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SENATE BILL NO. 1007

Offered January 12, 2011
Prefiled January 11, 2011

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

Patron—Watkins

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. 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:

~~1. Noncaptive industrial landfills $8,000~~

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

~~3.~~ Sanitary landfills*, noncaptive industrial landfills, and construction and demolition debris landfills* shall be assessed ~~a fee based on their annual tonnage as follows:~~ *an annual fee of $0.115 per ton.*

~~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*2. Incinerators and energy recovery facilities shall be assessed ~~a~~ *an annual* fee ~~based upon their annual tonnage as follows:~~ *of $0.06 per ton.*

~~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~~

Incinerators and energy recovery facilities that have already paid the Virginia per ton fee for disposal of ash are exempted from paying at the landfill.

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

Composting	~~$500~~ *$1,200*
Regulated medical waste	~~$1,000~~ *$2,500*
Materials recovery	~~$2,000~~ *$4,500*
Transfer station	~~$2,000~~ *$5,500*
Facilities in post-closure care	~~$500~~ *$1,000*

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

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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, in consultation with the Virginia Waste Management Board, shall develop and implement policies and procedures to maximize efficiency and eliminate unnecessary delays in acting upon applications for waste management facility permits and permit amendments. Such policies and procedures shall include the following:

a. Establishment and enforcement of standardized departmental deadlines for reviewing and acting upon permit applications;

b. Assignment of sufficient staff to ensure compliance with deadlines, including assignment of staff from other regional offices where necessary and appropriate;

c. Designation of a senior coordinator for each major permit application who shall be responsible for ensuring that timely action is taken on permit applications, resolving disputes between staff and the applicant, and allocating sufficient resources;

d. Evaluation of the permitting process to determine the benefits of employing private contractors to assist with application review, and the development of criteria for that purpose;

e. Development of criteria for establishing the presumptive validity of plans, specifications, reports, and analyses certified by professional engineers or professional geologists licensed in the Commonwealth, so as to avoid redundancy in reviewing application materials;

f. Training of Department of Environmental Quality staff in the implementation of permitting policies and procedures;

g. Establishment of standards for ensuring consistency among regional offices in the implementation of permitting policies and procedures;

h. Review and implementation of pertinent sections of the U.S. Environmental Protection Agency's LEAN Program; and

i. Review and implementation of "ditto" or no-charge permitting where appropriate.

3. That the Department of Environmental Quality shall confer with interested stakeholders in developing such policies and procedures, which shall be published as agency guidance not later than January 1, 2012.