

SENATE

HOUSE BILL 3828 ENGROSSED

93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

INTRODUCED _____, BY

AMENDED

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.

Fiscal Note Act
may be applicable

LRB093 12984 NHT 18196 b

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
5 by 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~~
10 ~~subsection (e) for all discharges that require an NPDES~~
11 ~~permit under subsection (f) of Section 12, from each person~~
12 ~~holding an NPDES permit authorizing these discharges~~
13 ~~{including a person who continues to discharge under an~~
14 ~~expired permit pending renewal}, and {ii} in the amounts set
15 forth in subsection (f) of this Section for all activities
16 that require a permit under subsection (b) of Section 12,
17 from each person holding a domestic sewage sludge generator
18 or user permit.~~

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

23 (b) Within 30 days after the effective date of this
24 Section, and by May 31 of each year thereafter, the Agency
25 shall send a fee notice by mail to each existing permittee
26 subject to a fee under this Section at his or her address of
27 record. The notice shall state the amount of the applicable
28 annual fee and the date by which payment is required.

29 Except as provided in subsection (c) with respect to
30 initial fees under new permits and certain modifications of
31 existing permits, fees payable under this Section for the 12

1 months beginning July 1, 2003 are due by the date specified
 2 in the fee notice, which shall be no less than 30 days after
 3 the date the fee notice is mailed by the Agency, and fees
 4 payable under this Section for subsequent years shall be due
 5 on July 1 or as otherwise required in any rules that may be
 6 adopted pursuant to this Section.

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

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

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

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

33 (e) (Blank). ~~The annual fees applicable to discharges~~
 34 ~~under NPDES permits are as follows:~~

1 (1) -- For NPDES permits for publicly owned treatment
 2 works, other facilities for which the wastewater being
 3 treated and discharged is primarily domestic sewage, and
 4 wastewater discharges from the operation of public water
 5 supply treatment facilities, the fee is:

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

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

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

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

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

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

24 (2) -- For NPDES permits for treatment works or sewer
 25 collection systems that include combined sewer overflow
 26 outfalls, the fee is:

27 (i) -- \$1,000 for systems serving a tributary
 28 population of 10,000 or less;

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

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

34 The fee amounts in this subdivision (e)(2) are in

1 addition-to-the-fees-stated-in--subdivision--(e)(1)--when
2 the-combined-sewer-overflow-outfall-is-contained-within-a
3 permit-subject-to-subsection-(e)(1)-fees.

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

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

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

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

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

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

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

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

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

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

34 (i)--\$30,000--for--a---facility---where---toxic

1 substances-are-not-regulated;-and
 2 (ii)--\$50,000---for---a--faeility--where--toxic
 3 substances-are-regulated-

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

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

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

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

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

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

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

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

1 activities.

2 (k) Except as provided in subsection (1), fees paid to
3 the Agency under this Section are not refundable.

4 (1) The Agency must fully refund, from moneys in the
5 Illinois Clean Water Fund, any fee collected on or after July
6 1, 2003 for a discharge under an NPDES permit.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.