

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 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

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

5 Except as provided in subsection (c) with respect to
6 initial fees under new permits and certain modifications of
7 existing permits, fees payable under this Section are due by
8 the date specified in the fee notice, which shall be no less
9 than 30 days after the date the fee notice is mailed by the
10 Agency.

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

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

23 If a requested modification to an existing NPDES permit
24 causes a change in the applicable fee categories under
25 subsection (e) that results in an increase in the required fee,
26 the permittee must pay to the Agency the amount of the

1 increase, prorated for the number of months remaining before
2 the next July 1, before the modification is granted.

3 (d) Failure to submit the fee required under this Section
4 by the due date constitutes a violation of this Section. Late
5 payments shall incur an interest penalty, calculated at the
6 rate in effect from time to time for tax delinquencies under
7 subsection (a) of Section 1003 of the Illinois Income Tax Act,
8 from the date the fee is due until the date the fee payment is
9 received by the Agency.

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

12 (1) For NPDES permits for publicly owned treatment
13 works, other facilities for which the wastewater being
14 treated and discharged is primarily domestic sewage, and
15 wastewater discharges from the operation of public water
16 supply treatment facilities, the fee is:

17 (i) \$1,500 for the 12 months beginning July 1, 2003
18 and \$500 for each subsequent year, for facilities with
19 a Design Average Flow rate of less than 100,000 gallons
20 per day;

21 (ii) \$5,000 for the 12 months beginning July 1,
22 2003 and \$2,500 for each subsequent year, for
23 facilities with a Design Average Flow rate of at least
24 100,000 gallons per day but less than 500,000 gallons
25 per day;

26 (iii) \$7,500 for facilities with a Design Average

1 Flow rate of at least 500,000 gallons per day but less
2 than 1,000,000 gallons per day;

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

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

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

11 (2) For NPDES permits for treatment works or sewer
12 collection systems that include combined sewer overflow
13 outfalls, the fee is:

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

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

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

21 The fee amounts in this subdivision (e)(2) are in
22 addition to the fees stated in subdivision (e)(1) when the
23 combined sewer overflow outfall is contained within a
24 permit subject to subsection (e)(1) fees.

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

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

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

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

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

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

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

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

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

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

25 (i) \$30,000 for a facility where toxic substances
26 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, or to any private sewage disposal system as
17 defined in the Private Sewage Disposal Licensing Act (225 ILCS
18 225/).

19 (i) Notwithstanding subsection (d) of this Section, the ~~The~~
20 Agency shall ~~may~~ adopt rules to administer the fee program
21 established in this Section. The Agency shall at a minimum
22 include provisions pertaining to an annual payment schedule and
23 an interest-free quarterly payment schedule. The Agency may
24 include provisions pertaining to invoices, notice of late
25 payment, and disputes concerning the amount or timeliness of
26 payment. The Agency may set forth procedures and criteria for

1 the acceptance of payments. The absence of such rules does not
2 affect the duty of the Agency to immediately begin the
3 assessment and collection of fees under this Section.

4 (j) All fees and interest penalties collected by the Agency
5 under this Section shall be deposited into the Illinois Clean
6 Water Fund, which is hereby created as a special fund in the
7 State treasury. Gifts, supplemental environmental project
8 funds, and grants may be deposited into the Fund. Investment
9 earnings on moneys held in the Fund shall be credited to the
10 Fund.

11 Subject to appropriation, the moneys in the Fund shall be
12 used by the Agency to carry out the Agency's clean water
13 activities.

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

16 (l) The Agency may refund the difference between (a) the
17 amount paid by any person under subsection (e)(1)(i) or
18 (e)(1)(ii) of this Section for the 12 months beginning July 1,
19 2004 and (b) the amount due under subsection (e)(1)(i) or
20 (e)(1)(ii) as established by this amendatory Act of the 93rd
21 General Assembly.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.