

# VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

## CHAPTER 420

*An Act to amend and reenact § 10.1-1402.1:1 of the Code of Virginia, relating to annual fees for nonhazardous solid waste management facilities.*

[S 1007]

Approved March 24, 2011

**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.

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, *and shall be adjusted annually by the Consumer Price Index*. The annual fee shall be assessed as follows:

<del>1. Noncaptive industrial landfills</del>	<del>\$8,000</del>	
<del>2. Construction and demolition debris landfills</del>	<del>\$4,000</del>	
<del>3. Sanitary landfills, noncaptive industrial landfills, and construction and demolition debris landfills</del>		<del>shall be assessed a fee based on their annual tonnage as follows: an annual fee of \$0.115 per ton.</del>
<del>Annual Tonnage</del>	<del>Base Fee</del>	<del>Fee per ton over base fee</del>
<del>Up to 10,000</del>	<del>\$1,000</del>	
<del>10,001 to 100,000</del>	<del>\$1,000</del>	<del>\$.09</del>
<del>100,001 to 250,000</del>	<del>\$10,000</del>	<del>\$.09</del>
<del>250,001 to 500,000</del>	<del>\$23,500</del>	<del>\$.075</del>
<del>500,001 to 1,000,000</del>	<del>\$42,250</del>	<del>\$.06</del>
<del>1,000,001 to 1,500,000</del>	<del>\$72,250</del>	<del>\$.05</del>
<del>Over 1,500,000</del>	<del>\$97,250</del>	<del>\$.04</del>

~~4 2. Incinerators and energy recovery facilities shall be assessed a an annual fee based upon their annual tonnage as follows: of \$0.055 per ton.~~

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

~~Ash generated by incinerators and energy recovery facilities that are subject to this section shall be exempted from the annual fees assessed under this section.~~

~~5 3. Other types of facilities shall be assessed an annual fee as follows:~~

<del>Composting</del>	<del>\$500</del>	<del>\$1,200</del>
<del>Regulated medical waste</del>	<del>\$1,000</del>	<del>\$2,500</del>
<del>Materials recovery</del>	<del>\$2,000</del>	<del>\$4,500</del>
<del>Transfer station</del>	<del>\$2,000</del>	<del>\$5,500</del>
<del>Facilities in post-closure care</del>	<del>\$500</del>	<del>\$1,000</del>

~~The annual fee for active captive landfills shall be as follows:~~

~~Small landfills (landfilling less than 100,000 tons per year) \$2,500~~  
~~Large landfills (landfilling 100,000 tons or more per year) \$7,500~~

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 option shall not reduce the amount owed.~~

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

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

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

**2. That the Department of Environmental Quality shall continue its efforts to improve its solid waste program and submit a report to the General Assembly regarding such efforts by December 1, 2011.**