

# HB4612



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4612

by Rep. Mike Bost

### SYNOPSIS AS INTRODUCED:

415 ILCS 5/12.5

Amends the Environmental Protection Act. Provides that a person or entity that recovers coal waste from abandoned mines for the purpose of reuse or recycling is exempt from certain fees. Effective immediately.

LRB096 13504 JDS 28239 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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

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

22 In the case of construction site stormwater discharges for  
23 which a new NPDES permit is issued during the months of January  
24 through June, no annual fee shall be due for the 12 months  
25 beginning July 1 that immediately follow the period for which  
26 the initial annual fee was due.

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

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

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

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

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

25                   (ii) \$5,000 for the 12 months beginning July 1,  
26 2003 and \$2,500 for each subsequent year, for

1 facilities with a Design Average Flow rate of at least  
2 100,000 gallons per day but less than 500,000 gallons  
3 per day;

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

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

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

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

15 (2) For NPDES permits for treatment works or sewer  
16 collection systems that include combined sewer overflow  
17 outfalls, the fee is:

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

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

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

25 The fee amounts in this subdivision (e)(2) are in  
26 addition to the fees stated in subdivision (e)(1) when the

1 combined sewer overflow outfall is contained within a  
2 permit subject to subsection (e) (1) fees.

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

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

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

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

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

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

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

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

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

25 (7) For NPDES permits for industrial activity  
26 classified by USEPA as a major discharge, other than

1 permits covered under subdivision (e) (3) or (e) (4), the fee  
2 is:

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

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

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

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

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

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

18 (h) The fees imposed under this Section do not apply to the  
19 State or any department or agency of the State, nor to any  
20 school district, or to any private sewage disposal system as  
21 defined in the Private Sewage Disposal Licensing Act (225 ILCS  
22 225/).

23 (h-5) The fees imposed under this Section do not apply to a  
24 person or entity that recovers coal waste from abandoned mines  
25 for the purpose of reuse or recycling.

26 (i) The Agency may adopt rules to administer the fee

1 program established in this Section. The Agency may include  
2 provisions pertaining to invoices, notice of late payment,  
3 refunds, and disputes concerning the amount or timeliness of  
4 payment. The Agency may set forth procedures and criteria for  
5 the acceptance of payments. The absence of such rules does not  
6 affect the duty of the Agency to immediately begin the  
7 assessment and collection of fees under this Section.

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

15 Subject to appropriation, the moneys in the Fund shall be  
16 used by the Agency to carry out the Agency's clean water  
17 activities.

18 (k) Except as provided in subsection (l) or Agency rules,  
19 fees paid to the Agency under this Section are not refundable.

20 (l) The Agency may refund the difference between (a) the  
21 amount paid by any person under subsection (e)(1)(i) or  
22 (e)(1)(ii) of this Section for the 12 months beginning July 1,  
23 2004 and (b) the amount due under subsection (e)(1)(i) or  
24 (e)(1)(ii) as established by this amendatory Act of the 93rd  
25 General Assembly.

26 (Source: P.A. 95-516, eff. 8-28-07.)



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