



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

August 25, 2003

Public Act 0093-0032 – Permit Fees

COUNTY ENGINEERS/SUPERINTENDENT OF HIGHWAYS
MUNICIPAL ENGINEERS/DIRECTORS OF PUBLIC WORKS
CONSULTING ENGINEERS

#03-11

[Public Act 93-0032](#), also known as Senate Bill 1903, became law on July 1, 2003 to establish a fee structure for new and increased fees for several types of environmental programs operated by the Illinois Environmental Protection Agency (IEPA) to implement federal and state regulations. Prior to this law fees were not assessed for the majority of permits issued by IEPA. Basic information regarding when a permit is required, fee amounts and fact sheets can be obtained at the following web site <http://www.epa.state.il.us/fees>. National Pollutant Discharge Elimination System (NPDES) Permit fee schedules for waste facilities are available at the same web address.

The fees do not apply to the State or any department or agency of the State, nor to any school district (415 ILCS 5/12.5 new (h)). The Bureau of Local Roads and Street requested an interpretation from IEPA if this exemption applied to local agencies. IEPA's interpretation is this exemption **does not** apply to other entities (i.e. local agencies) even though they may receive some assistance from the State. Therefore, the fees apply to all local agency projects on State or local lettings. For example, there would be a fee assessed to a local agency who was constructing a project on a roadway under State jurisdiction, but there would not be a fee assessed to the State for construction done on a local roadway. The fees will be assessed to the permittees on a fiscal year basis, July to July. Once a project is complete, it is necessary for a local agency to terminate the project to ensure additional fees will not be assessed. In the near future IEPA will include additional information on the web site mentioned above pertaining to the permit fee structure.

Permit fees required for the construction or maintenance of MFT projects are a permissible use of MFT funds. However, MFT funds **shall not** be used to pay fines incurred during the construction or maintenance of MFT projects. Permit fees shall be included with all permit applications submitted on or after July 1, 2003. IEPA has mailed notices to those permit-holders who obtained permits for projects prior to July 1, 2003. Permit-holders should be aware that failure to pay fees could result in a referral to the Attorney General's Office and potential penalties, pursuant to statute.

Additional questions and responses from IEPA:

- If an agency that is exempt from the fees provides funding to a local agency on a project, which results in a larger fee, can the local agency get some sort of relief or adjustment to the fee assessed by IEPA? It does not appear any adjustment would be made at this time. The fee assessed to the local agency will be based on the capacity of the facility.
- For larger municipal separate storm sewer systems (MS4) which involve several local agencies working together, would there be one permit with one fee or multiple permits for each agency along with a fee assessed for each agency? Currently it appears that a fee would be assessed to each agency.
- When the 401 water quality certification is tied to an Army Corps of Engineers Nation-Wide Permit, like for a bridge project, will there be a fee assessed? IEPA is not looking to change how things have been done in the past, therefore no fee will be charged for a Nationwide #14 permit. However, a fee may be assessed for other 404 permits if IEPA must determine 401 water quality issues.

Additional question may be directed to your district office or Larry Houser at (217) 782-3807.

Sincerely,

A handwritten signature in black ink that reads "Darrell Lewis". The signature is written in a cursive, flowing style.

Darrell W. Lewis, P.E.
Acting Engineer of Local Roads and Streets

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