



Rep. Mike Bost

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LRB095 06399 RLJ 49647 a

1 AMENDMENT TO HOUSE BILL 3262

2 AMENDMENT NO. _____. Amend House Bill 3262 by replacing
3 everything after the enacting clause with the following:

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

1 domestic sewage sludge generator or user permit.

2 Each person subject to this Section must remit the
3 applicable annual fee to the Agency in accordance with the
4 requirements set forth in this Section and any rules adopted
5 pursuant to this Section.

6 (b) Within 30 days after the effective date of this
7 Section, and each year thereafter, the Agency shall send a fee
8 notice by mail to each existing permittee subject to a fee
9 under this Section at his or her address of record. The notice
10 shall state the amount of the applicable annual fee and the
11 date by which payment is required.

12 Except as provided in subsection (c) with respect to
13 initial fees under new permits and certain modifications of
14 existing permits, fees payable under this Section are due by
15 the date specified in the fee notice, which shall be no less
16 than 30 days after the date the fee notice is mailed by the
17 Agency.

18 (c) The initial annual fee for discharges under a new NPDES
19 permit or for activity under a new sludge generator or sludge
20 user permit must be remitted to the Agency prior to the
21 issuance of the permit. The Agency shall provide notice of the
22 amount of the fee to the applicant during its review of the
23 application. In the case of a new NPDES or sludge permit issued
24 during the months of January through June, the Agency may
25 prorate the initial annual fee payable under this Section.

26 The initial annual fee for discharges or other activity

1 under a general NPDES permit must be remitted to the Agency as
2 part of the application for coverage under that general permit.

3 In the case of construction site stormwater discharges for
4 which a new NPDES permit is issued during the months of January
5 through June, no annual fee shall be due for the 12 months
6 beginning July 1 that immediately follow the period for which
7 the initial annual fee was due.

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

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

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

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

1 supply treatment facilities, the fee is:

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

6 (ii) \$5,000 for the 12 months beginning July 1,
7 2003 and \$2,500 for each subsequent year, for
8 facilities with a Design Average Flow rate of at least
9 100,000 gallons per day but less than 500,000 gallons
10 per day;

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

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

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

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

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

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

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

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

6 The fee amounts in this subdivision (e)(2) are in
7 addition to the fees stated in subdivision (e)(1) when the
8 combined sewer overflow outfall is contained within a
9 permit subject to subsection (e)(1) fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (h) The fees imposed under this Section do not apply to the
26 State or any department or agency of the State, nor to any

1 school district, or to any private sewage disposal system as
2 defined in the Private Sewage Disposal Licensing Act (225 ILCS
3 225/).

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

7 (i) The Agency may adopt rules to administer the fee
8 program established in this Section. The Agency may include
9 provisions pertaining to invoices, notice of late payment,
10 refunds, and disputes concerning the amount or timeliness of
11 payment. The Agency may set forth procedures and criteria for
12 the acceptance of payments. The absence of such rules does not
13 affect the duty of the Agency to immediately begin the
14 assessment and collection of fees under this Section.

15 (j) All fees and interest penalties collected by the Agency
16 under this Section shall be deposited into the Illinois Clean
17 Water Fund, which is hereby created as a special fund in the
18 State treasury. Gifts, supplemental environmental project
19 funds, and grants may be deposited into the Fund. Investment
20 earnings on moneys held in the Fund shall be credited to the
21 Fund.

22 Subject to appropriation, the moneys in the Fund shall be
23 used by the Agency to carry out the Agency's clean water
24 activities.

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

1 (1) The Agency may refund the difference between (a) the
2 amount paid by any person under subsection (e)(1)(i) or
3 (e)(1)(ii) of this Section for the 12 months beginning July 1,
4 2004 and (b) the amount due under subsection (e)(1)(i) or
5 (e)(1)(ii) as established by this amendatory Act of the 93rd
6 General Assembly.

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

8 Section 99. Effective date. This Act takes effect July 1,
9 2008."