

HB1546



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1546

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

415 ILCS 5/12.5

Amends the Environmental Protection Act. Makes a technical change in a Section concerning NPDES discharge fees.

LRB102 03562 CPF 13575 b

A BILL FOR

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 ~~the~~ Agency shall assess
9 and collect annual fees (i) in the amounts set forth in
10 subsection (e) for all discharges that require an NPDES permit
11 under subsection (f) of Section 12, from each person holding
12 an NPDES permit authorizing those discharges (including a
13 person who continues to discharge under an expired permit
14 pending renewal), and (ii) in the amounts set forth in
15 subsection (f) of this Section for all activities that require
16 a permit under subsection (b) of Section 12, from each person
17 holding a 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, except when a fee is not due

1 because of the operation of subsection (c), the Agency shall
2 send a fee notice by mail to each existing permittee subject to
3 a fee under this Section at his or her address of record. The
4 notice shall state the amount of the applicable annual fee and
5 the date by which payment is required.

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

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

24 Beginning January 1, 2010, in the case of construction
25 site storm water discharges for which a coverage letter under
26 a general NPDES permit or individual NPDES permit has been

1 issued or for which the application for coverage under an
2 NPDES permit has been filed with the Agency, no annual fee
3 shall be due after payment of an initial annual fee in the
4 amount provided in subsection (e) (10) of this Section.

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

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

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

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

25 (i) \$1,500 for the 12 months beginning July 1,
26 2003 and \$500 for each subsequent year, for facilities

1 with a Design Average Flow rate of less than 100,000
2 gallons per day;

3 (ii) \$5,000 for the 12 months beginning July 1,
4 2003 and \$2,500 for each subsequent year, for
5 facilities with a Design Average Flow rate of at least
6 100,000 gallons per day but less than 500,000 gallons
7 per day;

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

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

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

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

19 (2) For NPDES permits for treatment works or sewer
20 collection systems that include combined sewer overflow
21 outfalls, the fee is:

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

24 (ii) \$5,000 for systems serving a tributary
25 population that is greater than 10,000 but not more
26 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
8 fee 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

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

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

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

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

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

13 (9) For NPDES permits for industrial storm water, the
14 fee is \$500.

15 (10) For NPDES permits for construction site storm
16 water, the fee

17 (A) for applications received before January 1,
18 2010 is \$500;

19 (B) for applications received on or after January
20 1, 2010 is:

21 (i) \$250 if less than 5 acres are disturbed;
22 and

23 (ii) \$750 if 5 or more acres are disturbed.

24 (11) For an NPDES permit for a Concentrated Animal
25 Feeding Operation (CAFO), the fee is:

26 (A) \$750 for a Large CAFO, as defined in 40 C.F.R.

1 122.23(b) (4);

2 (B) \$350 for a Medium CAFO, as defined in 40 C.F.R.

3 122.23(b) (6); and

4 (C) \$150 for a Small CAFO, as defined in 40 C.F.R.

5 122.23(b) (9).

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

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

13 (h) The fees imposed under this Section do not apply to the
14 State or any department or agency of the State, nor to any
15 school district, or to any private sewage disposal system as
16 defined in the Private Sewage Disposal Licensing Act (225 ILCS
17 225/).

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 refunds, and disputes concerning the amount or timeliness of
22 payment. The Agency may set forth procedures and criteria for
23 the 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

1 Agency under this Section shall be deposited into the Illinois
2 Clean Water Fund, which is hereby created as a special fund in
3 the State treasury. Gifts, supplemental environmental project
4 funds, and grants may be deposited into the Fund. Investment
5 earnings on moneys held in the Fund shall be credited to the
6 Fund.

7 Subject to appropriation, the moneys in the Fund shall be
8 used by the Agency to carry out the Agency's clean water
9 activities.

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

12 (l) The Agency may refund the difference between (a) the
13 amount paid by any person under subsection (e)(1)(i) or
14 (e)(1)(ii) of this Section for the 12 months beginning July 1,
15 2004 and (b) the amount due under subsection (e)(1)(i) or
16 (e)(1)(ii) as established by this amendatory Act of the 93rd
17 General Assembly.

18 (Source: P.A. 96-245, eff. 8-11-09; 97-962, eff. 8-15-12.)