



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5425

Introduced 01/27/06, by Rep. Tom Cross

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/12.5

Amends the Environmental Protection Act. Makes a technical change in a Section concerning NPDES discharge fees.

LRB094 17883 RSP 53186 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Section 12.5 as follows:

6 (415 ILCS 5/12.5)

7 Sec. 12.5. NPDES discharge fees; sludge permit fees.

8 (a) Beginning July 1, 2003, the ~~the~~ Agency shall assess and  
9 collect annual fees (i) in the amounts set forth in subsection  
10 (e) for all discharges that require an NPDES permit under  
11 subsection (f) of Section 12, from each person holding an NPDES  
12 permit authorizing those discharges (including a person who  
13 continues to discharge under an expired permit pending  
14 renewal), and (ii) in the amounts set forth in subsection (f)  
15 of this Section for all activities that require a permit under  
16 subsection (b) of Section 12, from each person holding a  
17 domestic sewage sludge generator or user permit.

18 Each person subject to this Section must remit the  
19 applicable annual fee to the Agency in accordance with the  
20 requirements set forth in this Section and any rules adopted  
21 pursuant to this Section.

22 (b) Within 30 days after the effective date of this  
23 Section, and each year thereafter, the Agency shall send a fee  
24 notice by mail to each existing permittee subject to a fee  
25 under this Section at his or her address of record. The notice  
26 shall state the amount of the applicable annual fee and the  
27 date by which payment is required.

28 Except as provided in subsection (c) with respect to  
29 initial fees under new permits and certain modifications of  
30 existing permits, fees payable under this Section are due by  
31 the date specified in the fee notice, which shall be no less  
32 than 30 days after the date the fee notice is mailed by the

1 Agency.

2 (c) The initial annual fee for discharges under a new  
3 individual NPDES permit or for activity under a new individual  
4 sludge generator or sludge user permit must be remitted to the  
5 Agency prior to the issuance of the permit. The Agency shall  
6 provide notice of the amount of the fee to the applicant during  
7 its review of the application. In the case of a new individual  
8 NPDES or sludge permit issued during the months of January  
9 through June, the Agency may prorate the initial annual fee  
10 payable under this Section.

11 The initial annual fee for discharges or other activity  
12 under a general NPDES permit must be remitted to the Agency as  
13 part of the application for coverage under that general permit.

14 If a requested modification to an existing NPDES permit  
15 causes a change in the applicable fee categories under  
16 subsection (e) that results in an increase in the required fee,  
17 the permittee must pay to the Agency the amount of the  
18 increase, prorated for the number of months remaining before  
19 the next July 1, before the modification is granted.

20 (d) Failure to submit the fee required under this Section  
21 by the due date constitutes a violation of this Section. Late  
22 payments shall incur an interest penalty, calculated at the  
23 rate in effect from time to time for tax delinquencies under  
24 subsection (a) of Section 1003 of the Illinois Income Tax Act,  
25 from the date the fee is due until the date the fee payment is  
26 received by the Agency.

27 (e) The annual fees applicable to discharges under NPDES  
28 permits are as follows:

29 (1) For NPDES permits for publicly owned treatment  
30 works, other facilities for which the wastewater being  
31 treated and discharged is primarily domestic sewage, and  
32 wastewater discharges from the operation of public water  
33 supply treatment facilities, the fee is:

34 (i) \$1,500 for the 12 months beginning July 1, 2003  
35 and \$500 for each subsequent year, for facilities with  
36 a Design Average Flow rate of less than 100,000 gallons

1 per day;

2 (ii) \$5,000 for the 12 months beginning July 1,  
3 2003 and \$2,500 for each subsequent year, for  
4 facilities with a Design Average Flow rate of at least  
5 100,000 gallons per day but less than 500,000 gallons  
6 per day;

7 (iii) \$7,500 for facilities with a Design Average  
8 Flow rate of at least 500,000 gallons per day but less  
9 than 1,000,000 gallons per day;

10 (iv) \$15,000 for facilities with a Design Average  
11 Flow rate of at least 1,000,000 gallons per day but  
12 less than 5,000,000 gallons per day;

13 (v) \$30,000 for facilities with a Design Average  
14 Flow rate of at least 5,000,000 gallons per day but  
15 less than 10,000,000 gallons per day; and

16 (vi) \$50,000 for facilities with a Design Average  
17 Flow rate of 10,000,000 gallons per day or more.

18 (2) For NPDES permits for treatment works or sewer  
19 collection systems that include combined sewer overflow  
20 outfalls, the fee is:

21 (i) \$1,000 for systems serving a tributary  
22 population of 10,000 or less;

23 (ii) \$5,000 for systems serving a tributary  
24 population that is greater than 10,000 but not more  
25 than 25,000; and

26 (iii) \$20,000 for systems serving a tributary  
27 population that is greater than 25,000.

28 The fee amounts in this subdivision (e)(2) are in  
29 addition to the fees stated in subdivision (e)(1) when the  
30 combined sewer overflow outfall is contained within a  
31 permit subject to subsection (e)(1) fees.

32 (3) For NPDES permits for mines producing coal, the fee  
33 is \$5,000.

34 (4) For NPDES permits for mines other than mines  
35 producing coal, the fee is \$5,000.

36 (5) For NPDES permits for industrial activity where

1 toxic substances are not regulated, other than permits  
2 covered under subdivision (e) (3) or (e) (4), the fee is:

3 (i) \$1,000 for a facility with a Design Average  
4 Flow rate that is not more than 10,000 gallons per day;

5 (ii) \$2,500 for a facility with a Design Average  
6 Flow rate that is more than 10,000 gallons per day but  
7 not more than 100,000 gallons per day; and

8 (iii) \$10,000 for a facility with a Design Average  
9 Flow rate that is more than 100,000 gallons per day.

10 (6) For NPDES permits for industrial activity where  
11 toxic substances are regulated, other than permits covered  
12 under subdivision (e) (3) or (e) (4), the fee is:

13 (i) \$15,000 for a facility with a Design Average  
14 Flow rate that is not more than 250,000 gallons per  
15 day; and

16 (ii) \$20,000 for a facility with a Design Average  
17 Flow rate that is more than 250,000 gallons per day.

18 (7) For NPDES permits for industrial activity  
19 classified by USEPA as a major discharge, other than  
20 permits covered under subdivision (e) (3) or (e) (4), the fee  
21 is:

22 (i) \$30,000 for a facility where toxic substances  
23 are not regulated; and

24 (ii) \$50,000 for a facility where toxic substances  
25 are regulated.

26 (8) For NPDES permits for municipal separate storm  
27 sewer systems, the fee is \$1,000.

28 (9) For NPDES permits for construction site or  
29 industrial storm water, the fee is \$500.

30 (f) The annual fee for activities under a permit that  
31 authorizes applying sludge on land is \$2,500 for a sludge  
32 generator permit and \$5,000 for a sludge user permit.

33 (g) More than one of the annual fees specified in  
34 subsections (e) and (f) may be applicable to a permit holder.  
35 These fees are in addition to any other fees required under  
36 this Act.

1 (h) The fees imposed under this Section do not apply to the  
2 State or any department or agency of the State, nor to any  
3 school district, or to any private sewage disposal system as  
4 defined in the Private Sewage Disposal Licensing Act (225 ILCS  
5 225/).

6 (i) The Agency may adopt rules to administer the fee  
7 program established in this Section. The Agency may include  
8 provisions pertaining to invoices, notice of late payment, and  
9 disputes concerning the amount or timeliness of payment. The  
10 Agency may set forth procedures and criteria for the acceptance  
11 of payments. The absence of such rules does not affect the duty  
12 of the Agency to immediately begin the assessment and  
13 collection of fees under this Section.

14 (j) All fees and interest penalties collected by the Agency  
15 under this Section shall be deposited into the Illinois Clean  
16 Water Fund, which is hereby created as a special fund in the  
17 State treasury. Gifts, supplemental environmental project  
18 funds, and grants may be deposited into the Fund. Investment  
19 earnings on moneys held in the Fund shall be credited to the  
20 Fund.

21 Subject to appropriation, the moneys in the Fund shall be  
22 used by the Agency to carry out the Agency's clean water  
23 activities.

24 (k) Except as provided in subsection (l), fees paid to the  
25 Agency under this Section are not refundable.

26 (l) The Agency may refund the difference between (a) the  
27 amount paid by any person under subsection (e)(1)(i) or  
28 (e)(1)(ii) of this Section for the 12 months beginning July 1,  
29 2004 and (b) the amount due under subsection (e)(1)(i) or  
30 (e)(1)(ii) as established by this amendatory Act of the 93rd  
31 General Assembly.

32 (Source: P.A. 93-32, eff. 7-1-03; 93-840, eff. 7-30-04.)