	2a Long-standing secondary violators	N/A	N/A	93		
	2b Complete and accurate entry of mandatory data	100%	N/A	26	30	86.7%
	5a Two-year inspection coverage for operating TSDFs	100%	87.6%	20	24	83.3%
	5b Annual inspection coverage for LQGs	20.0%	21.0%	129	647	19.9%
	5c Five-year inspection coverage for LQGs	100%	66.6%	522	647	80.7%
	5d One-year inspection coverage for active SQGs	N/A	11.0%	566	14509	3.9%

	5e1 Number of inspections at conditionally exempt SQGs	N/A	N/A	613		
	5e2 Number of inspections at transporters	N/A	N/A	25		
	5e3 Number of inspections at non-notifiers	N/A	N/A	8		
	5e4 Number of inspections at facilities not covered by metrics 2c through 2f3	N/A	N/A	1234		
	7b Violations found during inspections	N/A	34.8%	57	801	7.1%
	8a SNC identification rate	N/A	1.7%	3	801	0.4%
	10a Timely enforcement taken to address SNC	80.0%	77.3%	2	2	100%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

## RCRA Element 2 — Inspections

<b>Finding 2-1</b>	<b>Meets or Exceeds Expectations</b>					
<b>Summary</b>	IEPA met the national inspection goals for TSDFs (2 years) and LQGs (1 year and five year). Twenty-nine of 30 reviewed inspection reports (96.7%) were considered complete, and provided sufficient documentation to determine compliance at the facility. Twenty-seven of 30 inspections reports (90.0%) were completed in a timely manner.					
<b>Explanation</b>	IEPA conducted 20 of 24 inspections (83.3%) at Treatment, Storage, and Disposal Facilities (TSDFs) with operating permits. EPA conducted three TSDF inspections. The combined TSDF inspection coverage is thus 95.8%. The remaining TSDF (Equistar) was not inspected in FY 2013 due to a miscommunication between IEPA headquarters and its regional office in Des Plaines. Equistar was inspected in FY 2014. IEPA is consistently above 20% inspection coverage each year for Large Quantity Generators (LQGs). The five year average is affected by the changing universe, therefore EPA considers this metric met. In FY13, IEPA had 647 LQGs reporting. This universe includes LQGs that are less than five years old and should be excluded from the calculation for the five year coverage. Based on IEPA's consistent inspection coverage of at least 20% and factoring in the change in the LQG universe, IEPA is deemed to have achieved the national goal to inspect 100% of LQGs every 5 years.					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	5a Two-year inspection coverage of operating TSDFs	100%	87.6%	20	24	83.3%
	5b Annual inspection coverage of LQGs	20.0%	21.0%	129	647	19.9%
	5c Five-year inspection coverage of LQGs	100%	66.6%	522	647	80.7%
	5d Five-year inspection coverage of active SQGs	N/A	11.0%	566	14509	3.9%
	5e1 Five-year inspection coverage of active conditionally exempt SQGs	N/A	N/A	613		
	5e2 Five-year inspection coverage of active transporters	N/A	N/A	25		
	5e3 Five-year inspection coverage of active non-notifiers	N/A	N/A	8		
	5e4 Five-year inspection coverage of active sites not covered by metrics 2c through 2f3	N/A	N/A	1234		

	6a Inspection reports complete and sufficient to determine compliance	100%	N/A	29	30	96.7%
	6b Timeliness of inspection report completion	100%	N/A	27	30	90.0%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

### RCRA Element 3 — Violations

<b>Finding 3-1</b>	<b>Meets or Exceeds Expectations</b>					
<b>Summary</b>	Thirty of 30 reviewed inspection files (100%) led to accurate compliance determinations. IEPA’s violation identification rate is 7.1% according to ECHO. IEPA’s SNC identification rate is 0.4%, which is lower than national average of 1.7%. Eleven of 11 reviewed files (100%) demonstrated significant noncompliance (SNC) status was appropriately determined. According to ECHO, IEPA is 100% for timeliness of SNC determinations.					
<b>Explanation</b>	All of the 30 inspection reports reviewed led to accurate compliance determinations.					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	2a Long-standing secondary violators	N/A	N/A	93		
	7a Accurate compliance determinations	100%	N/A	30	30	100%
	7b Violations found during inspections	N/A	34.8%	57	801	7.1%
	8a SNC identification rate	N/A	1.7%	3	801	0.4%
	8b Timeliness of SNC determinations	100%	77.8%	10	10	100%
	8c Appropriate SNC determinations	100%	N/A	11	11	100%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

## RCRA Element 4 — Enforcement

<b>Finding 4-1</b>	<b>Meets or Exceeds Expectations</b>					
<b>Summary</b>	Twenty-two of 22 reviewed enforcement responses (100%) returned or will return a site in SNC to compliance. Two of 2 reviewed SNC designations (100%) were addressed in a timely manner, according to ECHO. Twenty-one of 23 reviewed files (91.3%) demonstrated enforcement responses appropriate to the violations.					
<b>Explanation</b>	IEPA has appropriate enforcement responses and enforcement taken to address or report SNC is timely.					
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>	<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	9a Enforcement that returns violators to compliance	100%	N/A	22	22	100%
	10a Timely enforcement taken to address SNC	80.0%	77.3%	2	2	100%
	10b Appropriate enforcement taken to address violations	100%	N/A	21	23	91.3%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.					
<b>Recommendation</b>	No action needed.					

## RCRA Element 5 — Penalties

<b>Finding 5-1</b>	<b>Area for State Attention</b>						
<b>Summary</b>	Four of 6 reviewed penalty calculations (66.7%) considered and included, where appropriate, gravity and economic benefit. Zero of 2 reviewed penalties (0.0%) documented the difference between the initial and final assessed penalty, and the rationale for that difference. Five of 6 reviewed files (83.3%) documented collection of penalty.						
<b>Explanation</b>	<p>One of the penalty calculations reviewed did not document both economic benefit and gravity consideration. In addition, one file reviewed did not document both economic benefit consideration, the rationale for the final value assessed compared to the initial value assessed, nor that the penalty had been collected.</p> <p>In light of the fact that two files reviewed lacked penalty documentation in comparison to a strong RCRA enforcement program, this finding is only an Area for State Attention because the Region believes that IEPA can improve performance in this area on its own without a recommendation.</p>						
<b>Relevant metrics</b>	<b>Metric ID Number and Description</b>		<b>Natl Goal</b>	<b>Natl Avg</b>	<b>State N</b>	<b>State D</b>	<b>State % or #</b>
	11a Penalty calculations include gravity and economic benefit		100%	N/A	4	6	66.7%
	12a Documentation on difference between initial and final penalty		100%	N/A	0	2	0.0%
	12b Penalties collected		100%	N/A	5	6	83.3%
<b>State response</b>	The Illinois EPA is not responding to Findings in which there is no recommended action needed.						
<b>Recommendation</b>	No action needed.						