

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a change from the proposed text of the regulation.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: 9 VAC 20-90. Solid Waste Management Permit Action Fees and Annual Fees (amending 9VAC 20-90-10, 9VAC 20-90-30, 9VAC 20-90-50, 9VAC 20-90-60, 9VAC 20-90-70, 9VAC 20-90-90, 9VAC 20-90-100, 9 VAC 20-90-110 and 9 VAC 20-90-120; adding 9VAC 20-90-65, 9 VAC 20-90-115, 9 VAC 20-90-117 and 9VAC 20-90-130).

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Effective Date: July 1, 2004.

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Summary:

Pursuant to Chapters 249 and 324 of the 2004 Acts of Assembly, the amendments modify the fees for new permits and modifications to permits for solid or regulated medical waste management facilities to include the new requirements and establish appropriate administrative procedures for implementation of the new annual fee requirements.

CHAPTER 90. SOLID WASTE MANAGEMENT PERMIT ACTION FEES AND ANNUAL FEES.

9 VAC 20-90-10. Definitions.

Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia defines words and terms that supplement those in this chapter. The Virginia Solid Waste Management Regulations, 9 VAC 20-80, and the Virginia Regulated Medical Waste Management Regulations, 9 VAC 20-120, define additional words and terms that supplement those in the statute and this chapter. When the statute, as cited, and the solid waste management regulations, as cited, define a word or term differently, the definition of the statute is controlling. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Department" means the Virginia Department of Environmental Quality.

"Director" means the director of the Department of Environmental Quality.

"Operating" means actively managing solid waste, or conducting closure or post closure activities. A facility will begin operating on the date of the approval of the certificate to operate (CTO) or the approval of the permit-by-rule (PBR)

as applicable. The facility will no longer be considered operating upon certification of completion of closure activities or in the case of a disposal facility upon release from post closure responsibility.

"Permit-by-rule" means provisions of the chapter stating that a facility or activity is deemed to have a permit if it meets the requirements of the provision.

"Permitted facility" means a facility holding the written permission of the director to conduct solid waste management activities; this includes facilities operating under permit-by-rule.

9 VAC 20-90-30. Purpose of regulation.

A. The purpose of these regulations is to establish schedules and procedures pertaining to the payment and collection of fees from any applicant seeking a new permit or seeking a modification or an amendment to an existing permit for operation of a solid or regulated medical waste management facility in the Commonwealth of Virginia. These regulations also establish fees for the review of other permit-related documents required to be reviewed by the department.

B. *These regulations establish schedules and procedures pertaining to the payment of annual fees to be submitted by any person operating a permitted facility for the disposal, storage, or treatment of nonhazardous solid waste.*

9 VAC 20-90-50. Applicability of regulations.

A. These regulations apply to all ~~applicants for permit actions under persons operating or proposing to operate a permitted facility for the management of solid waste under the provisions of:~~

1. Part VII (9 VAC 20-80-480 through 9 VAC 20-80-620) of the Virginia Solid Waste Management Regulations;
2. Part X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the Regulated Medical Waste Management Regulations;
3. Part V (9 VAC 20-101-160 through 9 VAC 20-101-180) of the Vegetative Waste Management and Yard Waste Composting Regulations; or
4. Part V (9 VAC 20-85-170 through 9 VAC 20-85-180) of the Regulation Governing Management of Coal Combustion By-Products.

The fees shall be assessed in accordance with Part III (9 VAC 20-90-70 through 9 VAC 20-90-120) of this chapter.

B. When the director finds it necessary to amend or modify any permit in accordance with § 10.1-1408.1 E or § 10.1-1409 of the Code of Virginia, 9 VAC 20-80-620 of the Virginia Solid Waste Management Regulations or Part X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the Regulated Medical Waste Management Regulations, as applicable, the holder of that permit shall be ~~considered an applicant and~~

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~~shall be~~ assessed a fee in accordance with 9 VAC 20-90-90 even if the director has initiated the amendment or modification action.

C. When the director finds it necessary to revoke and reissue any permit in accordance with § 10.1-1408.1 E or § 10.1-1409 of the Code of Virginia, 9 VAC 20-80-600 B 1 of the Virginia Solid Waste Management Regulations, or Part X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the Regulated Medical Waste Management Regulations, as applicable, the holder of that permit shall be ~~considered an applicant for a new permit and shall be~~ assessed a fee in accordance with 9 VAC 20-90-80.

D. If the director finds it necessary either to revoke and reissue a permit in accordance with § 10.1-1408.1 E or § 10.1-1409 of the Code of Virginia, or 9 VAC 20-80-600 B 2 of the Virginia Solid Waste Management Regulations, ~~or to perform a minor amendment or modification of a permit in accordance with 9 VAC 20-80-620 F of the Virginia Solid Waste Management Regulations, or Part X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the Regulated Medical Waste Management Regulations, as applicable,~~ the holder of that permit shall be ~~considered an applicant and shall be~~ assessed a fee in accordance with 9 VAC 20-90-100.

9 VAC 20-90-60. Payment, deposit, and use of permit action fees.

A. Due date.

1. Except as specified in subdivisions 2, 3, and 4 of this subsection, all permit action fees are due on the day of application and must accompany the application.

2. Applicants for solid waste management permits shall submit the appropriate fee along with the certification from the local governing body and the disclosure statements at the time of the submittal of the notice of intent. An applicant for a new facility shall submit appropriate Part A fees with the notice of intent, and submit the Part B action fee when the Part B application is submitted.

3. Applicants for an emergency permit shall submit the permit action fee to the department within 60 days of submitting an application.

4. For facilities entering the corrective action program, the fee for Corrective Action, Module XIV, is due upon submission of the proposal for presumptive remedy or assessment of corrective measures. If during the course of the corrective action program, modifications to the corrective action program are required, no additional fee will be assessed.

B. Method of payment. ~~Acceptable payment is cash or check payable to the Commonwealth of Virginia, Department of Environmental Quality.~~ Fees shall be paid by check, draft or postal money order made payable to "Treasurer of Virginia." When the department is able to accept electronic payments, payments may be submitted electronically.

C. Incomplete payments. All incomplete payments will be deemed nonpayments.

D. Payment required. No applications will be deemed to be complete until proper payment is received by the department. The department shall not begin a review of an incomplete application unless the application is for an emergency permit. Nonpayment of fees will result in a processing delay. If the director is amending or revoking and re-issuing a permit for cause, nonpayment of fees may lead to termination of the permit.

~~E. Deposit and use of fees. The department shall collect all fees pursuant to this chapter and deposit them into a special fund for use as described in § 10.1-1402.1 of the Code of Virginia.~~

9 VAC 20-90-65. Payment of annual fees.

A. Operators of permitted solid waste management facilities shall pay annual fees based on the requirements of this part. An annual fee is required for each activity occurring at a permitted facility. For facilities engaged in multiple activities under the provisions of a single permit, an operator shall pay multiple annual fees. These activities and the associated fees are provided in Table 4.1 of 9 VAC 20-90-130.

Annual fees assessed for single or multiple activities conducted under a permit reflect the time and complexity of inspecting and monitoring the different categories of facilities identified in § 10.1-1402.1:1 of the Code of Virginia.

B. Due date.

1. *Submission date.* The department may bill the operator for amounts due or becoming due in the immediate future. Payments are due on or before October 1, or 30 days after receipt of a bill from the department, whichever comes later, unless the operator is using the deferred payment or quarter payment option. Each operator of a permitted waste management facility shall be assessed an annual fee as shown in Table 4.1 of 9 VAC 20-90-130. Except as specified in subdivisions 2 and 3 of this subsection, all annual fees are submitted on a yearly basis and are due on or before October 1. Annual fees, including those that are based on annual tonnage shall be calculated using the procedures in 9 VAC 20-90-115. Annual tonnage will be determined from the total amount of waste reported as having been either landfilled or incinerated on Form DEQ 50-25 for the preceding year pursuant to the Waste Information Assessment Program (9 VAC 20-80-115 and 9 VAC 20-130-165).

2. *All fees to be paid in 2004 will be submitted on or before October 1, 2004, (for the 2003 annual year) unless the operator of a facility submits a written request to the department prior to that date requesting a deferred payment until January 1, 2005. Requests for deferral will be sent to the address listed in subdivision C 2 of this section. No deferred payment will be allowed for facilities opting to use a quarter payment schedule. Subsequent annual payments will be submitted on or before the first day of October (for the preceding annual year).*

3. *Optional quarter payment.* Facility operators that are required to pay annual fees exceeding \$8,000 for single or multiple permits may submit four equal payments totaling the annual fee on or before October 1, January 1, April 1,

and June 1. The annual payment cycle for quarter payments will begin with the October 1 payment and will end with the June 1 payment. Those facilities opting for the quarter payment schedule shall accompany all payments with a copy of DEQ form PF001.

4. Late quarter payments. If the quarter payment is not paid by the deadline, DEQ may, in addition to seeking other remedies available under the law, issue a notice of failure to pay. The notice shall require payment of the entire remainder of the annual fee payment within 30 days of the date of the notice, or inform the owner that he is ineligible to opt for the quarter payment schedule until eligibility is reinstated by written notice from the department, or both.

C. Method of payment.

1. The operator of the facility shall send a payment transmittal letter to the Department of Environmental Quality. The letter shall contain the name and permit number of the facility, the Federal Identification Number (FIN) for the facility or operator, the amount of the annual fee, and for sanitary landfills and incinerators, the waste reported as landfilled or incinerated on Form DEQ 50-25 for the preceding year pursuant to the Waste Information Assessment Program (9 VAC 20-80-115 and 9 VAC 20-130-165). In addition, a copy of the transmittal letter will be placed in the facility's operating record.

2. Fees shall be paid by check, draft or postal money order made payable to "Treasurer of Virginia/DEQ," and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 10150, Richmond, VA 23240. When the department is able to accept electronic payments, payments may be submitted electronically. The payment transmittal letter required in subdivision 1 of this subsection shall accompany the payment.

D. Incomplete payments. All incomplete payments will be deemed nonpayments.

E. Late payment of annual fee. Interest may be charged for late payments at the underpayment rate set out by the U.S. Internal Revenue Service established pursuant to Section 6621(a)(2) of the Internal Revenue Code. This rate is prescribed in § 58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee may be charged to any delinquent (over 90 days past due) account. The Department of Environmental Quality is entitled to all remedies available under the Code of Virginia in collecting any past due amount and may recover any attorney's fees and other administrative costs incurred in pursuing and collecting any past due amount.

F. Annual fees received by the department shall be deposited in the Virginia Waste Management Permit Program Fund and used exclusively for the solid waste management program as set forth in the Code of Virginia.

9 VAC 20-90-70. General.

A. Each application for a new permit, each application for a modification or amendment to a permit, and each revocation and issuance of a permit is a separate action and shall be

assessed a separate fee. The amount of such fees is determined on the basis of this Part III (9 VAC 20-90-70 through 9 VAC 20-90-120).

~~B. The amount of the permit action fee is based on the costs directly associated with the permitting program required by Part VII of the Virginia Solid Waste Management Regulations or Part X of the Regulated Medical Waste Management Regulations and includes costs for personnel and directly related public participation costs. The fee schedules are shown in 9 VAC 20-90-120 as Tables 3.1-1, 3.1-2, 3.1-3, and 3.1-4.~~

~~C. Fees in Column 3 of the tables in 9 VAC 20-90-120 have been adjusted to the Consumer Price Index for All Urban Consumers (CPI-U, 1982-84 = 100) for February 2003 (published monthly by the U.S. Bureau of Labor Statistics, Washington, D.C. 20212, <http://www.bls.gov>), rounded to the nearest \$10 increment.~~

B. Right of entry, inspection and audit. Upon presentation of appropriate credentials and upon consent of the owner or operator of the facility, the director of the Virginia Department of Environmental Quality or his designee, in addition to the routine inspection of the facility provided in 9 VAC 20-80-100, or 9 VAC 20-120-740 shall have the right to enter, inspect and audit the records of the facility consistent with § 10.1-1456 of the Code of Virginia. The director may designate rights of entry, inspection and audit to any department personnel or contractors to the department. The owner or operator of the facility shall provide complete and timely access during business hours to all equipment, and facility records. The director shall have the right to require an audit of the facility's records related to the payment of annual fees.

~~D. C. In addition to permit action fees listed in Tables 3.1-1, 3.1-2, and 3.1-3 and 3.1-4 of 9 VAC 20-90-120, the applicant for a permit action shall arrange for the newspaper publication and radio broadcast and bear the cost of the publication and broadcast if required. The department shall send notification to the applicant that the publication and broadcast are required, and the notification shall include the text of the notice, dates of publication and broadcast, and the acceptable newspapers and radio stations wherein the notice may be published. The department shall also require the petitioner for a variance from any regulation to arrange for any newspaper publication and radio broadcast required under the Virginia Solid Waste Management Regulations (9 VAC 20-80) or the Regulated Medical Waste Management Regulations (9 VAC 20-120) and to bear the cost of such publication and broadcast. The department may arrange for the newspaper publication and radio broadcast listed in this subsection and require the applicant to remit the cost of such publication and broadcast.~~

9 VAC 20-90-90. Applications for permit actions, amendment or modification.

A. General. Facility permits issued by the director are typically based on the modular concept to assure completeness and consistency of the documents. Each facility permit may consist of several modules dealing with the requirements addressing separate topics pertinent to the specific facility.

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The modules used in the solid and regulated medical waste program are:

1. The general permit conditions module (Module I) that contains the general conditions required for all solid or regulated medical waste facility permits and includes documents to be submitted prior to operation, documents that must be maintained at the facility, and a compliance schedule, if any.

2. The general facility requirements module (Module II) that contains the listing of wastes that the facility may accept or a list of wastes prohibited from acceptance, an analysis plan, security and site access information, inspection requirements, personnel training requirements, special standards based on particular location, a preparedness and prevention plan, a contingency plan, closure and post-closure cost estimates, and facility-specific financial assurance requirements.

3. The separate facility modules, one for each of the different type of facility provided for in Parts V and VI of the Virginia Solid Waste Management Regulations, containing design requirements (e.g., liners, leachate management systems, aeration systems, wastewater collection systems), specific operating requirements (e.g., compaction and cover requirements, equipment, monitoring), and recordkeeping requirements. The following modules have been developed:

- a. Module III--Sanitary landfills;
- b. Module IV--Construction/demolition/debris landfill;
- c. Module V--Industrial landfill;
- d. Module VI--Compost facility;
- e. Module VII--Transfer station;
- f. Module VIII--Materials recovery facility; and
- g. Module IX--Energy recovery and incineration facility.

4. All gas management plans submitted for review (Module III, IV, or V) will be assessed a fee as listed in Table 3.1-2 of 9 VAC 20-90-120.

5. The groundwater monitoring modules contain requirements for well location, installation, and construction, listing of monitoring parameters and constituents, sampling and analysis procedures, statistical procedures, data evaluation, recordkeeping and reporting, and special requirements when significant increases occur in monitoring parameters. Module X is designed specifically for Phase I or detection monitoring and Module XI for Phase II or assessment monitoring. If groundwater protection standards are being established for facilities without Modules X and XI, then both Modules X and XI will be issued for the major modification fee. However, for facilities with Module X already included in their permit, the major modification fee will be assessed to add Module XI.

6. The closure module (Module XII), included in all permits, contains requirements for actions during the active life of the facility (updating plan), during the closure process, and after the closure has been performed. Facilities required to

submit a closure plan in accordance with §§ 10.1-1410.1 and 10.1-1410.2 A 1 of the Code of Virginia will be assessed a fee for Module XII as listed in Table 3.1-2 of 9 VAC 20-90-120.

7. The post-closure module (Module XIII), included in solid waste disposal facility permits, contains requirements during the post-closure period and for periodic updating of the post-closure plan. Facilities required to submit a post-closure plan in accordance with § 10.1-1410.2 of the Code of Virginia will be assessed a fee for Module XIII as listed in Table 3.1-2 of 9 VAC 20-90-120.

8. The schedule for compliance for corrective action (Module XIV) is used when facility groundwater monitoring results indicate groundwater protection standards have been statistically exceeded.

9. The leachate handling module (Module XV), included in solid waste disposal facility permits, contains requirements for storage, treatment and disposal of leachate generated by the facility.

10. The regulated medical waste storage module (Module XVI) and regulated medical waste treatment module (Module XVII) have been developed for facilities storing and/or treating regulated medical waste.

B. Applicants for a modification or amendment of an existing permit will be assessed a fee associated with only those modules that will require changes. In situations where the modular concept is not employed (for example, changes incorporated directly into a nonmodular permit), fees will be assessed as appropriate for the requirements stipulated for modules in subsection A of this section had they been used.

C. Applicants for a modification or amendment or subject to revocation and reissuance of an existing permit will be assessed a separate public participation fee whenever the modification or amendment requires a public hearing.

D. The fee schedules for major permit actions, amendments, or modifications are shown in Table 3.1-2 of 9 VAC 20-90-120.

E. In no case will the fee for a modification, amendment or revocation and reissuance of a permit be higher than that for a new facility of the same type.

9 VAC 20-90-100. Minor actions, amendments or modifications.

~~Notwithstanding the provisions of 9 VAC 20-90-90, an applicant for a minor amendment or modification or minor permit action of an existing facility permit based on 9 VAC 20-80-620 F of the Virginia Solid Waste Management Regulations or Part X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the Regulated Medical Waste Management Regulations will be assessed a fee shown in Table 3.1-3 of 9 VAC 20-90-120. Applicants for minor modifications and minor permit amendments under the provisions of 9 VAC 20-80-620 F shall not be assessed a permit modification fee.~~

9 VAC 20-90-110. Review of variance requests.

Applicants requesting variances from the Virginia Solid Waste Management Regulations (9 VAC 20-80), the Regulated Medical Waste Management Regulations (9 VAC 20-120), or the Regulation Governing Management of Coal Combustion By-Products (9 VAC 20-85) will be assessed a fee as shown in Table 3.1-4 3.1-3 of 9 VAC 20-90-120. All variance requests are subject to base fees. Additional fees are listed for reviews of specific types of variance requests and are to be submitted in addition to base fees. For example, a variance request for an alternate liner design would require submission of the base fee in addition to the fee associated with the review of the alternate liner system design. Variance requests are not subject to public participation fees listed in Table 3.1-2 of 9 VAC 20-90-120.

9 VAC 20-90-115. Annual fee calculation.

A. General. All persons operating a sanitary landfill or other facility permitted under the regulations outlined in 9 VAC 20-90-50 shall submit annual fees according to the procedures provided in 9 VAC 20-90-65. Annual fees are provided in Table 4.1, Annual Waste Management Facility Fees, in 9 VAC 20-90-130. Annual fees that include an additional fee based on tonnage shall be calculated using the procedures in this section. Annual tonnage will be determined from the total amount of waste reported as having been either landfilled or incinerated on Form DEQ 50-25 for the preceding year pursuant to the Waste Information Assessment Program (9 VAC 20-80-115 and 9 VAC 20-130-165).

B. Fee calculation. Sanitary landfills are required to submit the base tonnage fee, plus a fee per ton of waste over the base tonnage that is landfilled based on the tonnage reported on the previous year's Solid Waste Information Reporting Table, Form DEQ 50-25. Incinerators are required to submit a fee based on the amount of waste incinerated on the previous year's Solid Waste Information Reporting Table, Form DEQ 50-25. The tonnage used in the fee calculation will be rounded to the nearest full ton of waste. Other facilities are required to submit only an annual fee based on the facility type. Fees shall be rounded to the nearest dollar.

Examples:

1. A composting facility is required to submit only the base fee in Table 4.1.

Composting facility annual fee = base fee = \$500.

2. A sanitary landfill that reported 120,580 tons landfilled on the Solid Waste Information Reporting Table, Form DEQ 50-25, from the previous year, is required to submit a base tonnage fee plus an additional fee per ton of waste over the base tonnage as provided in Table 4.1. The base fee and the fee per ton vary with the tonnage of the waste that the facility landfilled.

Sanitary landfill annual fee = base tonnage fee + [(tonnage landfilled from previous year's waste information assessment - base tonnage) x fee per ton] = \$10,000 + [(120,580 tons - 100,001 tons) x \$0.09/ton] = \$11,852.

3. An incinerator that reported 501,230 tons incinerated on the Solid Waste Information Reporting Table, Form DEQ

50-25, from the previous year, is required to submit the fee required in Table 4.1. Incinerator fees vary with the tonnage of waste that the facility incinerated.

Incinerator annual fee = annual fee associated with the tonnage incinerated = \$5000.

C. Weight/volume conversions. For facilities required to pay annual fees based on the tonnage of the waste landfilled or incinerated, the annual fee shall be based on the accurate weight of waste. If scales are unavailable, the volume of the waste landfilled or incinerated by the facility must be multiplied by 0.50 tons per cubic yard to determine the weight of the waste landfilled or incinerated. If the volume of waste is used to determine the tonnage of waste landfilled or incinerated, accurate and complete records of the waste received and managed must be maintained in addition to the calculated weight records described in this part. These records must be maintained onsite throughout the life of the facility and made available to the department upon request.

D. Emergency. The director may waive or reduce annual fees assessed during a state of emergency or for waste resulting from an emergency response action. A facility operator may request a determination if a given volume of waste landfilled or incinerated in a given calendar year qualifies for a waived or reduced fee by submitting documentation of the emergency to the regional office where the facility is located. The request will provide the name and permit number of the facility, a facility contact, the nature of the emergency or response action, a description of the waste, and an accurate accounting of the type and tonnage of waste managed as a result of the emergency. Requests for a determination by the director must be submitted by March 31 of the year following the emergency coincident with the solid waste information assessment report. A separate request shall be provided for each year if the emergency lasts for multiple years.

E. Annual fee discounts for environmental excellence program participants are set out in 9 VAC 20-90-117.

F. 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.

G. Closure. Facilities that remove all waste materials at the time of closure and are subject only to closure requirements are subject to payment of the annual fee if they were operating at any time during the calendar year.

H. Transition from closure to post-closure care. Landfills entering post-closure care will pay the full annual fee for an active facility if they were operating, were inactive or were conducting closure activities at any time during the calendar year. Landfills in post-closure care for a full calendar year (January 1 through December 31) will pay the annual fee for post-closure care provided in Table 4.1. The post-closure care period will begin on the date provided in 9 VAC 20-80-250 E 7, 9 VAC 20-80-260 E 6, or 9 VAC 20-80-270 E 6 as applicable.

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9 VAC 20-90-117. Discounted annual fees for Environmental Excellence Program participants.

A. The term "Virginia Environmental Excellence Program" (VEEP) means a voluntary program established by the department to provide public recognition and regulatory incentives to encourage higher levels of environmental performance for program participants that develop and implement Environmental Management Systems (EMS). The program is based on the use of EMS that improve compliance, prevent pollution, and utilize other measures to improve environmental performance.

B. Participants in the VEEP shall be eligible for reduced annual fees. The VEEP program includes the Environmental Enterprise (E2) level of participation and the Exemplary Environmental Enterprise (E3) level of participation.

C. Annual fee discounts will not become effective until 2005. The availability of discounts to the annual fees will be dependent upon acceptance and continued participation in the VEEP.

D. Eligibility for reduced annual fees shall be based upon the department's review of the annual report that is required to be submitted by the VEEP. The department shall review annual reports to verify that facilities continue to meet VEEP criteria prior to offering discounted annual fees.

1. The participant's annual report must reflect activities occurring through December 31 and must satisfy all reporting requirements established in the VEEP.

2. Annual reports must be received at the department's central office by April 1 of the following year to be eligible for a reduction of the annual fees.

3. The annual report must list all regulated and permitted activities included within the scope of the facility's Environmental Management System.

4. A participant's level of participation will be evaluated as of December 31 of each calendar year.

E. If a facility participated in the VEEP but participation in the program was terminated, discounted fees will not be available to participants until they have been reaccepted into the VEEP.

F. Participants at the E2 level of participation will be eligible to receive a discount to annual fees for up to a maximum of 3 years.

G. Prior to distributing bills for annual fees, the department shall calculate the discounted annual fees. The total amount of all facilities' discounts to solid waste annual fees shall not exceed \$ 140,000 annually.

1. The total of a 20% discount for each participant at the E3 level of participation and a 10% discount for each participant at the E2 level of participation shall be calculated.

2. If the calculated total of the discounts to annual fees would exceed \$140,000, annual fees for participants at the E3 level of participation shall be discounted 10%, and annual fees for participants at the E2 level of participation shall not be discounted.

3. If the calculated total of the discounts to annual fees would not exceed \$140,000, annual fees for participants at the E3 level of participation shall be discounted 20%, and annual fees for participants at the E2 level of participation shall be discounted 10%.

4. If the calculated total of all facilities' discounts to annual fees exceeds \$140,000, the department shall reevaluate the discounts offered to VEEP participants and shall begin the regulatory process to revise the discounts offered to VEEP participants.

9 VAC 20-90-120. Permit application fee schedules.

TABLE 3.1-1. NEW OR INITIAL ISSUANCE OR ACTION.

TYPE OF FACILITY	Column 2	Column 3
	FEE	
	July 1, 2003, through June 30, 2004	July 1, 2004, and thereafter
All landfills:		
Part A application	\$9,600	\$4,180
Part B application	\$42,900	\$18,680
Incineration/Energy Recovery Facility	\$13,500	\$5,880
Transfer Station, Materials Recovery Facility, Regulated Medical Waste Storage Facility, or Regulated Medical Waste Treatment Facility	\$9,900	\$4,310
Compost Facility		
Facilities Processing Category I Waste	\$29,100	\$6,850
Facilities Processing Waste Categories I, II, or III, or Categories III and Lower	\$29,100	\$10,550
Facilities Processing Waste Categories I, II, III, or IV, or Categories IV and Lower	\$29,100	\$12,670
Experimental Solid Waste Facility	Reserved ⁴	\$2,090
Permit-by-rule Initial Review and Confirmation		\$390
Emergency Permit		\$2,310

⁴ Indicates insufficient experience at the present time to determine proper fee. Should an application for such a facility be received, the lowest fee in the table will be assessed.

TABLE 3.1-2. MAJOR PERMIT ACTIONS, AMENDMENTS OR MODIFICATIONS.

TYPE OF PERMIT MODULE	Column 2	Column 3
	FEE	
	July 1, 2003, through June 30, 2004	July 1, 2004, and thereafter
Landfill Part A	\$9,600	\$4,180
General - Module I	\$900	\$390
Facility - Module II	\$3,000	\$1,310
Landfill - Module III, IV, or V	\$16,200	\$7,050
Design plan review	\$2,100	\$910
Liner design review	\$4,500	\$1,960
Leachate system review	\$3,000	\$1,310
Gas management plan review		\$1,700
Drainage plan review	\$2,100	\$910
Cover design review	\$4,200	\$1,830
Equipment		\$390
Compost facility - Module VI	\$8,400	\$3,660
Design plan review	\$1,500	\$650
Liner design review	\$3,000	\$1,310
Leachate system review	\$2,100	\$910
Drainage plan review	\$1,500	\$650
Equipment		\$390
Transfer station - Module VII	\$2,700	\$1,180
Material recovery facility - Module VIII	\$3,600	\$1,570
Waste supply analysis	\$1,500	\$650
Waste management areas	\$1,200	\$520
Wastewater management areas	\$900	\$390
Incinerator/Energy recovery facility - Module IX	\$6,900	\$3,000
Waste and residue storage	\$2,100	\$910
Operational requirements	\$3,600	\$1,570
Waste control procedures	\$1,200	\$520
Groundwater monitoring - Module X or XI	\$7,500	\$3,260
Well placement	\$3,000	\$1,310
Materials and specifications	\$900	\$390
Sampling plan	\$3,600	\$1,570
Closure - Module XII	\$900	\$390
Post-closure - Module XIII	\$900	\$390
Corrective action - Module XIV	Reserved	\$22,860
Leachate handling Module XV	Reserved	\$1,310
Regulated medical waste storage facility - Module XVI	Reserved	\$390
Regulated medical waste treatment facility - Module XVII	Reserved	\$390

Permit-by-rule Modification Review and Confirmation		\$390
Public participation (does not include costs of newspaper advertisements or radio broadcasts)	\$2,400	\$1,040

TABLE 3.1-3. MINOR PERMIT ACTIONS, AMENDMENT OR MODIFICATION

TYPE OF PERMIT MODULE	Column 2	Column 3
	FEE	
	July 1, 2003, through June 30, 2004	July 1, 2004, and thereafter
Minor amendment or modification (excluding Gas Management Plans)	\$900	\$390
Gas Management Plans		\$1,700

TABLE 3.1-4. 3.1-3. VARIANCE REQUESTS.

Type of Variance	Column 2	Column 3
	FEE	
	July 1, 2003, through June 30, 2004	July 1, 2004, and thereafter
Base fee for all variances		\$390
Supplemental fees based on variance type		
Exemption from classification as a solid waste		\$520
Variance to permitting requirements		
Siting requirements		\$520
Facility design (other than alternate liner design)		\$520
Operational requirements		---
Groundwater monitoring (other than groundwater protection standards and location of monitoring system)		\$920
Closure requirements		---
Post-closure requirements		---
Groundwater Protection Standards		---

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Alternate liner system design		\$1,570
Location of groundwater monitoring system		\$920

9 VAC 20-90-130. Annual fee schedules.

TABLE 4.1. ANNUAL WASTE MANAGEMENT FACILITY FEES.

Category of Facility/Activity	Annual Fee	
1. Noncaptive industrial landfills	\$8,000	
2. Construction and demolition debris landfills	\$4,000	
3. Sanitary landfills shall be assessed a two part fee based on their annual tonnage as follows:		
<i>Base Tonnage to Maximum Tonnage</i>	<i>Base Tonnage Fee</i>	<i>Additional Fee Per Ton Over Base Tonnage</i>
Up to 10,000	\$1,000	none
10,001 to 100,000	\$1,000	\$0.09
100,001 to 250,000	\$10,000	\$0.09
250,001 to 500,000	\$23,500	\$0.075
500,001 to 1,000,000	\$42,250	\$0.06
1,000,001 to 1,500,000	\$72,250	\$0.05
Over 1,500,000	\$97,250	\$0.04
4. Incinerators and energy recovery facilities shall be assessed a fee based upon their annual tonnage as follows:		
<i>Annual Tonnage</i>	<i>Fee</i>	
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 a fee a follows:		
Composting	\$500	
Regulated medical waste	\$1,000	
Materials recovery	\$2,000	
Transfer station	\$2,000	
Facilities in post-closure care	\$500	

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