

2005 SESSION

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SENATE BILL NO. 937

Offered January 12, 2005

Prefiled January 11, 2005

A *BILL to amend and reenact § 10.1-1402.1:1 of the Code of Virginia, relating to an exemption for closed landfills from the payment of annual fees.*

Patrons—Chichester; Delegate: Pollard

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1402.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1402.1:1. Annual fees for nonhazardous solid waste management facilities; exemption.

A. In addition to the permit fees assessed and collected pursuant to § 10.1-1402.1, the Board shall collect an annual fee from any person operating a sanitary landfill or other facility permitted under this chapter for the disposal, storage, or treatment of nonhazardous solid waste. The fees shall be exempt from statewide indirect cost charged and assessed by the Department of Accounts. Annual fees shall reflect the time and complexity of inspecting and monitoring the different categories of facilities. Any annual fee that is based on volume shall be calculated using the tonnage reported by each facility pursuant to § 10.1-1413.1 for the preceding year. The annual fee shall be assessed as follows:

1. Noncaptive industrial landfills \$8,000

2. Construction and demolition debris landfills \$4,000

3. Sanitary landfills shall be assessed a fee based on their annual tonnage as follows:

Annual Tonnage	Base Fee	Fee per ton
over base fee		
Up to 10,000	\$ 1,000	
10,001 to 100,000	\$ 1,000	\$.09
100,001 to 250,000	\$10,000	\$.09
250,001 to 500,000	\$23,500	\$.075
500,001 to 1,000,000	\$42,250	\$.06
1,000,001 to 1,500,000	\$72,250	\$.05
Over 1,500,000	\$97,250	\$.04

4. Incinerators and energy recovery facilities shall be assessed a fee based upon their annual tonnage as follows:

Annual Tonnage	Fee
10,000 or less	\$2,000
10,001 to 50,000	\$3,000
50,001 to 100,000	\$4,000
100,001 or more	\$5,000

5. Other types of facilities shall be assessed an annual fee as follows:

Composting	\$500
Regulated medical waste	\$1,000
Materials recovery	\$2,000
Transfer station	\$2,000
Facilities in post-closure care	\$500

B. The Board shall by regulation prescribe the manner and schedule for remitting fees imposed by this section and may allow for the quarterly payment of any such fees. The payment of any annual fee amounts owed shall be deferred until January 1, 2005, if the person subject to those fees submits a written request to the Department prior to October 1, 2004. The selection of this deferred payment

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56 option shall not reduce the amount owed.

57 C. The regulation shall include provisions allowing the Director to waive or reduce fees assessed
58 during a state of emergency or for waste resulting from emergency response actions.

59 D. The Board may promulgate regulations establishing a schedule of reduced permit fees for facilities
60 that have established a record of compliance with the terms and requirements of their permits and shall
61 establish criteria, by regulation, to provide for reductions in the annual fee amount assessed for facilities
62 based upon acceptance into the Department's programs to recognize excellent environmental
63 performance.

64 E. The operator of a facility owned by a private entity and subject to any fee imposed pursuant to
65 this section shall collect such fee as a surcharge on any fee schedule established pursuant to law,
66 ordinance, resolution or contract for solid waste processing or disposal operations at the facility.

67 *F. Any sanitary landfill owned or operated by a local government or political subdivision and*
68 *properly closed in accordance with Board regulations shall be exempt from the payment of the annual*
69 *fees assessed under this section.*