

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER III: NORTHEASTERN ILLINOIS PLANNING COMMISSION

PART 399

FEES FOR REVIEWING APPLICATIONS TO CHANGE THE BOUNDARIES OF A  
WASTEWATER FACILITY PLANNING AREA

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APPENDIX A Rates Charged Per Acre

AUTHORITY: Implementing and authorized by Section 33.5 of the Northeastern Illinois Planning Act [70 ILCS 1705/33.5].

SOURCE: Adopted at 18 Ill. Reg. 9470, effective June 9, 1994; amended at 21 Ill. Reg. 10057, effective June 17, 1997; amended at 24 Ill. Reg. 12570, effective August 7, 2000.

SUBPART A: GENERAL

**Section 399.10 Purpose**

The purpose of this Part is to establish procedures for the collection of fees from applicants requesting the Northeastern Illinois Planning Commission (the Commission) to review an application to change the boundaries of a wastewater facility planning area under Section 33.5 of the Northeastern Illinois Planning Act (the Act).

**Section 399.20 Definitions**

Unless specified otherwise, all terms shall have the meaning set forth in the Act.

For the purposes of this Part, the following definitions shall apply:

Agency means the Illinois Environmental Protection Agency.

Applicant means a private or public entity authorized under the provisions of the Clean Water Act to seek amendments to the Illinois Water Quality Management Plan (the Plan), which includes a facility planning agency or designated management agency for the area that is the subject of the proceeding or the Illinois Environmental Protection Agency and the Commission.

Commission means the Northeastern Illinois Planning Commission.

Completed Application means the Northeastern Illinois Planning Commission's Water Quality Management Plan Amendment Application with all sections completed that relate to facility planning area boundaries.

Designated Management Agency (DMA) means a private or public entity that, under the provisions of the Clean Water Act, has the responsibility of planning, treating or transporting liquid domestic wastewater and its residual solids.

Facility Planning Area (FPA) means a defined geographical area for the planning, treatment or transport of liquid domestic wastewater and its residual solids.

Fee means the fee authorized by Section 33.5 of the Act.

Level I processing means review by the Commission of a request for boundary changes that are areawide in their impact or that have extensive ramifications to the Plan or the implementation process. These ramifications include, but are not limited to, requests judged by the Commission to have a regional impact. The Commission looks for substantial intergovernmental controversy; the potential for regional water quality, environmental, development and population growth impacts; and a major impact on other State or regional plans and policies. Any amendment request that proposes a reduction in the Agricultural Preservation Area identified in the Northeastern Illinois Planning Commission's Strategic Plan for Land Resource Management exceeding 100 acres or more requires Level I processing.

Level II processing means review by the Commission's Water Resources Committee of a request for boundary changes that affect only a limited geographic area or, if areawide, that have only limited policy implications. These types of changes include, but are not limited to, changes to population projections for the twenty-year planning period set forth in approved facility plans, new designated management agencies, termination of a designated management agency, changes to facility planning area boundaries, new or modified sewage treatment works not identified in areawide or State water quality plans and other activities where a significant amount of public interest or concern exists.

Level III processing means review by the Commission's staff of a request for those plan changes that do not involve policy changes, but rather reflect changes and corrections in the factual basis of the plan and its supporting wastewater facility tables.

**Section 399.30 Related Documents**

The following are materials discussed in this Part. Copies are available for public inspection or distribution at the Northeastern Illinois Planning Commission, 222 S. Riverside Plaza, Suite 1800, Chicago IL 60606.

- a) Illinois Water Quality Management Plan, State of Illinois Environmental Protection Agency, 1992.
- b) Water Quality Management Plan -- Amendment Process and Procedures, Northeastern Illinois Planning Commission, 1992.
- c) Water Quality Management Plan -- Amendment Application, Northeastern Illinois Planning Commission, 1992.

**Section 399.40 Applicability**

This Part applies to each applicant who wishes to change the boundaries of a wastewater facility planning area through an amendment to the Illinois Water Quality Management Plan required under the Federal Clean Water Act. A fee schedule has been developed that will provide a system to recover the costs of performing certain types of Level I and II submittals, including land treatment as well as other methods of wastewater treatment, seeking amendment of applicable State and areawide water quality plans to reflect the establishment of a new wastewater facility planning area or a change in the boundaries of an existing wastewater facility planning area.

**Section 399.50 Relation to Other Fees**

The fees collected pursuant to this Part, and the fee collection procedures set forth in this Part, are separate from and in addition to all other fees established by law.

**Section 399.60 Severability**

If any provision of this Part or the application thereof to any person or in any circumstance is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any provision thereof not adjudged invalid.

**SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES**

**Section 399.110 Applicants Not Subject to Fees**

The following applicants are not subject to the fee schedule established in Section 399.120 below:

- a) Any Level III applicant; or
- b) Any Level I or II applicant whose submittal does not require a change in a facility planning area boundary.

**Section 399.120 Fee Calculation**

- a) The amount of the fees to be charged for Commission review under this Part are as follows:
  - 1) Submittals involving 10 or fewer acres .....\$10.00/acre.
  - 2) Submittals involving more than 10 acres

but less than 20 acres .....\$100.00.  
 3) Submittals involving 20 acres or more .....The number  
 of acres multiplied  
 by the applicable  
 rate established in  
 Appendix A.

b) The per acre rates established in this Section 399.120 are contingent upon the Commission receiving funding from the Agency in an amount sufficient for the Commission to recover, when combined with the fee paid pursuant to this Section, the Commission's costs of performing these reviews. If the Commission receives such funding from the Agency, the rates established in column A of Appendix A will apply. If the Commission does not receive sufficient funding from the Agency, the rates in column B of Appendix A will apply.

**Section 399.130 Manner of Payment**

- a) Payment of the fee must be made by check, independently for each request application, payable to Northeastern Illinois Planning Commission, and shall be submitted, along with the request application, to:  
 Northeastern Illinois Planning Commission  
 222 S. Riverside Plaza  
 Suite 1800  
 Chicago IL 60606
- b) Payment shall not include any fees due to the Commission for any purpose other than the fee due under Section 399.120 of this Part.
- c) No application will be processed without full payment of the applicable fee. If the application does not include full payment, the Commission will promptly contact the applicant to inform the applicant of the incomplete application.

**Section 399.140 Refund Agreements**

- a) The Commission will complete a review within 90 working days after receipt of a complete application for a change in the boundaries of a wastewater facility planning area. Application completeness will be determined within four working days after receipt. *If the Commission fails to complete the review within the required time period, the review fee paid by the applicant shall be refunded in full to the applicant.* (Section 33.5(c) of the Act)
- b) *The 90 working day period may be extended by the applicant either by a request or an agreement with the Commission.* (Section 33.5(c) of the Act)
- c) If the applicant withdraws the application after the Commission has accepted the application for review, the fee will not be refunded.

**Section 399.APPENDIX A Rates Charged Per Acre**

Date Commission Receives Application	Column A (With Agency Funding pursuant to Section 399.120)	Column B (Without Agency Funding pursuant to Section 399.120)
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6/1/2000-5/31/2001	\$10.00	\$10.00
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6/1/2001-5/31/2002	\$10.00	\$10.00
6/1/2002-5/31/2003	\$10.00	\$10.00

(Source: Amended at 24 Ill. Reg. 12570, effective August 7, 2000)