

SB0498



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0498

Introduced 2/16/2005, by Sen. Gary G. Dahl

SYNOPSIS AS INTRODUCED:

415 ILCS 5/12.5

Amends the Environmental Protection Act. Removes provisions allowing the Environmental Protection Agency to assess and collect NPDES discharge fees. Effective immediately.

LRB094 09198 RSP 39431 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT regarding environmental 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 Agency shall assess and
9 collect annual fees ~~(i) in the amounts set forth in subsection~~
10 ~~(c) 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 (c) 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) (Blank). ~~The annual fees applicable to discharges under~~
28 ~~NPDES 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 (c) (2) are in~~
29 ~~addition to the fees stated in subdivision (c) (1) when the~~
30 ~~combined sewer overflow outfall is contained within a~~
31 ~~permit subject to subsection (c) (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 (c) (3) or (c) (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 (c) (3) or (c) (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 (c) (3) or (c) (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 subsection ~~subsections (e) and~~ (f) may be applicable to a
35 permit holder. These fees are in addition to any other fees
36 required under 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 prior to the effective date of this
29 amendatory Act of the 94th General Assembly for the 12 months
30 beginning July 1, 2004 and (b) the amount due under subsection
31 (e)(1)(i) or (e)(1)(ii) prior to the effective date of this
32 amendatory Act of the 94th General Assembly as established by
33 Public Act 93-840 ~~this amendatory Act of the 93rd General~~
34 ~~Assembly.~~

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.