

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 State Finance Act is amended by adding
5 Section 5.595 as follows:

6 (30 ILCS 105/5.595 new)
7 Sec. 5.595. The Illinois Clean Water Fund.

8 Section 10. The Environmental Protection Act is amended
9 by adding Section 12.5 as follows:

10 (415 ILCS 5/12.5 new)
11 Sec. 12.5. NPDES discharge fees; grant program.

12 (a) Beginning January 1, 2004, the Agency shall collect
13 annual fees in the amounts set forth in subsection (c) of
14 this Section for all discharges that require an NPDES permit
15 under subsection (f) of Section 12 from each discharger
16 holding an NPDES permit authorizing those discharges, and for
17 Section 401 water quality certifications.

18 (b) Each discharger required to pay a fee under this
19 Section shall submit the fee to the Agency on or before the
20 first day of January following the effective date of the
21 NPDES permit and the first day of January of each succeeding
22 year that the NPDES permit remains in effect. The fee shall
23 be based on the NPDES permit that is in effect upon the date
24 the fee is due. Failure to submit the required fee in a
25 timely manner constitutes a violation of the NPDES permit and
26 this Act. In addition, the discharger shall pay an interest
27 penalty of 2% of the amount due for each month or fraction of
28 a month that the fee is late.

29 (c) The amounts of the annual fees applicable to

1 dischargers under NPDES permits and Section 401
2 certifications are as follows:

3 (1) The fee is \$1,500 per million gallons per day
4 of design average flow for any NPDES permit for publicly
5 owned treatment works or other sewage discharges, and for
6 discharges of waste water from the production of potable
7 water; except that the minimum fee for each permit under
8 this item (1) is \$500 and the maximum fee is \$30,000.

9 (2) The fee is \$30,000 for any major NPDES permit
10 to an industrial discharger where the NPDES permit does
11 not limit toxic pollutants as listed in 40 C.F.R. 122
12 Appendix D, Tables 2 and 3.

13 (3) The fee is \$50,000 for any major NPDES permit
14 for any industrial discharger where the NPDES permit
15 limits toxic pollutants as listed in 40 C.F.R. 122
16 Appendix D, Tables 2 and 3, except as provided in item
17 (4).

18 (4) The fee is \$40,000 for any major NPDES permit
19 for an industrial discharger where the NPDES permit
20 limits toxic pollutants as listed in 40 C.F.R. 122
21 Appendix D, Tables 2 and 3, if the maximum flow allowed
22 in any day is 250,000 gallons or less.

23 (5) The fee is \$7,500 for any minor NPDES permit
24 for an industrial discharger where the NPDES permit does
25 not limit toxic pollutants as listed in 40 C.F.R. 122
26 Appendix D, Tables 2 and 3.

27 (6) The fee is \$15,000 for any minor NPDES permit
28 for an industrial discharger where the NPDES permit
29 limits toxic pollutants as listed in 40 C.F.R. 122
30 Appendix D, Tables 2 and 3, except as provided in item
31 (7).

32 (7) The fee is \$10,000 for any minor NPDES permit
33 for an industrial discharger where the NPDES permit
34 limits toxic pollutants as listed in 40 C.F.R. 122

1 Appendix D, Tables 2 and 3, if the maximum flow allowed
2 in any day is 250,000 gallons or less.

3 (8) The fee is \$10,000 for any NPDES permit for a
4 mine.

5 (9) The fee is \$2,000 for any NPDES permit issued
6 for the discharge of municipal stormwater.

7 (10) The fee is \$100 per acre of disturbed area at
8 the project site for any NPDES stormwater permit for a
9 construction site. For the purposes of this item (10),
10 "construction site" means a site associated with a
11 stormwater discharge where construction activity listed
12 in 40 C.F.R. 122.26(b)(14)(x) takes place.

13 (11) The fee is \$100 per acre for any NPDES
14 stormwater industrial activity permit. For the purposes
15 of this item (11), "industrial activity" means an
16 activity associated with a stormwater discharge listed
17 under 40 C.F.R 122.26(b)(14)(i)-(ix) and (b)(14)(xi).

18 (12) The fee is \$300 per combined sewer overflow
19 point for any NPDES permit for combined sewer overflows
20 for municipalities having a population of 5,000 or less.

21 (13) The fee is \$500 per combined sewer overflow
22 point for any NPDES permit for combined sewer overflows
23 for municipalities having a population of more than
24 5,000.

25 (14) The fee is \$5,000 for every large confined
26 animal feeding operation (CAFO) permit.

27 (15) The fee is \$1,000 for every medium CAFO
28 permit.

29 (16) For a discharger under a general NPDES permit
30 (as described in subsection (b) of Section 39), the fee
31 is the same as the fee imposed under this Section for an
32 equivalent discharge under an individual permit.

33 (17) The fee is \$100 for a discharger under an
34 NPDES permit where the type of discharge is not included

1 in any of the categories in items (1) through (16) of
2 this subsection (c).

3 (18) The fee is \$100 for water quality
4 certifications required under Section 401 of the federal
5 Clean Water Act.

6 (19) The fee is \$5 per ton of sludge produced by a
7 treatment works for any permit for land application of
8 sludge for beneficial use. The fee shall be based on
9 sludge production values for the design average flow of
10 the treatment works. The minimum fee for each permit
11 under this item (19) is \$500.

12 (20) The fee is \$5,000 for any permit for a sludge
13 user that authorizes land application of sludge for a
14 beneficial use.

15 (d) More than one of the annual fees specified in
16 subsection (c) may be applicable to a permit holder and these
17 fees are in addition to any other fees required under this
18 Act.

19 (e) No fee shall be due under this Section from the
20 State or any department or agency of the State or from any
21 school district.

22 (f) The Agency may establish procedures relating to the
23 collection of fees under this Section. Fees paid to the
24 Agency under this Section are not refundable.

25 (g) There is hereby created in the State Treasury a
26 special fund to be known as the Illinois Clean Water Fund.
27 All fees collected by the Agency under this Section shall be
28 deposited into the Fund. Subject to appropriation, the
29 moneys from this Fund shall be used by the Agency (i) to
30 perform duties related to the NPDES program and (ii) for
31 making grants under subsection (h). Moneys from the Fund
32 shall not be transferred to the General Revenue Fund.
33 Interest on the moneys deposited in the Fund shall be
34 deposited into the Fund.

1 (h) The Agency shall implement and administer a program
2 of competitive grants to units of local government for
3 projects designed to achieve the goals of the NPDES program,
4 including efforts to monitor, maintain, and improve water
5 quality. These grants shall be payable, subject to
6 appropriation for this purpose, from the Illinois Clean Water
7 Fund. The Agency may establish rules and procedures relating
8 to the administration of the grant program.

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