

1 AN ACT concerning environmental protection.

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 those 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) The annual fees applicable to discharges under NPDES  
34 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 facility 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 subsections (e) and (f) may be applicable to a permit holder.  
13 These fees are in addition to any other fees required under  
14 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 (h-5) The annual fees applicable to discharges under  
19 NPDES permits imposed pursuant to item (i) of subsection (a)  
20 of this Section do not apply to (i) a unit of local  
21 government, (ii) a private sector contractor providing sewage  
22 treatment services or infrastructure under contract with the  
23 State, any department or agency of the State, a unit of local  
24 government, or a school district during the course of  
25 providing those services, or (iii) a not-for-profit  
26 organization exempt under Section 501(c) of the Internal  
27 Revenue Code of 1986.

28 (i) The Agency may adopt rules to administer the fee  
29 program established in this Section. The Agency may include  
30 provisions pertaining to invoices, notice of late payment,  
31 and disputes concerning the amount or timeliness of payment.  
32 The Agency may set forth procedures and criteria for the  
33 acceptance of payments. The absence of such rules does not  
34 affect the duty of the Agency to immediately begin the

1 assessment and collection of fees under this Section.

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

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

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

14 (l) The Agency must refund fees paid on or after July 1,  
15 2003 by persons or entities exempted from the fees under  
16 subsection (h-5) in full from moneys in the Illinois Clean  
17 Water Fund.

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

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.