



Sen. John M. Sullivan

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09300HB3828sam003

LRB093 12984 RAS 51861 a

1 AMENDMENT TO HOUSE BILL 3828

2 AMENDMENT NO. _____. Amend House Bill 3828 by replacing
3 everything after the enacting clause with the following:

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 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 by May 31 of each year thereafter, the Agency
24 shall send a fee notice by mail to each existing permittee

1 subject to a fee under this Section at his or her address of
2 record. The notice shall state the amount of the applicable
3 annual fee and the date by which payment is required.

4 Except as provided in subsection (c) with respect to
5 initial fees under new permits and certain modifications of
6 existing permits, fees payable under this Section for the 12
7 months beginning July 1, 2003 are due by the date specified in
8 the fee notice, which shall be no less than 30 days after the
9 date the fee notice is mailed by the Agency, and fees payable
10 under this Section for subsequent years shall be due on July 1
11 or as otherwise required in any rules that may be adopted
12 pursuant to this Section.

13 (c) The initial annual fee for discharges under a new
14 individual NPDES permit or for activity under a new individual
15 sludge generator or sludge user permit must be remitted to the
16 Agency prior to the issuance of the permit. The Agency shall
17 provide notice of the amount of the fee to the applicant during
18 its review of the application. In the case of a new individual
19 NPDES or sludge permit issued during the months of January
20 through June, the Agency may prorate the initial annual fee
21 payable under this Section.

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

25 If a requested modification to an existing NPDES permit
26 causes a change in the applicable fee categories under
27 subsection (e) that results in an increase in the required fee,
28 the permittee must pay to the Agency the amount of the
29 increase, prorated for the number of months remaining before
30 the next July 1, before the modification is granted.

31 (d) Failure to submit the fee required under this Section
32 by the due date constitutes a violation of this Section. Late
33 payments shall incur an interest penalty, calculated at the
34 rate in effect from time to time for tax delinquencies under

1 subsection (a) of Section 1003 of the Illinois Income Tax Act,
2 from the date the fee is due until the date the fee payment is
3 received by the Agency.

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

6 (1) For NPDES permits for publicly owned treatment
7 works, other facilities for which the wastewater being
8 treated and discharged is primarily domestic sewage, and
9 wastewater discharges from the operation of public water
10 supply treatment facilities, the fee is:

11 (i) \$1,500 for facilities with a Design Average
12 Flow rate of less than 100,000 gallons per day;

13 (ii) \$5,000 for facilities with a Design Average
14 Flow rate of at least 100,000 gallons per day but less
15 than 500,000 gallons per day;

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

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

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

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

27 (2) For NPDES permits for treatment works or sewer
28 collection systems that include combined sewer overflow
29 outfalls, the fee is:

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

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

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

3 The fee amounts in this subdivision (e)(2) are in
4 addition to the fees stated in subdivision (e)(1) when the
5 combined sewer overflow outfall is contained within a
6 permit subject to subsection (e)(1) fees.

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

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

11 (5) For NPDES permits for industrial activity where
12 toxic substances are not regulated, other than permits
13 covered under subdivision (e)(3) or (e)(4), the fee is:

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

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

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

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

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

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

29 (7) For NPDES permits for industrial activity
30 classified by USEPA as a major discharge, other than
31 permits covered under subdivision (e)(3) or (e)(4), the fee
32 is:

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

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

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

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

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

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

14 (h) The fees imposed under this Section do not apply to the
15 State or any department or agency of the State, nor to any
16 school district.

17 (i) The Agency may adopt rules to administer the fee
18 program established in this Section. The Agency may include
19 provisions pertaining to invoices, notice of late payment, and
20 disputes concerning the amount or timeliness of payment. The
21 Agency may set forth procedures and criteria for the acceptance
22 of payments. The absence of such rules does not affect the duty
23 of the Agency to immediately begin the assessment and
24 collection of fees under this Section.

25 (j) All fees and interest penalties collected by the Agency
26 under this Section shall be deposited into the Illinois Clean
27 Water Fund, which is hereby created as a special fund in the
28 State treasury. Gifts, supplemental environmental project
29 funds, and grants may be deposited into the Fund. Investment
30 earnings on moneys held in the Fund shall be credited to the
31 Fund.

32 Subject to appropriation, the moneys in the Fund shall be
33 used by the Agency to carry out the Agency's clean water
34 activities.

1 (k) Notwithstanding any other provision in this Act, the
2 fees enumerated in this Section shall automatically be reduced
3 by 25% beginning January 1, 2005 and shall automatically be
4 reduced by another 25% beginning January 1, 2006. ~~Fees paid to~~
5 ~~the Agency under this Section are not refundable.~~

6 (Source: P.A. 93-32, eff. 7-1-03.)

7 Section 99. Effective date. This Act takes effect January
8 1, 2005."