

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 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
17 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 NPDES
13 permit or for activity under a new sludge generator or sludge
14 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 permit.

23 Beginning January 1, 2010, in ~~In~~ the case of construction
24 site ~~storm water~~ ~~stormwater~~ discharges for which a coverage
25 letter under a general ~~new~~ NPDES permit or individual NPDES
26 permit has been ~~is~~ issued or for which the application for

1 coverage under an NPDES permit has been filed with the Agency
2 ~~during the months of January through June~~, no annual fee shall
3 be due after payment of an initial annual fee in the amount
4 provided in subsection (e)(10) of this Section. ~~for the 12~~
5 ~~months beginning July 1 that immediately follow the period for~~
6 ~~which the initial annual fee was due.~~

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

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

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

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

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

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

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

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

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

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

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

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

26 (ii) \$5,000 for systems serving a tributary

1 population that is greater than 10,000 but not more
2 than 25,000; and

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

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

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

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

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

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

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

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

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

26 (i) \$15,000 for a facility with a Design Average

1 Flow rate that is not more than 250,000 gallons per
2 day; and

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

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

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

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

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

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

17 (10) for NPDES permits for construction site storm
18 water, the fee

19 (A) for applications received before January 1,
20 2010 is \$500;

21 (B) for applications received on or after January
22 1, 2010 is:

23 (i) \$250 if less than 5 acres are disturbed;

24 and

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

26 (f) The annual fee for activities under a permit that

1 authorizes applying sludge on land is \$2,500 for a sludge
2 generator permit and \$5,000 for a sludge user permit.

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

7 (h) The fees imposed under this Section do not apply to the
8 State or any department or agency of the State, nor to any
9 school district, or to any private sewage disposal system as
10 defined in the Private Sewage Disposal Licensing Act (225 ILCS
11 225/).

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

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

1 Subject to appropriation, the moneys in the Fund shall be
2 used by the Agency to carry out the Agency's clean water
3 activities.

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

6 (l) The Agency may refund the difference between (a) the
7 amount paid by any person under subsection (e)(1)(i) or
8 (e)(1)(ii) of this Section for the 12 months beginning July 1,
9 2004 and (b) the amount due under subsection (e)(1)(i) or
10 (e)(1)(ii) as established by this amendatory Act of the 93rd
11 General Assembly.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.