

DRAFT

MEMORANDUM:

TO: *The Honorable John H. Chichester, Chair
Senate Finance Committee*

*The Honorable Charles S. Hawkins, Chair
Senate Agriculture, Conservation and Natural Resources Committee*

*The Honorable Vincent F. Callahan, Jr., Chair
House Appropriations Committee*

*The Honorable M. Kirkland Cox, Chair
House Agriculture, Chesapeake and Natural Resources Committee*

FROM: *W. Tayloe Murphy, Jr.*

SUBJECT: *Water and Waste Program Funding - Interim Report*

Please accept this interim report on our efforts to develop a long-term plan to adequately fund the water, solid waste and hazardous waste regulatory programs in the Department of Environmental Quality. When it is complete, the final report will contain a strategy to provide the appropriate level of resources to protect our water quality and our lands and will also allow the Commonwealth to maintain state primacy in environmental matters delegated by the federal government.

The Commonwealth enjoys great natural beauty and vitality. Most recognize that environmental quality has a direct impact on our quality of life, on our economic development activities, and on the sustainability of these efforts. I can only hope that our interest in maintaining this vitality enables us to continue this progress, despite the current financial situation.

At this point, one thing is clear; the current funding structure (general funds, federal funds, and permit application fees) does not work. We must develop a funding strategy that provides a reliable and predictable revenue stream, that fairly allocates program costs between different categories of regulated facilities and the public and that provides the funds needed to meet the Commonwealth's environmental goals and to maintain the quality of our natural resources. While I would hope that this allocation would increase, I would also appreciate your support in exploring other funding options.

I have asked the Department of Environmental Quality to continue working with DEQ's stakeholders to develop a funding strategy based upon the information contained in this report. If you should have any suggestions or comments during the course of these efforts, please do not hesitate to call me at 804/786-004 or Kathy Frahm, Director of Legislative Affairs for DEQ, at 804/698-4376.

**Water and Waste Permit Program Funding Strategies
- Interim Report -**

December 2002

*Submitted by the Secretary of Natural Resources in Accordance with
Item 376 of the 2002 Appropriations Act*

I. Introduction

Since its creation in 1993, the Department of Environmental Quality (DEQ) has been Virginia's primary environmental protection agency. It monitors and regulates air, water, and land pollution and waste management practices, it works with citizens, political subdivisions and businesses to reduce or prevent adverse environmental impacts, and it helps to clean up polluted sites.

Historically, a mix of state general funds, federal grants, special tax revenues and permit fees have provided DEQ's funding. In December 2001, the budget released by Governor Gilmore reduced general fund support for the agency and contemplated a significant increase in permit fee revenues. In response, the 2002 General Assembly passed legislation (HB 1257) authorizing DEQ to triple its permit application fees for waste and water program permits. This authority will sunset in 2004 and the fee amounts will decrease on July 1 of that year.

In addition, the General Assembly directed the Secretary of Natural Resources to work with its stakeholders to develop a strategy for adequate funding of the agency's water and waste regulatory programs. Specifically, Item 376 of the 2002 Appropriations Act states:

B.1. The Secretary of Natural Resources shall develop a long-term plan to adequately fund the water, waste and hazardous waste regulatory programs in the Department of Environmental Quality. In developing the plan, the Secretary shall seek input from representatives from local governments, private sector organizations and the public. The plan's objective is to develop a financial strategy for the programs that will protect the public and maintain state primacy in environmental matters delegated to Virginia by the federal government. The plan shall address, but not be limited to these factors: (1) the likelihood of additional general fund resources for environmental activities; (2) projected workloads in the various environmental regulatory programs; (3) cost containment strategies in regulatory management through increased reliance upon technology; and (4) changes to federal environmental policies and funding practices.

At the request of the Secretary of Natural Resources, the Department of Environmental Quality has worked with the agency's stakeholders to develop this interim report. The report provides information on permit program staffing and funding, identifies current funding needs, and describes funding options used by other states.

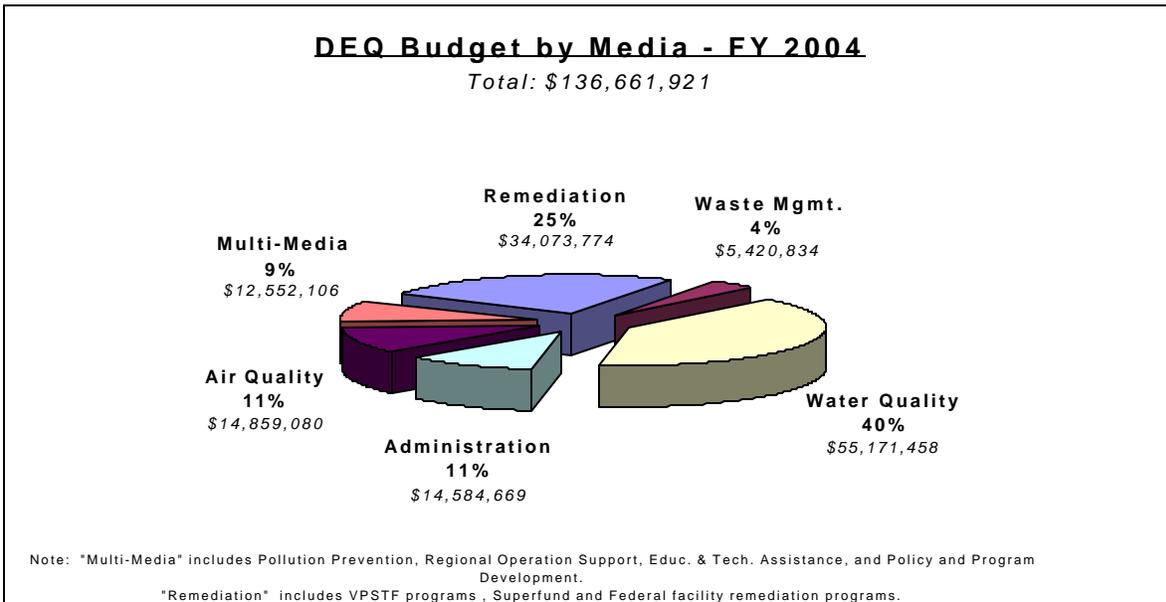
II. DEQ Funding and Program Costs

When the Department of Environmental Quality was formed in 1993, it had an appropriation of \$109,838,036 and an authorized employment level of 908 FTE. Since that time, the agency has implemented several new programs and mandates, including:

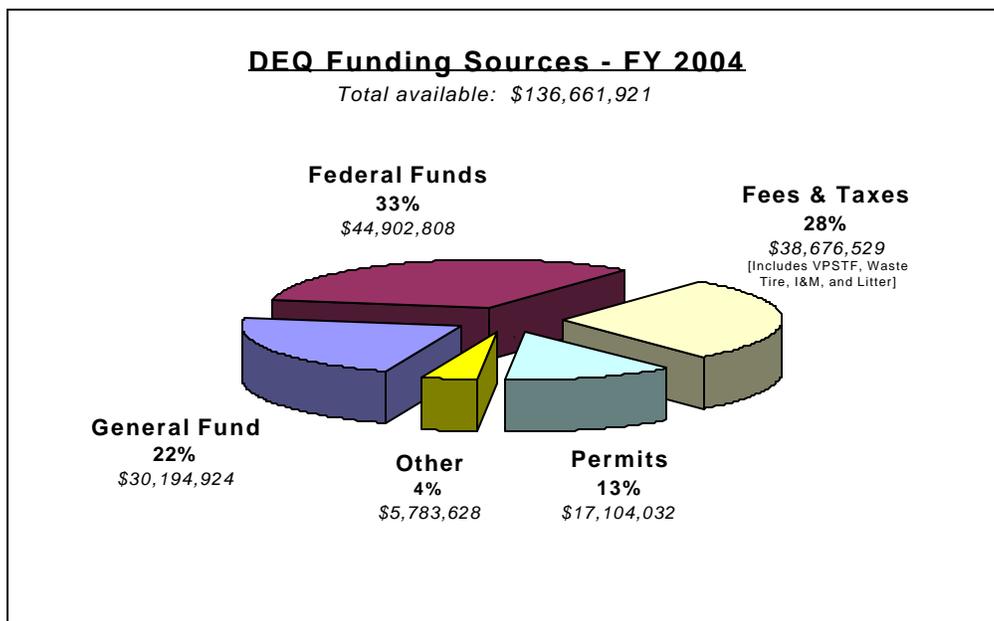
- (1) a new permitting program to comply with Title V of the Clean Air Act;

- (2) a new permitting program that covers 1,100+ concentrated animal feeding operations and concentrated poultry operations;
- (3) a significantly expanded regulatory program for impacts to nontidal wetlands that will review permits for 800-900 projects in FY04;
- (4) a program to develop Total Maximum Daily Loads and implementation plans for impaired waters;
- (5) the Chesapeake Bay Tributary Strategies program;
- (6) the Voluntary Remediation Program;
- (7) expansion of the federal stormwater permitting mandates to include 64 localities and 6000+ industrial and construction sites

In FY04, DEQ will have a budget totaling \$136,662,000 and a maximum employment level of 861 FTEs. Of the amounts appropriated, 48% is passed through to other entities and 52%, or \$70, 887,777 is available for implementation of the Department's programs. This is \$6, 205,960 lower than the amount provided for DEQ in FY02.



DEQ's funding comes from a mix of federal funds, special fees and taxes, state general funds, and permit fees. For FY04, 13% of the agency's budget is based on anticipated permit fee revenues and 22% of the agency's budget (or \$30,194,924) comes from state general fund revenues. This reflects the increase in permit application fees approved in 2002.



In addition to the state-wide budget cuts allocated to DEQ, the 2002 Appropriations Act decreased funding for the implementation of DEQ's water and waste permitting programs by \$6.3 million over the biennium. In an effort to fill this funding gap, the 2002 General Assembly authorized the Department to triple its application fees for solid waste, hazardous waste, and water program permits. The legislation provides, however, that these increases will sunset on June 30, 2004.

Water Quality Programs

DEQ's water quality and water supply programs receive 30% (\$21,751,970) of the agency's total budget. This includes the permitting programs as well as the programs that set standards, monitor water quality, and develop water quality improvement plans (ex: TMDLs, Chesapeake Bay Tributary Strategies).

The water permitting programs are allocated \$11.6 million and 177 positions. This includes the direct costs associated with permitting, compliance and enforcement activities. The Appropriations Act relies upon permit fee revenue of \$3.6 million in FY03 and \$4.9 million in FY04 to fund these direct program costs.

For a variety of reasons, however, permit fee revenue expectations have not been realized; a number of facilities submitted applications early, before the July 1, 2002 permit application fee increase went into effect, and other facilities have either gone off-line or have transferred to general permits since the time this group came up for permit renewal (1997). This has resulted in a \$1.6 million shortfall (funding for 28 of the 146 FTEs in the VPDES

program) for the Virginia Pollutant Discharge Elimination System (VPDES) program in FY03.

The VPDES Program regulates 147 large or "Major" municipal and industrial wastewater treatment plants and 1,060 minor municipal and industrial wastewater treatment plants. It also regulates approximately 64 stormwater management systems and 6,000+ construction and industrial sites. Each of these facilities pay a permit application fee once every five years. Fee amounts range from \$750 - 21,300. These fee amounts will decrease significantly in 2004 when HB 1257 sunsets. This is a federally authorized program. The number of facilities regulated by this program has nearly doubled in the last six years from 2,860 facilities in 1996 to 4,570 facilities in 2002. Most of this growth can be attributed to the federally mandated expansion of the stormwater management permitting program.

The Virginia Pollution Abatement (VPA) Program regulates 1,100 concentrated animal feeding operations and 40 sludge application operations. Agricultural operations are exempt from paying permit application fees. This is a state mandated program. The Concentrated Animal Feeding Operation regulatory programs for livestock and poultry operations were implemented during the last 10 years.

The Virginia Water Protection Permit (VWP) Program permits approximately 800-900 wetland impact sites and 7 water intakes a year. Each of these projects must pay an application fee ranging from \$600 - \$9,000. These fee amounts will decrease significantly in 2004 when HB 1257 sunsets. This is a state mandated program. The nontidal wetlands program was significantly expanded in 2001, which has increased the number of projects that must obtain state permits by 800%.

Because of the expanded program coverage, DEQ has reduced inspections for some permitted facilities in order to re-direct resources to inspect facilities covered under the stormwater management requirements. DEQ anticipates that further evaluation will show that additional funding is needed for effective implementation of these programs because of the mandated expansion of program coverage activities and because of the increase in the number of facilities regulated.

Solid and Hazardous Waste Programs

DEQ's waste management programs receive 8% (\$5,420,834) of the agency's operational budget. These programs include permit review and issuance for solid waste and hazardous waste management facilities as well as compliance inspections and enforcement.

The Hazardous Waste Program is 75% federally funded and, as currently structured, must rely upon permit fee revenue for most of the 25% matching funds required by the federal grant. This program is allocated \$2.4 million and 30 FTEs. However, the FY03 permit fee revenue forecast is only \$101,190 (nearly \$500,000 short of what is needed).

This program regulates 84 permitted and interim status Treatment, Storage or Disposal Facilities, 410 hazardous waste transporters, 315 Large Quantity Generators of Hazardous Waste and 4,342 small quantity generators of hazardous waste. It also regulates corrective action for sites where hazardous wastes have been released. Of these, the 40 permitted facilities pay permit application fees once every 10 years or when they need an amendment to their facility permit. Fees range from \$29,160 - \$96,930. The transporters also pay a fee of \$240 -360 once every 10 years. These fee amounts will decrease significantly in 2004 when HB 1257 sunsets.

The Solid Waste Program is allocated \$3.1 million dollars and 55 FTEs. This includes permitting, inspections, enforcement, and ground water reporting. The Solid Waste Program is dependent upon permit fee revenue for 19% of its program costs and General Funds for the remainder; it receives no federal funds. However, the FY03 permit fee revenue forecast is only \$163,500 (\$450,000 short of the amount needed).

This program regulates 118 active solid waste landfills, 58 transfer stations, 10 incinerators, 33 material recovery facilities, 12 composting facilities and 376 inactive or closed landfills. The active facilities and any closed facilities required to do groundwater monitoring pay permit application fees for any new permit or for amendments to their existing permits, however there are no permit terms so the revenue stream is unpredictable. Fees range from \$900 for a minor permit amendment to \$53,500 for a new landfill permit. These fee amounts will decrease in 2004 when HB1257 sunsets.

For a variety of reasons, permit fee revenue is not meeting the funding needs set forth in the Appropriations Act for either the Hazardous Waste or the Solid Waste Program. DEQ is currently forecasting revenue shortfalls of \$546,676 for solid waste and \$250,021 for hazardous waste.

The permit review requirements and inspection frequencies were significantly increased in response to legislation passed by the 1999 General Assembly. Unfortunately, these funding gaps will force the agency to reduce this level of oversight and will delay permit issuance. DEQ has already reduced its landfill inspection frequency from once a month to once per quarter.

III. Program Funding Options Reviewed

The Department of Environmental Quality could be funded in various ways. Opinions about which options are most appropriate will depend upon preferences regarding general fund support versus regulatory fees, the availability of federal funds, and the availability of state general fund revenues.

Currently, Virginia's water and waste programs are partially funded through fees that are submitted with each application for a new permit or for modifications to existing permits. The VPDES program and the hazardous waste program also receive fees when permits are renewed (once every five years for VPDES and once every ten years for VPA permits and hazardous waste permits). These fee amounts were tripled effective July 1, 2002, but the

legislation authorizing these increases sunsets on June 30, 2004. Tables showing the current fee schedules and the proposed fee schedules that are being developed to go into effect on July 1, 2004 can be found in Appendix A.

Revenue patterns show that the current application fee structure cannot sustain the water and waste programs. Because there are no periodic permit renewal requirements in the solid waste program and the 84 permitted hazardous waste facilities must renew their permits only once every ten years, permit application fee revenue is highly variable for these programs. This variability in revenue makes it impossible to sustain or plan for expenditure levels. As discussed above the increased permit application fees authorized by HB1257 are not meeting current funding needs.

This section discusses some of the funding and fee structures that are used by other states to fund their environmental protection programs. To generate this information, the Department of Environmental Quality surveyed ten surrounding states and evaluated other studies on environmental program funding. Summaries of the survey responses can be found in the following charts and the details can be found in Appendix B.

Some factors that should be considered when evaluating funding options include:

- (1) Revenue stability: Would the funding structure provide a stable, predictable revenue stream?
- (2) Revenue size: Would the revenue stream be adequate?
- (3) Equity: Would the funding structure fairly allocate costs between the facilities regulated by the program? Would it impose excessive burdens on some residents, local governments or sectors of Virginia's economy? Would it put Virginia at a competitive disadvantage relative to other states?
- (4) Administration cost and ease: What are the relative costs of collecting the fees and what type of collection rate could be expected?

Some would also ask that fee structures be used to provide incentives for pollution control or reduction.

A majority of the states surveyed use a combination of state general funds, federal funds and fees to fund their environmental programs. Of the ten states included in the survey, North Carolina and Maryland currently fund their solid waste program without fees and Kentucky and West Virginia charge no fees for their wetlands permitting program; the remaining programs are at least partially funded with fees. Some of the states, however, rely entirely upon fees or upon a combination of federal funds and fees to support these programs; this is true for New Jersey and West Virginia's NPDES programs, New Jersey and South Carolina's solid waste programs and North Carolina and Tennessee's hazardous waste programs.

NPDES PROGRAM FEE SUMMARIES

	Application Fee	Annual Fee	Notes	Direct Program Costs (% fee funded)	10 year fees for #1	10 year fees for #2	10 year fees for #3	10 year fees for #4	10 year fees for #5
DE	No	150 - 7,000		35%	\$70,000	\$0	\$22,500	\$1,500	\$1,500
KY	1,000 - 3,000 (industrials) 450 - 1,800 (municipals)	No		10.3%	\$6,400	\$1,800	\$4,200	\$0	\$2,400
MD	50 - 20,000 (industrials)	100 - 5,000	Formula derived	?	\$90,000	\$0	\$10,600	\$1,100	\$0
NJ	No	Yes	Formula derived	100%					
NC	No	715 - 2,865+	Additional \$400 fee for orders plus \$250-500 annual fee for facilities under an order	<20%	\$28,650	\$28,650	\$7,150	\$1,220	\$3,000
PA	\$1,000	No		20%	\$2,000	\$2,000	\$2,000	\$200	
SC	No	530 - 2,600+	Formula derived	?	\$22,350	\$22,350	\$6,350	\$200	\$3,340
TN	250-1,500	500 - 7,500		40%	\$64,000	\$71,000	\$10,500	\$3,000	\$0
VA	600-24,000 (200 - 8,000)	No	Fees were tripled for FY03 and FY04	? (11%)	\$48,000	\$46,200	\$13,200	\$1,200	\$0
WVA	Yes	Yes	Formula derived	93%	\$59,000	\$29,300	\$26,000	\$10,700	\$0

¹ Facility #1: A major industrial facility discharging 4MGD
 Facility #2: A major municipal facility discharging 4MGD
 Facility #3: A minor industrial facility discharging 40,000 gallons per day
 Facility #4: An industrial site covered by a stormwater general permit
 Facility #5: A confined animal feeding operation with 200 cows.

WETLANDS / 401 CERTIFICATION PROGRAM FEE SUMMARY						
	Application Fee	Direct Program Costs (% fee funded)	Fees for #1	Fees for #2	Fees for #3	Fees for #4
DE	\$225		-	\$225	\$225	\$225
GA	?					
KY	No	0	\$0	\$0	\$0	\$0
MD	\$50-500		\$0	\$500	\$500	\$250
NJ		100%				
NC	\$200-475	20%	-	\$475	\$475	\$200
PA	No	0	-	\$0	\$0	\$0
SC	\$50-500		-	\$500	\$500	\$50
TN	\$50 - 2,500		\$2,500	\$2,500	\$1,000	\$1,000
VA	\$600 - 9,000 (200 - 3,000)	29% / 45%	\$9,000	\$9,000	\$6,300	\$1,200
WVA	No	0	-	\$0	\$0	\$0

¹ Project #1 = Cogeneration facility with 5 MGD water withdrawal

Project #2 = Multi-use development project with 10.5 acres of wetlands impact, 600 feet perennial stream impacts and 2,400 feet intermittent stream impacts

Project #3 = Subdivision with 2.5 acres of wetland impacts and 10 linear feet of perennial stream impacts

Project #4 = roadway project with 0.75 acres of wetland impacts and 150 linear feet of perennial stream impacts

Hazardous Waste Program Fee Summary

	Delaware	Georgia	Kentucky	Maryland	New Jersey	North Carolina	Penn.	South Carolina	Tennessee	Virginia 2001	Virginia HB1257	West Virginia
Application Fee for Hazardous Waste Facilities	\$7,000	NO	20% of Review Fees	\$2,000 to \$10,000	\$32,764 to \$137,955	\$10,000 to \$25,000	\$14,000 to \$36,000	NO	\$10,000 to \$40,000	\$9,720	\$29,160	\$7,500 to \$15,000
Annual Fees for Hazardous Waste Facilities	\$50 to \$40,000	\$2.90/ton to \$23/ton	Max: \$300	\$12,000 to \$45,000	\$34 to \$405* (\$68 to \$1,621)	\$1,200 + \$1.75/ton	\$550 to \$2,500	\$600	\$5,000 to \$50,000	NO	NO	NO (\$3,000 proposed)
Hazardous Waste Generator Fees	\$4/ton to \$21/ton	\$4.60/ton to \$23/ton	Max: \$300	NO	\$34 to \$405* (\$68 to \$1,621)	\$500 + \$0.50/ton	NO	NO	\$1,600 + \$0.0075/lb.	NO	NO	NO (\$2,000 proposed)
Hazardous Waste Manifest - Charge	YES	NO	NO	NO	\$10 per manifest	NO	NO	NO	NO	NO	NO	NO
Hazardous Waste Transporter Fees	\$300 per year	NO	NO	\$50 per year	\$40 to \$274*	\$600 per year	\$1.50 to \$3.00 per ton	NO	\$100 app. fee + \$200/year	\$240 to \$360	\$240 to \$360	NO
Program Fee Costs - Annual Costs (10 Year Costs)												
Large Quantity Generator (100 tons per year off-site)	\$416,000	\$23,000	\$7,000	\$450,000	\$4,000	\$5,500	\$0	*****	\$31,000	\$0	\$0	\$20,000
Small Quantity Generator (3 tons per year off-site)	\$400,480	\$1,150	\$3,720	\$450,000	\$0	\$250	\$0	*****	\$10,450	\$0	\$0	\$2,000
Treatment Facility (600 tons per year)	\$96,000	\$24,000	\$54,920	\$450,000	\$4,000	\$8,000	\$86,000	*****	\$80,000	\$29,160	\$87,480	\$0
Hazwaste Boiler or Industrial Furnace (600 tons per year)	\$24,000	\$15,000	\$123,560	\$450,000	\$4,000	\$8,000	\$0	*****	\$80,000	\$72,630	\$217,890	\$0
Storage Facility (100 tons per year through facility)	\$16,000	\$20,000	\$37,320	\$450,000	\$4,000	\$250	\$0	*****	\$55,000	\$29,160	\$87,480	\$0
Hazardous Waste Materials Transporter	\$3,000	\$0*	\$0	\$5,000	\$400 to \$2,740	\$6,000	\$1.50 to \$3.00 per ton/year	*****	\$2,000	\$240 to \$360	\$720 to \$1,080	\$0
Program Information												
# Large Quantity Generators of Hazardous Waste	*****	*****	363	*****	*****	501	1,432	*****	449	317	317	80
# Hazardous Waste Treatment, Storage, or Disposal Facilities	8	*****	48	*****	*****	92	109	*****	60	70	70	22
Total Direct Costs	\$1,000,000	*****	\$562,516	*****	*****	\$3,500,000	*****	*****	\$4,700,000	\$1,731,434	\$2,348,771	\$2,182,000
% of Direct Program Costs from Fees	10 to 15%	*****	0%	*****	*****	17%	<1%	*****	53%	12.40%	20.50%	5%
# Program Staff	8	*****	77	*****	*****	56	52.8	*****	74	29.81	29.81	30

Solid Waste Program Fee Summary

	Delaware	Georgia	Kentucky	Maryland	New Jersey	North Carolina	Penn.	South Carolina	Tenn.	Virginia 2001	Virginia HB1257	West Virginia
Tipping Fee	\$7.00/ton	\$.50/ton	\$1.75/ton	*****	*****	\$0	\$7.25/ton	\$0	*****	None	None	\$8.75/ton
Application Fee	\$7,000	*****	\$28,000	*****	\$5,976 to \$119,523	\$0	\$1,000 to \$11,400	\$0	\$3,000 to \$10,000	\$17,500	\$52,500	\$250 to \$7,500
Annual Fees	\$7,000	\$.50/ton	*****	*****	*****	\$0	\$600 to \$2,500	\$0	\$1,000 to \$15,000	None	None	\$.01/ton
Other Fees	*****	*****	*****	\$100 - 5,000	\$7 to \$23,000	\$0	*****	Advance Disposal Fee	*****	*****	*****	*****
Program Fees - Yearly (10 Year)												
Privately Owned Municipal Solid Waste Landfill	\$70,000	\$360,000	\$1,290,000	\$54,000	\$23,998 (\$482,390)	\$0	\$5,238,200	\$0	\$152,000	\$14,300	\$42,900	\$63,075,000
Local Government Owned Solid Waste Landfill	NA	\$320,000	\$112,750	\$3,500	\$23,998 (\$482,390)	\$0	\$489,450	\$0	\$100,000	\$0	\$0	\$51,695,000
Construction, Demolition and Debris (CDD) Landfill	*****	*****	\$10,500	\$0	\$23,998 (\$348,559)	\$0	\$2,000	\$0	\$20,000	\$0	\$0	\$12,860
Captive Industrial Waste Landfill (1T/d)	*****	*****	\$5,500	*****	\$7,696 (\$243,617)	\$0	\$1,000	\$0	\$20,000	\$0	\$0	\$3,800
Commercial Industrial Waste Landfill (400 T/d)	*****	*****	\$11,000	*****	\$23,998 (\$406,637)	\$0	\$2,000	\$0	\$50,000	\$0	\$0	\$29,000
Transfer Station (100 T/d)	*****	*****	*****	\$0	\$17,956 (\$250,263)	\$0	\$1,000	\$0	\$0	\$0	\$0	*****
Medical Waste Treatment Facility (100 T/d)	*****	*****	*****	\$0	\$2,000 (\$20,000)	\$0	\$1,000	\$0	\$10,000	\$0	\$0	*****
Solid Waste Incinerators (1 T/d)	*****	*****	*****	*****	\$22,082 (\$274,183)	\$0	\$2,000	\$0	\$20,000	\$0	\$0	*****

Composting Facility (2,800 T/yr)	*****	*****	\$6,000	\$0	\$3,763 (\$37,630)	\$0	\$1,000	\$0	\$20,000	\$0	\$0	*****
Program Information												
# Permitted Solid Waste Facilities	20	200	*****	63	71	346	*****	470	*****	231	231	101
# Positions	4 FTE	*****	*****	NA	68	44	*****	53	*****	55	55	34
Total Direct Costs	\$500,000	*****	*****	NA	\$10,400,000	\$2,000,000	*****	\$2,300,000	*****	\$3,200,000	\$3,200,000	*****
Percentage of Direct Program Costs from Fees	55%	*****	*****	NA	85-90%	0%	*****	100% (Advance Disposal Fees)	*****	4.80%	14.40%	*****

The fee structures used in other states included permit application and renewal fees, annual fees based upon the size or environmental impact of the facility, volume based fees such as tipping fees or hazardous waste generation fees, and activity based fees such as surcharges for facilities subject to enforcement actions. Like Virginia's air permit program fees, some states also included annual adjustments based on inflation rates. Summaries of the survey results showing what fee structures are used by each state and the total costs to similar facilities can be found in the following tables. Some background information that could assist with a preliminary analysis of the pros and cons of each fee structure can also be found in Appendix C.

IV. Future Plans

The final decision about appropriate funding strategies will depend upon a variety of factors, including the policy decision about what activities should be supported by the General Fund and what activities the regulated community should fund.

The most broad-based funding source would be the State General Fund. Environmental programs often reflect the public's preferences and priorities and many of the program activities provide broad public benefit. For reasons such as these, an argument can be made for using broad-based revenues sources such as the General Fund to pay for pollution control.

In contrast, a fee based funding strategy is based on the philosophy that it is fairer to impose the costs of pollution control directly on the regulated community - and those benefiting from their activities - through special fees.

This interim report is intended to provide information on the fee structures being used by other states and to generate ideas for funding options that could be considered in Virginia. Over the course of the next year, the Department of Environmental Quality intends to work with its stakeholders to evaluate the agency's true funding needs and costs to implement new mandates, evaluate opportunities to reduce implementation costs, and develop a recommended funding strategy. The final report will be submitted in November of 2003.

ATTACHMENT A
Current Fee Schedule and Proposed 2004 Fee Schedules

This Attachment contains the permit application fee schedules adopted by the State Water Control Board and the Virginia Waste Management Board in response to HB 1257. The fee amounts proposed by the Boards to go into effect on July 1, 2004 are based on July 1, 2004 sunset of HB1257. The proposed waste permit application fees are based upon the original fee amount adopted over a decade ago plus an adjustment for inflation. Because the water fee amounts are limited by statute, there will be no adjustment for inflation.

ATTACHMENT A
Current Fee Schedule and Proposed 2004 Fee Schedules

FEE SCHEDULE--APPLICATIONS FOR INDIVIDUAL VPDES PERMITS—EFFECTIVE JULY 1, 2002

Type of Permit	7/1/02 - 6/30-04		7/1/04 - proposed	
	Issue / reissue	Modification	Issue / Reissue	Modification
VPDES Industrial Major	\$24,000	\$12,000	\$8,000	\$4,000
VPDES Municipal Major	\$21,300	\$10,650	\$7,100	\$3,550
VPDES Municipal Storm Water	\$21,300	\$10,650	\$7,100	\$3,550
VPDES Industrial Minor, No Standard Limits	\$10,200	\$5,100	\$3,400	\$1,700
VPDES Industrial Minor, Standard Limits	\$6,600	\$3,300	\$2,200	\$1,100
VPDES Industrial Storm Water	\$7,200	\$3,600	\$2,400	\$1,200
VPDES Municipal Minor, 100,000 GPD or More	\$7,500	\$3,750	\$2,500	\$1,250
VPDES Municipal Minor, More than 10,000 GPD but Less than 100,000 GPD	\$6,000	\$3,000	\$2,000	\$1,000
VPDES Municipal Minor, More than 1,000 GPD but 10,000 GPD or Less	\$5,400	\$2,700	\$1,800	\$ 900
VPDES Municipal Minor, 1,000 GPD or Less	\$4,200	\$2,100	\$1,400	\$ 700
VPA Industrial Wastewater Operation	\$10,500	\$5,250	\$3,500	\$1,750
VPA Industrial Sludge Operation	\$7,500	\$3,750	\$2,500	\$1,250
VPA Municipal Wastewater Operation	\$13,500	\$6,750	\$4,500	\$2,250
VPA Municipal Sludge Operation	\$7,500	\$3,750	\$2,500	\$1,250
GWW Initial Permit for an Existing Withdrawal	\$1,200	\$ 600	\$ 400	\$ 200
GWW Permit for a New or Expanded Withdrawal	\$6,000	\$3,000	\$2,000	\$1,000
SWW Certificate for an Existing Withdrawal	\$6,000	\$3,000	\$2,000	\$1,000
SWW Permit for a New or Expanded Withdrawal	\$9,000	\$4,500	\$3,000	\$1,500

ATTACHMENT A
Current Fee Schedule and Proposed 2004 Fee Schedules

FEE SCHEDULE--APPLICATIONS FOR INDIVIDUAL VIRGINIA WATER PROTECTION PERMITS

Type of Permit	7/1/02 - 6/30/04		7/1/04 - proposed	
	Issuance / Reissuance	Modification	Issuance / Reissuance	Modification
VWP Category I Project	\$9,000	\$4,500	\$3,000	\$1,500
VWP Category II Project	\$6,300	\$3,150	\$2,100	\$1,050
VWP Category III Project	\$2,400	\$1,200	\$800	\$400

FEE SCHEDULE--REGISTRATION FOR VWP GENERAL PERMIT COVERAGE		
	7/1/02 - 6/30/04	7/1/04 - proposed
Registration for coverage under any VWP general permit authorizing impacts to less than one-half of an acre of non-tidal surface waters.	\$600	\$200
Registrations for coverage under any VWP general permit authorizing impacts to one-half of an acre or more of non-tidal surface waters.	\$1,200	\$300

ATTACHMENT A

Current Fee Schedule and Proposed 2004 Fee Schedules

Hazardous Waste Permit Application Fees

A. Transporter fees

Type of application	7/1/02 - 6/30-04	7/1/04 - Proposed
Transporters with terminals or other facilities within the Commonwealth.	\$240	\$140
Other transporters.	\$360	\$210

B. New TSD facility fees.

Elements of applications	7/1/02 - 6/30-04	7/1/04
Base fee for all facilities, including corrective action for solid waste management units.	\$29,160	\$16,620
Supplementary fee for one or more land-based TSD units, including corrective action for solid waste management units.	\$67,770	\$38,640
Supplementary fee for one or more incineration, boiler, or industrial furnace units (BIF).	\$43,470	\$24,780

C. Major (Class 3) Permit modification fees.

Elements of Applications for Major Permit Modifications	7/1/02 - 6/30-04	7/1/04 - Proposed
Base fee for all major (Class 3) modifications, including major changes related to corrective action for solid waste management unit.	\$150	\$90
Addition of new wastes.	\$3,990	\$2,270
Addition of or major (Class 3) change to one or more land-based TSD units, including major change related to corrective action for land-based solid waste management units.	\$77,760	\$44,330
Addition of or major (Class 3) change to one or more incineration, boiler, Or industrial furnace units.	\$58,290	\$33,230
Addition of or major (Class 3) change to other treatment, storage or disposal units, processes or areas and major change related to corrective action for solid waste management units that are not land based.	\$24,240	\$13,820
Substantive changes (Class 2).	\$3,990	\$2,270

D. Minor (Class 1) permit modification fees.

Type of application	7/1/02 - 6/30/04	7/1/04 - Proposed
Minor (Class 1) permit modification fee.	\$150	\$90

E. Emergency Permit fee

Type of application	7/1/02 - 6/30/04	7/1/04 - Proposed
Emergency Permit fee	\$3,990	\$2,270

ATTACHMENT A
Current Fee Schedule and Proposed 2004 Fee Schedules

Solid Waste Permit Application Fees

NEW OR INITIAL ISSUANCE OR ACTION		
TYPE OF FACILITY	FEE	
	7/1/02 - 6/30-04	7/1/04 - proposed
All landfills :		
Part A application	\$ 9,600	\$4,120
Part B application	\$ 42,900	\$18,430
Incineration/Energy Recovery Facility	\$ 13,500	\$5,800
Transfer Station, Materials Recovery Facility, Regulated Medical Waste Storage Facility, or Regulated Medical Waste Treatment Facility	\$ 9,900	\$4,250
Compost Facility		
Part A application	\$ 4,800	\$2,060
Part B application	\$ 24,300	\$10,440
Experimental Solid Waste Facility		\$2,060
Permit-by-rule Initial Review and Confirmation		\$390
Emergency Permit		\$2,280
MAJOR PERMIT ACTIONS, AMENDMENTS OR MODIFICATIONS		
TYPE OF PERMIT MODULE	FEE	
	7/1/02 - 6/30/04	7/1/04 - Proposed
Landfill Part A	\$ 9,600	\$4,120
General - Module I	\$ 900	\$390
Facility - Module II	\$ 3,000	\$1,290
Landfill - Module III, IV, or V	\$ 16,200	\$6,960
Design plan review	\$ 2,100	\$900
Liner design review	\$ 4,500	\$1,930
Leachate system review	\$ 3,000	\$1,290
Gas management plan review		\$1,680
Drainage plan review	\$ 2,100	\$900
Cover design review	\$ 4,200	\$1,800
Equipment		\$390
Compost facility - Module VI	\$ 8,400	\$3,610
Design plan review	\$ 1,500	\$640
Liner design review	\$ 3,000	\$1,290
Leachate system review	\$ 2,100	\$900
Drainage plan review	\$ 1,500	\$640
Equipment		\$390
Transfer station - Module VII	\$ 2,700	\$1,160
Material recovery facility - Module VIII	\$ 3,600	\$1,550
Waste supply analysis	\$ 1,500	\$640
Waste management areas	\$ 1,200	\$520
Wastewater management areas	\$ 900	\$390
Incinerator/Energy recovery facility - Module IX	\$ 6,900	\$2,960

ATTACHMENT A
Current Fee Schedule and Proposed 2004 Fee Schedules

Waste and residue storage	\$ 2,100	\$900
Operational requirements	\$ 3,600	\$1,550
Waste control procedures	\$ 1,200	\$520
Groundwater monitoring - Module X or XI	\$ 7,500	\$3,220
Well placement	\$ 3,000	\$1,290
Materials and specifications	\$ 900	\$390
Sampling plan	\$ 3,600	\$1,550,
Closure - Module XII	\$ 900	\$390
Post-closure - Module XIII	\$ 900	\$390
Corrective action - Module XIV	Reserved	\$22,560
Leachate handling – Module XV	Reserved	\$1,290
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	\$1,030
MINOR PERMIT ACTIONS, AMENDMENT OR MODIFICATION		
TYPE OF PERMIT MODULE	FEE	
	7/1/02 - 6/30/04	7/1/04 - Proposed
Minor amendment or modification (excluding Gas Management Plans)	\$ 900	\$390
Gas Management Plans		\$1,680
Variance requests		
Type of Variance	FEE	
	7/1/02 - 6/30/04	7/1/04 - Proposed
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 levels and location of monitoring system)		\$900
Closure requirements		---
Post-closure requirements		---
Groundwater Protection Standards		---
Alternate liner system design		\$1540
Location of groundwater monitoring system		\$900

ATTACHMENT B

Summary of Fee Survey Results

The information in this Appendix was gathered by contacting the program managers in each state and by researching information available on the Internet.

ATTACHMENT B

Summary of Fee Survey Results

NPDES Program Funding and Fee Survey

I. Contact Information

- A. Delaware:** R. Peder Hansen (302-739-5731) (rhansen@state.de.us)
- B. Georgia:** Larry Hodges (404-675-6240) or Mike Creason (404-362-2680)
- C. Kentucky:** Bruce Scott (502-564-3410) (bruce.scott@mail.state.ky.us)
- D. Maryland:** Ed Stone (410-631-3323) (estone@mde.state.md.us)
- E. New Jersey:** Narinder K. Ahuja (609-292-4543) (nahuja@dep.state.nj.us) Mike Dillon 609-984-4420 (annual water fee report)
- F. North Carolina:** Alan Klimek (919-733-7015, Ext. 203) (alan.klimek@ncmail.net)
- G. Pennsylvania:** Lynn Langer (717-787-5259) (llanger@state.pa.us)
- H. South Carolina:** Rick Nuzum (803-898-4034) (nuzumjr@dhec.state.sc.us)
- I. Tennessee:** Paul E. Davis (615-532-0625) (ask.tdec@state.tn.us)
- J. Virginia:** Martin G. Ferguson (804-698-4039) (mgferguson@deq.state.va.us)
- K. West Virginia:** Pravin G. Sangani, PE (304-558-4086) (Psangani@Mail.dep.state.wv.us)

II. Program Specific Information

- (1) Do you collect NPDES permit application fees? If so, please provide the fee schedule and explain what factors are considered. If your permit terms are something other than 5 years, please provide that information as well.

- A. Delaware:** No
- B. Georgia:** No information provided
- C. Kentucky:** Yes. \$1,000 - 3,200 (industrials). \$450 - 1,800 siting fee for municipals.
- D. Maryland:** Yes. (no charge to local governments) \$50 - \$20,000 based on formula that considers type and volume of waste.
- E. New Jersey:** No.
- F. North Carolina:** The annual fee is submitted with an application for a new facility and fees for major permit modifications range from \$215 (minor discharges) to \$660 (major discharges).
- G. Pennsylvania:** Yes. \$500 for Part I (five year terms) and \$500 for Part II.
- H. South Carolina:** No. An annual fee is submitted with a permit application for the current year and is not prorated.
- I. Tennessee:** No.
- J. Virginia:** Yes. Fees range from \$600 for general permit coverage to \$24,000. Fee caps are set by statute and on 7/1/04 will revert to levels 1/3 their current amounts.
- K. West Virginia:** Yes. Fees are calculated by multiplying Volume Fee x Facility Factor x Waste Factor.

ATTACHMENT B

Summary of Fee Survey Results

(2) Do you collect annual fees from NPDES permit holders? If so, please provide the fee schedule and explain what factors are considered.

- A. Delaware:** Yes (no charge to local governments). Major Industrial = \$7,000 per year; minor industrial = \$2,250 per year; minor municipal (privately owned) = \$3,000; stormwater indiv. = \$2,500 per year; stormwater gp = \$150 per year.
- B. Georgia:**
- C. Kentucky:** No
- D. Maryland:** Yes. (no charge to local governments). \$100 - 5,000
- E. New Jersey:** Yes. Actual fees are based upon a formula that adds an environmental impact fee to the minimum annual fee. Environmental impact fees consider location of discharge, type of pollutants, volume of pollutants and heat value. Minimum annual fees are \$300 - 6,700.
- F. North Carolina:** Yes. Major NPDES = \$2,865 per year; Minor NPDES = \$715 per year. Surcharge is imposed for facilities operating under consent orders.
- G. Pennsylvania:** No.
- H. South Carolina:** Yes. Fees range from \$530 - \$2,600 for facilities with 5 or less outfall pipes. Facilities with more than five outfall pipes pay a base fee of \$1,600 plus \$800 for each pipe over 5.
- I. Tennessee:** Yes. Fees range from \$500 - \$7,500 depending on the volume of discharge and the SIC classification of the facility.
- J. Virginia:** No.
- K. West Virginia:** Yes.

(3) Do you collect any other fees that are used to support your NPDES permit program? If so, please provide the fee amounts and explain what factors are considered.

- A. Delaware:** No
- B. Georgia:**
- C. Kentucky:** No
- D. Maryland:** No
- E. New Jersey:** No
- F. North Carolina:** Yes. Facilities subject to an enforcement action (consent order) must pay a "project fee" of \$400. An additional annual fee is collected from facilities operating under enforcement orders. Major discharges pay an additional \$500 per year and minor discharges pay an additional \$250 per year.
- G. Pennsylvania:** No.
- H. South Carolina:** Yes. Facilities must obtain construction permits and pay associated fees ranging from \$700 - \$1,050.
- L. Tennessee:** Yes. Plan Review Fees range from \$250 - \$1,500 depending on the design flow capacity of the facility and are submitted for any new facility or for permit amendment.
- I. Virginia:** No.
- J. West Virginia:** No.

ATTACHMENT B

Summary of Fee Survey Results

(4) Describe any factors (such as compliance history, toxicity of the effluent, water quality status of the receiving waters) that are used to increase or decrease the fees assessed?

- A. Delaware:** Size of the operation. Local government permittees do not pay fees. Fees are set by statute.
- B. Georgia:**
- C. Kentucky:** Fees are based upon volume and type of discharge.
- D. Maryland:** Type and volume of discharge
- E. New Jersey:** Prorated share of program costs based upon category of facility plus environmental impact
- F. North Carolina:** Size of the discharge.
- G. Pennsylvania:** No information provided
- H. South Carolina:** Fee amounts are based on the number of outfalls, not the volume of discharge.
- I. Tennessee:** Design flow, volume of discharge, and the Standard Industrial Code classification.
- J. Virginia:** Fees are based on category of facility.
- K. West Virginia:**

(5) Please provide the regulatory or statutory citation for permit fees or other types of fees used to support the NPDES program in your state.

- A. Delaware:** 7 Del. Code 4701.A.
- B. Georgia:**
- C. Kentucky:** 410 KAR 5:055
- D. Maryland:** COMAR 26.08.11
- E. New Jersey:** NJAC 7:14A-3
- F. North Carolina:**
- G. Pennsylvania:** 25 Pa. Code Chapt. 92
- H. South Carolina:** SC Regulation R.61-30
- I. Tennessee:** TNR 1200-4-11
- J. Virginia:** 9VAC25-20-10
- K. West Virginia:** Title 47, Series 26 of WV Legislative Rules (Chapt 22, Art. 11)

(6) Please provide either a hard copy or the web-address where the text can be found.

- A. Delaware:** <http://www.dnrec.state.de.us>
- B. Georgia:**
- C. Kentucky:** <http://www.water.ner.state.ky.us/dodw/dwkpdes>
- D. Maryland:** <http://www.mde.state.md.us>; <https://constmail.gov.state.md.us/comar>
- E. New Jersey:**
- F. North Carolina:** <http://h2o.enr.state.nc.us/feesched.html>
- G. Pennsylvania:** <http://www.dep.state.pa.us/dep>
- H. South Carolina:** <http://www.scdhec.net/eqc/water/npdesfees.html>
- I. Tennessee:** <http://www.state.tn.us/environment/permits/npdes> ;
<http://www.state.tn.us/sos/rules/1200/1200.htm>

ATTACHMENT B

Summary of Fee Survey Results

J. Virginia: <http://leg1.state.va.us/00/reg/TOCO9025>

K. West Virginia: <http://www.state.wv.us/csr>

(7) Please provide information on the total amount of NPDES program fees that would be paid to the state in a typical year and over a ten-year period for the following example facilities. If you need to make any assumptions to answer this question, please include that information.

(a) Facility #1: a major industrial facility discharging 4 MGD

A. Delaware: \$7,000 per year annual fee / \$70,000 over 10 years

B. Georgia:

C. Kentucky: \$3,200 application or renewal fee (5 year terms) / \$6,400 over 10 years

D. Maryland: \$20,000 application or renewal (5 year terms) / \$5,000 per year annual fee / \$90,000 over 10 years

E. New Jersey:

F. North Carolina: \$2,865 per year / \$28,650 over 10 years (assuming no modifications and no enforcement actions)

G. Pennsylvania: \$1,000 application fee and \$500 renewal fee / \$2,000 over 10 years

H. South Carolina: if <5 outfall pipes: \$1,050 construction / \$2,130 per year / 22,350 over 10 years. If 8 outfall pipes: \$1,050 construction / \$4,000 per year / 41,050 over 10 years.

I. Tennessee: \$1,500 plan review fees / \$6,250 per year / \$64,000 over ten years (assuming only one modification or plan review)

J. Virginia: \$24,000 application fee (5 year terms) / \$48,000 over 10 years (note that the current fee amounts are scheduled to be reduced by 2/3 on 7/1/04)

K. West Virginia: \$5,000 renewal fee (5 year term) / \$5,000 per year / \$59,000 for 10 years (assuming major industrial facility discharging process waste)

(b) Facility #2: a major municipal facility discharging 4 MGD

A. Delaware: (if owned by local government) \$0

B. Georgia:

C. Kentucky: \$1,800 for construction permit / \$0 per year / \$1,800 over 10 years

D. Maryland: \$0

E. New Jersey:

F. North Carolina: \$2,865 per year / \$28,650 over 10 years (assuming no modifications and no enforcement actions)

L. Pennsylvania: \$1,000 application fee and \$500 renewal fee / \$2,000 over 10 years

G. South Carolina: if <5 outfall pipes: \$1,050 construction / \$2,130 per year / 22,350 over 10 years. If 8 outfall pipes: \$1,050 construction / \$4,000 per year / 41,050 over 10 years.

H. Tennessee: \$1,000 plan review fee / \$7,000 per year / \$71,000 for 10 years (assuming only one plan review)

I. Virginia: \$21,300 application fee (5 year term) / \$42,600 for 10 years (note that application fees will be decreased on 7/1/04)

ATTACHMENT B
Summary of Fee Survey Results

J. West Virginia: \$2,150 renewal fee (5 year term) / \$2,500 per year / \$29,300 over 10 years.

(c) Facility #3: a minor industrial facility discharging 40,000 gallons per day

A. Delaware: \$2,250 annual fee / \$22,500 for ten years.

B. Georgia:

C. Kentucky: \$2,100 application fee (5 year term) / \$4,200 over ten years

D. Maryland: \$600 application fees / 1,000 annual fees / 10,600 over ten years (assume 1-industry factor +2 use factor)

E. New Jersey:

F. North Carolina: \$715 per year / \$7,150 over 10 years (assuming no modifications and no enforcement actions)

M. Pennsylvania: \$1,000 application fee and \$500 renewal fee / \$2,000 over 10 years

G. South Carolina: \$1,050 construction fee / \$530 per year / \$6,350 over 10 years

H. Tennessee: \$500 plan review fee / \$1,000 per year / \$10,500 over 10 years assuming only one plan review)

I. Virginia: \$6,600 application fee (5 year term) / \$13,200 over 10 years (note that permit application fees will decrease on 7/1/04)

J. West Virginia: \$3,000 renewal fee (5 year terms) / \$2,000 per year / \$26,000 over 10 years

(d) Facility #4: a minor municipal facility discharging 40,000 gallons per day

A. Delaware: (if owned by local government) \$0

B. Georgia:

C. Kentucky: \$1,800 construction permit / \$1,800 over ten years

D. Maryland: \$0

E. New Jersey:

F. North Carolina: \$715 per year / \$7,150 over 10 years (assuming no modifications and no enforcement actions)

N. Pennsylvania: \$1,000 application fee and \$500 renewal fee / \$2,000 over 10 years

K. South Carolina: \$1,050 construction fee / \$530 per year / \$6,350 over 10 years

G. Tennessee: \$250 plan review fee / \$2,500 annual fees / \$25,250 over 10 years (assuming only one plan review)

H. Virginia: \$6,000 application fee (5 year term) / \$60,000 over 10 years (note that application fees will decrease on 7/1/04)

I. West Virginia: \$510 renewal fee (5 year terms) / \$100 annual fee / \$2020 over 10 years

(e) Facility #5: an industrial site covered by a stormwater general permit.

A. Delaware: \$150 annual fee / \$1,500 for ten years.

B. Georgia:

C. Kentucky: \$0

D. Maryland: \$550 application fee (5 year terms) / \$1,100 over ten years

ATTACHMENT B

Summary of Fee Survey Results

- E. New Jersey:**
 - F. North Carolina:** \$420 state stormwater project fee / \$80 per year / \$1,220 over 10 years
 - G. Pennsylvania:** \$100 application fee (5 year term) / \$200 over 10 years
 - H. South Carolina:** \$100 application fee (5 year term) / \$200 over 10 years
 - I. Tennessee:** \$300 per year / \$3,000 over 10 years (assuming 5-10 acre site)
 - J. Virginia:** \$600 application fee (5 year term) / \$1,200 over ten years (note that application fees will decrease on 7/1/04)
 - K. West Virginia:** \$360 renewal fee (5 year term) / \$1,000 annual fee / \$10,700 over 10 years (assuming uncontaminated stormwater)
- (f) Facility #7: a facility receiving coverage under a storm water general construction general permit (5 acres or less of impacts)
- A. Delaware:** \$150 annual fee / \$1,500 for ten years (if construction continues for ten years)
 - B. Georgia:**
 - C. Kentucky:** \$0 / \$0
 - D. Maryland:** \$0
 - E. New Jersey:**
 - F. North Carolina:** \$420 state stormwater project fee / \$80 per year / \$1,220 over 10 years (if construction continues for 10 years)
 - G. Pennsylvania:** \$100 application or renewal fee / \$200 over 10 years
 - H. South Carolina:** \$100 application fee (5 year term) / \$200 over 10 years
 - I. Tennessee:** \$250 application fee / \$500 over 10 years (assuming 5-10 acre site and construction continued for more than 5 years)
 - J. Virginia:** \$600 application fee (5 year term) / \$1,200 over 10 years (assuming the project continues for the full 10 years. If not, the fee amount is prorated) (Note that application fees will decrease on 7/1/04)
 - L. West Virginia:** \$360 renewal fee (5 year term) / \$1,000 annual fee / \$10,700 over 10 years (assuming uncontaminated stormwater)

Permits for the Land Application of Waste

- (1) Do you collect permit application fees for the land application of waste? If so, please provide the fee schedule and explain what factors are considered.
- A. Delaware:** No
 - B. Georgia:**
 - C. Kentucky:** Yes
 - D. Maryland:** Yes. (no charge to local governments) \$50 - \$20,000
 - E. New Jersey:**
 - F. North Carolina:** No.
 - G. Pennsylvania:** No information provided.

ATTACHMENT B

Summary of Fee Survey Results

- H. South Carolina:** No. An annual fee for the current year is submitted with all applications and is not prorated.
- I. Tennessee:** No.
- J. Virginia:** Yes. Fees range from \$750 - 10,500. (Fee amounts will decrease on 7/1/04)
- K. West Virginia:** Yes. Based upon the volume pumped per year.

(2) Do you collect annual fees from land application permit holders? If so, please provide the fee schedule and explain what factors are considered.

- A. Delaware:** major (>200,000 gpd) = \$4,500 per year; minor sludge = \$2,000 per year
- B. Georgia:**
- C. Kentucky:** Yes. \$300
- D. Maryland:** Yes. Yes. (no charge to local governments). \$100 - 5,000
- E. New Jersey:**
- F. North Carolina:** Yes. "No-discharge" activities must pay annual fees ranging from \$375 - 1,090. Animal feeding operations must pay annual fees ranging from \$50 - 300.
- G. Pennsylvania:** No.
- H. South Carolina:** Yes. Fees range from \$530 - \$2,660 based for permits covering five or fewer application sites (based on volume). For permits covering more than five application sites, a base fee of \$1,600 plus \$800 per site is paid.
- I. Tennessee:** Yes. Fees are \$250 for small operations and \$1,000 for larger operations
- J. Virginia:** No.
- K. West Virginia:** Yes. Fee is calculated with the following formula: (# gallons x \$75.00) / 100,000.

(3) Do you collect any other fees that are used to support the permit program? If so, please provide the fee amounts and explain what factors are considered.

- A. Delaware:** No
- B. Georgia:**
- C. Kentucky:** No
- D. Maryland:** No
- E. New Jersey:**
- K. North Carolina:** Yes. Facilities subject to an enforcement action (consent order) must pay a "project fee" of \$400. An additional annual fee is collected from facilities operating under enforcement orders. Major discharges pay an additional \$500 per year and minor discharges pay an additional \$250 per year.
- F. Pennsylvania:** No.
- G. South Carolina:** No.
- H. Tennessee:** No.
- I. Virginia:** No.
- J. West Virginia:** No.

ATTACHMENT B
Summary of Fee Survey Results

(4) Please provide the regulatory or statutory citation for permit fees or other types of fees used to support the program in your state.

- A. Delaware:** 7 Del. Code 4702.A.
- B. Georgia:**
- C. Kentucky:** 401 KAR 48:200
- D. Maryland:** COMAR 26.08.04.11
- E. New Jersey:**
- F. North Carolina:**
- G. Pennsylvania:** 25 PA Code Chapt. 92
- H. South Carolina:** SC Regulation R.61-30
- I. Tennessee:** TNR 1200-4-11
- J. Virginia:** 9 VAC 25-20-10
- K. West Virginia:** NA

(5) Please provide either a hard copy or the web-address where the text can be found.

- A. Delaware:** <http://www.dnrec.state.de.us>
- B. Georgia:**
- C. Kentucky:**
- D. Maryland:**
- E. New Jersey:**
- F. North Carolina:**
- G. Pennsylvania:** <http://www.dep.state.pa.us/dep>
- H. South Carolina:** <http://scdhec.net/eqc/water/html/landfees>
- I. Tennessee:** <http://www.state.tn.us/sos/rules/1200/1200.htm>
- J. Virginia:** <http://www.leg1.state.va.us/000/reg/TOC09025>
- K. West Virginia:** <http://www.state.wv.us/csr>

(6) Please provide information on the total amount of program fees that would be paid to the state in a typical year and over a ten-year period for the following example permits. If you need to make any assumptions to answer this question, please include that information.

(a) A permit to apply biosolids on up to 5 tons per acre over 100 acres.

- A. Delaware:** \$4,500 per year / \$45,000 over ten years
- B. Georgia:**
- C. Kentucky:** \$6,000 application / \$300 per year / \$9,000 over ten years
- D. Maryland:**
- E. New Jersey:**
- F. North Carolina:** \$1,090 per year / \$10,090 over ten years (assuming no modifications and no enforcement actions)
- G. Pennsylvania:**
- H. South Carolina:**
- I. Tennessee:** \$1,000 per year / \$10,000 over 10 years
- J. Virginia:** \$7,500 application fee (10 year term) / \$7,500 over 10 years

ATTACHMENT B
Summary of Fee Survey Results

K. West Virginia: \$5 per dry ton per acre = \$2,500

(b) A permit to manage and land apply animal waste from a confined animal feeding operation with 200 cows.

A. Delaware: \$150 annual fee / \$1,500 over ten years

B. Georgia:

C. Kentucky: \$1,200 application or renewal / \$2,400 over ten years

D. Maryland: \$0

E. New Jersey:

F. North Carolina: \$300 per year / \$3,000 over ten years (assuming no modifications and no enforcement actions)

G. Pennsylvania: No information provided

H. South Carolina: \$340 application fee (5 year term) / \$300 per year / \$3,340 over ten years

I. Tennessee: \$0

J. Virginia: \$0

K. West Virginia: No (new fees are being considered)

III. Program Cost Information

How many major and minor facilities are covered by your NPDES program?

A. Delaware: 15 major industrial / 24 minor industrial and 8 major municipal / 15 minor municipal

B. Georgia:

C. Kentucky: 251 Municipal / 771 Industrial

D. Maryland: 2,309 (98 Majors / 500 Minors / 1,711 General Permits)

E. New Jersey: report pending

F. North Carolina: 1078 Municipal / 546 Industrial

G. Pennsylvania: No information provided

H. South Carolina:

I. Tennessee: 1700

J. Virginia: 1,221 active VPDES individual permits / 147 individual VPA permits

K. West Virginia: Industrial: 53 Major / 255 Minor. Municipal: 39 Major / 284 Minor / 4,760 general permits

How many people work in the NPDES permitting, compliance/inspections, and enforcement programs?

A. Delaware: 14

B. Georgia:

C. Kentucky: 18

D. Maryland: 332 (Total Water Division)

E. New Jersey:

F. North Carolina: 35

ATTACHMENT B

Summary of Fee Survey Results

- G. Pennsylvania:**
- H. South Carolina:**
- I. Tennessee:** 50
- J. Virginia:** 140 (includes VPDES / VPA / VWP)
- K. West Virginia:** 83 (Permitting: 34; Compliance: 5; Enforcement: 44)

What are your total direct costs for permitting, compliance, and enforcement staff. Direct costs include salaries, benefits, training, and travel for these staff?

- A. Delaware:** \$1,000,000
- B. Georgia:**
- C. Kentucky:** \$4,000,000
- D. Maryland:** \$30,000,000 (total program costs)
- E. New Jersey:**
- F. North Carolina:**
- G. Pennsylvania:**
- H. South Carolina:**
- I. Tennessee:** \$12,000,000 (total program costs). Approximately 1/2 - 3/4 is spent on NPDES
- J. Virginia:** \$8,800,000 (FY02)
- K. West Virginia:** \$2,893,000

What percentage of direct program costs do fees cover?

- A. Delaware:** 35%
- B. Georgia:**
- C. Kentucky:** 10.3%
- D. Maryland:**
- E. New Jersey:** 100%
- F. North Carolina:** <20%
- G. Pennsylvania:** 20%
- H. South Carolina:**
- I. Tennessee:** 40% (of total program costs)
- J. Virginia:** 11.4% (FY02) (note that fee amounts have been temporarily increased for FY03 and FY04)
- K. West Virginia:** 93%

IV. Increased Efficiencies or Savings from Use of Technology

Has your state realized (or do you anticipate) any service efficiencies or cost savings for your program from the use of technology? If so, please describe below and, if possible, quantify the benefits.

- A. Delaware:** None identified.
- B. Georgia:**

ATTACHMENT B

Summary of Fee Survey Results

- C. Kentucky:** None identified
- D. Maryland:** None identified
- E. New Jersey:**
- F. North Carolina:** None identified
- G. Pennsylvania:** None identified
- H. South Carolina:**
- I. Tennessee:** None identified
- J. Virginia:** Virginia has developed a database that is used to track permit issuance, inspections and compliance. The service efficiencies and/or cost savings associated with the introduction, development, and on-going implementation and use of CEDS have not been quantified.
- K. West Virginia:** WVDEP developed the ERIS Database that makes facility information more readily available to the public and to permit writers, thus saving staff time. The agency is evaluating the submission of electronic DMRs and permit applications.

ATTACHMENT B

Summary of Fee Survey Results

401 Certification / Tidal Wetlands Program Funding and Fee Survey(s)

II. contact information (name, title, phone, email, address)

- M. Delaware:** William Moyer (302-739-4691) (wmoyer@dnrec.state.de.us)
- N. Georgia:** Larry Hodges (404-675-6240)
- O. Kentucky:** John Dovak (502-564-2225, Ext. 485) (john.dovak@mail.state.ky.us)
- P. Maryland:** Richard J. Ayella (410-631-8075) (rayella@mde.state.md.us)
- Q. New Jersey:** Narinder K. Ahuja (609-292-4543) (nahuja@dep.state.nj.us)
- R. North Carolina:** John Dorney (919-733-9646) (john.dorney@ncmail.net)
- S. Pennsylvania:** Frank Payer (717-772-5994) (fpayer@state.pa.us)
- T. South Carolina:** Quinton Epps (803-898-4249) (epps bq@dhec.state.sc.us)
- U. Tennessee:** Daniel C. Eagar (615-532-0708) (ask.tdec@state.tn.us)
- V. Virginia:** Martin G. Ferguson (804-698-4039) (mgferguson@deq.state.va.us)
- W. West Virginia:** Allyn Turner (304-558-2107) (aturner@dep.state.wv.us)

II. Program Specific Information

(1) Do you charge application fees for state §401 Certification? If yes, please provide the fee schedule and describe the factors that are considered.

- A. Delaware:** Yes. \$225
- B. Georgia:**
- C. Kentucky:** No.
- D. Maryland:** Yes. \$50 - 500 depending on the purpose of the project.
- E. New Jersey:**
- F. North Carolina:** Yes. \$200 for impacts less than one acre and \$475 for larger impacts
- G. Pennsylvania:** No.
- H. South Carolina:** Yes. \$500 individual permit, \$50 for general permit
- I. Tennessee:** Yes. \$50 - 2,500
- J. Virginia:** Yes. \$600 - 9,000 (fee amounts will decrease on 7/1/04)
- K. West Virginia:** No.

(2) If different from the §401 certification, do you charge application fees for permits governing impacts to nontidal wetlands? If yes, please provide the fee schedule and explain the factors that are considered.

- A. Delaware:** No.
- B. Georgia:**
- C. Kentucky:** No.
- D. Maryland:** No. Local fees may apply.
- E. New Jersey:**
- F. North Carolina:** No.
- G. Pennsylvania:** No.
- H. South Carolina:** No

ATTACHMENT B
Summary of Fee Survey Results

- I. Tennessee:** No
- J. Virginia:** No
- K. West Virginia:** No

(3) Do you use any other fees to support your state §401 certification program or your state nontidal wetlands program? If yes, please provide the fee schedule and explain the factors that are considered.

- A. Delaware:** No.
- B. Georgia:**
- C. Kentucky:** No.
- D. Maryland:** No.
- E. New Jersey:**
- F. North Carolina:** No.
- G. Pennsylvania:** No.
- H. South Carolina:** No.
- I. Tennessee:** No
- J. Virginia:** No
- K. West Virginia:** No

(4) Please provide the regulatory or statutory citation for permit fees or other types of fees used to support the §401 Certification or nontidal wetlands program in your state.

- A. Delaware:** HB1991 / HB360
- B. Georgia:**
- C. Kentucky:** N/A
- D. Maryland:** COMAR 26.24
- E. New Jersey:**
- F. North Carolina:** N/A
- G. Pennsylvania:** None
- H. South Carolina:** SC R61-101
- I. Tennessee:** TN R1200-4-11
- J. Virginia:** 9VAC25-20-10
- K. West Virginia:**

(5) Please provide either a hard copy or the web-address where the text of these requirements can be found.

- A. Delaware:** No information provided
- B. Georgia:**
- C. Kentucky:** <http://www.water.ner.state.ky.us>
- D. Maryland:** http://www.mde.state.md.us/permit/permit_guide98/water02.html
- E. New Jersey:**
- F. North Carolina:** <http://www.h2o.dnr.state.nc.us/ncwetlands>
- G. Pennsylvania:** www.dep.state.pa.us/dep/efacts/
- H. South Carolina:** <http://www.scdhec.net/eqc/water>

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Summary of Fee Survey Results

- I. Tennessee:** <http://www.state.tn.us/environment/permits/arap.htm>
- J. Virginia:** <http://www.deq.state.va.us/pdf/watrregs/feereg.pdf>
- K. West Virginia:**

(6) Please provide information on the total amount of program fees that would be paid to the state for the following example projects. If annual fees or renewal fees are collected, please include estimates of the cost over the life of the project or ten years, whichever is less. If you need to make any assumptions to answer this question, please include that information.

(a) Project # 1: Cogeneration facility with 5 MGD water withdrawal

- A. Delaware:** No information provided
- B. Georgia:**
- C. Kentucky:** \$0
- D. Maryland:** the department of utilities sets fees, but no revenue is realized by DNR.
- E. New Jersey:**
- F. North Carolina:** No information provided
- G. Pennsylvania:** No information provided
- H. South Carolina:** No information provided
- I. Tennessee:** \$2,500
- J. Virginia:** \$9,000 application fee / \$9,000 for 10 years
- K. West Virginia:** No information provided

(b) Project #2: Multiuse development project with 10.5 acres of wetlands impacts and impacts to 600 feet perennial stream and 2400 feet intermittent stream

- A. Delaware:** \$225
- B. Georgia:**
- C. Kentucky:** \$0
- D. Maryland:** \$500
- E. New Jersey:**
- F. North Carolina:** \$475
- G. Pennsylvania:** \$0
- H. South Carolina:** \$500
- I. Tennessee:** \$2,500
- J. Virginia:** \$9,000 application fee
- K. West Virginia:**

(c) Project #3: Subdivision with 2.5 acres of wetland impacts and 100 l.f. of perennial stream impacts

- A. Delaware:** \$225
- B. Georgia:**
- C. Kentucky:** \$0
- D. Maryland:** \$500
- E. New Jersey:**

ATTACHMENT B
Summary of Fee Survey Results

- F. North Carolina:** \$475
- G. Pennsylvania:** \$0
- H. South Carolina:** \$500
- I. Tennessee:** \$1,000
- J. Virginia:** \$6,300 application fee
- K. West Virginia:**

(d) Project #4: Roadway project with 0.75 acre of wetland impacts and 150 l.f. of perennial stream impacts

- A. Delaware:** \$225
- B. Georgia:**
- C. Kentucky:** \$0
- D. Maryland:** \$250
- E. New Jersey:**
- F. North Carolina:** \$200
- G. Pennsylvania:** \$0
- H. South Carolina:** \$50
- I. Tennessee:** \$1,000
- J. Virginia:** \$1,200 application fee
- K. West Virginia:**

V. Program Cost Information

How many permits/certifications do you issue each year?

- A. Delaware:** No information provided
- B. Georgia:**
- C. Kentucky:** No information provided
- D. Maryland:** No information provided
- E. New Jersey:**
- F. North Carolina:** 2,100
- G. Pennsylvania:** No information provided
- H. South Carolina:** No information provided
- I. Tennessee:** No information provided
- J. Virginia:** 157 in FY02 / 683 projected for FY03
- K. West Virginia:** No information provided

How many people work in the permitting, compliance/inspections, and enforcement programs?

- A. Delaware:** 5
- B. Georgia:**
- C. Kentucky:** 5
- D. Maryland:** No information provided
- E. New Jersey:**
- F. North Carolina:** 22

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Summary of Fee Survey Results

- G. Pennsylvania:** No information provided
- H. South Carolina:** No information provided
- I. Tennessee:** No information provided
- J. Virginia:** 36
- K. West Virginia:** No information provided

What are your total direct costs for permitting, compliance, and enforcement staff. Direct costs include salaries, benefits, training, and travel for these staff?

- A. Delaware:** No information provided
- B. Georgia:**
- C. Kentucky:** No information provided
- D. Maryland:** No information provided
- E. New Jersey:**
- F. North Carolina:** No information provided
- G. Pennsylvania:** No information provided
- H. South Carolina:** No information provided
- I. Tennessee:** No information provided
- J. Virginia:** \$2.3 million
- K. West Virginia:** No information provided

What percentage of direct program costs do fees cover?

- A. Delaware:** No information provided
- B. Georgia:**
- C. Kentucky:** 0
- D. Maryland:** 0
- E. New Jersey:**
- F. North Carolina:** 20% (statute caps at 33%)
- G. Pennsylvania:** 0
- H. South Carolina:** No information provided
- I. Tennessee:** No information provided
- J. Virginia:** 29% FY03 (projected) / 45% FY04 (projected) (note that fee amounts will decrease for FY05)
- K. West Virginia:** 0

VI. Increased Efficiencies or Savings from Use of Technology

Has your state realized (or do you anticipate) any service efficiencies or cost savings for your program from the use of technology? If so, please describe below and, if possible, quantify the benefits.

- A. Delaware:** None identified.
- B. Georgia:**
- C. Kentucky:** None identified
- D. Maryland:** None identified

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- E. New Jersey:**
- F. North Carolina:** Some have been implemented, but savings cannot be quantified.
- G. Pennsylvania:** None identified
- H. South Carolina:** None identified
- I. Tennessee:** None identified
- J. Virginia:** Permit information and forms are available on DEQ's website, but the savings realized from this have not been quantified.
- K. West Virginia:** None identified

ATTACHMENT B Summary of Fee Survey Results

Hazardous Waste Program Funding and Fee Survey(s)

III. contact information (name, title, phone, email, address)

- X. Delaware:** Nancy Marker (302-739-3689)
- Y. Georgia:** Tim Cash (404-657-8600) (tcash@dnr.state.ga.us)
- Z. Kentucky:** Michael V. Welch (502-564-6716) (mike.welch@mail.state.ky.us)
- AA. Maryland:** Harold Dye (410-631-3345) (hdye@mde.state.md.us) or Ed Hammerbers (410-631-3345) (ehammerbers@mde.state.md.us)
- BB. New Jersey:** John Castner (609-984-6880) (jcastner@dep.state.nj.us) or Norine Binder (609-984-2014) (nbinder@dep.state.nj.us)
- CC. North Carolina:** Jill Pafford (919-733-4996, Ext. 219) (jill.pafford@ncmail.net)
- DD. Pennsylvania:** Edward Karmilovich (717-787-6239) (ekarmilovi@state.pa.us)
- EE. South Carolina:** John Litton (803-896-4172) (littonjt@dhec.state.sc.us)
- FF. Tennessee:** William Krispin (615-532-0854) (William.Krispin@state.tn.us)
- GG. Virginia:** Leslie Romanchik (804-698-4129) (laromanchik@deq.state.va.us)
- HH. West Virginia:** Carroll Cather (304-558-2505) (ccather@dep.state.wv.us)

II. Program Specific Information

- (1) Does your state collect permit application fees for hazardous waste management facilities?
If so, please include a fee schedule and information on what factors are considered.

- A. Delaware:** YES: \$7,000
- B. Georgia:** NO
- C. Kentucky:** YES: Hazardous waste permitting fees are charged in accordance with 401 KAR 39:120 and KRS 224.46.016/Filing Fee - 20% of Permit Review Fee/Permit Review Fees: Incinerator - \$19,400; Waste Pile - \$12,200; Land Treatment - \$15,800; Landfill - \$15,000/Investigation Fee - Equal to Review Fee not to exceed \$14,500
- D. Maryland:** YES: \$2,000 for a new or previously unpermitted storage facility; \$3,000 for a new or previously unpermitted treatment facility; \$5,000 for a new or previously unpermitted incinerator; \$10,000 for a new or previously unpermitted land disposal unit.
- E. New Jersey:** YES: \$60,355 - Land Disposal; \$32,764 - Storage and/or treatment; \$137,955 - Incinerators with trial burn; \$120,711 - Incinerators w/o trial burn.
- F. North Carolina:** YES: \$10,000 - Storage Facility; \$15,000 - Treatment Facility; \$25,000 - Disposal Facility
- G. Pennsylvania:** YES: \$36,000 - Storage Facility (Commercial); \$14,000 - Storage Facility (Captive)
- H. South Carolina:** NO
- I. Tennessee:** YES: Part A Application: \$400 - Existing Facility/\$2,00 - New Facility; Part B Application for on-site facility: \$10,000 - Storage Facility/\$10,000 - Treatment Facility/\$20,000 - Disposal Facility/\$20,000 - Landfill Facility; Part B Application for commercial facility: \$25,000 - Storage Facility/\$25,000 - Treatment Facility/\$40,000 - Disposal Facility/\$40,000 - Landfill Site.
- J. Virginia:** YES: Base Application Fee - \$9,720 (New Regulations - \$29,160)

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Summary of Fee Survey Results

K. West Virginia: YES: Landfill <1,000 tons/year - \$15,000/1,000 tons or greater per year - \$25,000/Storage <1,000 tons capacity - \$5,000/1,000 tons or greater capacity - \$7,500; Treatment<1,000 tons per year - \$5,000/1,000 tons or greater per year - \$7,500

(2) Does your state collect any annual fees or other fees from permitted hazardous waste management facilities that are used to support program costs? If so, please include a fee schedule and information on what factors are considered.

A. Delaware: YES: \$50 to \$40,000; depending on volume

B. Georgia: YES: Small Quantity (Less Than 2200 pounds of hazardous waste per month): \$115; Large Quantity (Greater than 2,200 pounds of hazardous waste in one or more months) based on Final Management Method: Waste Shipped off-site - \$23/ton for disposal or incineration; \$18/ton for treatment or storage and \$10.35/ton if the waste is treated off-site by being burned for energy recovery. Waste Handled On-site - \$11.50/ton for disposal; \$4.60/ton for treatment and \$2.90/ton if burned for energy recovery. (No LQG is allowed to pay more than \$75,000 for fees in a calendar year.)

C. Kentucky: YES: Annual fees are collected from all hazardous waste generators in accordance with KRS 224.46.012. These fees do not support program costs, however. All fees collected from permitting activities, annual registration, etc. are deposited in the general fund. Fees are based on the number of waste streams and are equal to the cost of the review but shall not exceed \$300 for one (1) to five (5) waste streams.

D. Maryland: YES: \$12,000 to \$45,000

E. New Jersey: NO: Biennial Reporting Fees are collected: <1.1 tons of hazardous waste generated - \$34 for complete and accurate electronic reports/\$135 for incomplete and inaccurate electronic or paper reports; 1.1 tons or greater but <10 tons of hazardous waste generated - \$68 for complete and accurate electronic reports/\$270 for incomplete or inaccurate or paper reports; 10 tons or greater but <100 tons of hazardous waste generated - \$127 for complete and accurate electronic reports/\$507 for incomplete or inaccurate or paper reports; 100 tons or greater of hazardous waste generated - \$253 for complete and accurate electronic reports/\$1,013 for incomplete or inaccurate or paper reports; 150 tons or greater of hazardous waste generated - \$405 for complete and accurate electronic reports/\$1,621 for incomplete or inaccurate or paper reports.

F. North Carolina: YES: \$1,200; \$1,200 + \$1.75/ton for commercial.

G. Pennsylvania: YES: \$2,500 - Landfill; \$2,000 - Commercial Treatment; \$700 - Captive Treatment; \$550 - Storage; \$1,300 - Incinerator

H. South Carolina: YES: \$600 for hazardous waste management facilities.

I. Tennessee: YES: Facilities that receive only on-site hazwaste: \$4,000 + fee based on constructed design capacity in gallons from \$1,000 to \$5,000; Facilities that receive off-site hazwaste: \$8,000 + fee based on constructed design capacity in gallons from \$2,000 to \$10,000; Disposal Operations (Non-Commercial) \$6,000 + \$500/acre-foot of remaining design capacity of landfill operations + \$500/acre of remaining design capacity of land application operations + \$1/gallon per day for permitted injection

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Summary of Fee Survey Results

capacity (Total not to exceed \$15,000); Disposal Operations (Commercial) \$3,000 + \$1,000/acre-foot of remaining design capacity of landfill operations + \$1,000/acre of remaining land application operations + \$1/gallon per day for the permitted injection capacity (Total not to exceed \$50,000.).

J. Virginia: NO

K. West Virginia: NO: Proposed Legislation would establish a rate of \$3,000 per year.

(3) Does your state collect any fees from hazardous waste generators? If so, please include a fee schedule and information on what factors are considered.

A. Delaware: YES: \$21 per ton of hazardous waste generated that was disposed into or on any land; \$16 per ton of hazardous waste generated that was treated or disposed of, exclusive of land disposal and incineration, at a facility located off site from where the hazardous waste was generated; \$4 per ton of hazardous waste generated that was incinerated.

B. Georgia: YES: Small Quantity Generators (SQGs): \$115; Large Quantity Generators (LQGs) based on Final Management Method: Waste Shipped off-site - \$23/ton for disposal or incineration; \$18/ton for treatment or storage and \$10.35/ton if the waste is treated off-site by being burned for energy recovery. Waste Handled On-site - \$11.50/ton for disposal; \$4.60/ton for treatment and \$2.90/ton if burned for energy recovery. (No LQG is allowed to pay more than \$75,000 for fees in a calendar year.)

C. Kentucky: YES: All hazardous waste generators (large and small quantity generators, TSD facilities) are charged annual fees in accordance with KRS 224.46.012 in addition to assessment fees. The assessment fees are currently \$0.002/pound for solid hazardous waste sent off-site, \$0.001/pound for solid hazardous waste kept on-site, \$0.012/pound for liquid hazardous waste sent off-site, and \$0.006/pound for liquid hazardous waste kept on-site. Annual fees are equal to the cost of review but shall not exceed \$300 for one (1) to five (5) waste streams.

D. Maryland: NO

E. New Jersey: NO: Biennial Reporting Fees are collected: <1.1 tons of hazardous waste generated - \$34 for complete and accurate electronic reports/\$135 for incomplete and inaccurate electronic or paper reports; 1.1 tons or greater but <10 tons of hazardous waste generated - \$68 for complete and accurate electronic reports/\$270 for incomplete or inaccurate or paper reports; 10 tons or greater but <100 tons of hazardous waste generated - \$127 for complete and accurate electronic reports/\$507 for incomplete or inaccurate or paper reports; 100 tons or greater of hazardous waste generated - \$253 for complete and accurate electronic reports/\$1,013 for incomplete or inaccurate or paper reports; 150 tons or greater of hazardous waste generated - \$405 for complete and accurate electronic reports/\$1,621 for incomplete or inaccurate or paper reports.

F. North Carolina: YES: \$500 - 1,000 kilograms or more of hazardous waste in any calendar month + a tonnage fee of \$0.50 per ton or any part thereof up to a maximum of 25,000 tons; \$25 - 100 kilograms or more but <1,000 kilograms in any calendar month (Senate Bill 1259 would increase the fees from \$500 to \$750; from \$0.50 per ton to \$1.00 per ton; and \$25 to \$100.)

G. Pennsylvania: NO

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Summary of Fee Survey Results

H. South Carolina: NO

I. Tennessee: YES: SQG: \$1,000 + \$0.0075/pound of hazwaste shipped off-site/LQG: \$1,600 + \$0.0075/pound of Hazwaste shipped off-site

J. Virginia: NO

K. West Virginia: NO: Proposed legislation would establish rates of \$2,000 per year for Large Quantity Generators; \$200 per year for Small Quantity Generators; and \$24 per year for Conditionally Exempt Small Quantity Generators.

(4) Does your state charge for hazardous waste manifests? If so, please include a fee schedule and information on what factors are considered.

A. Delaware: YES: Recoup costs only.

B. Georgia: NO

C. Kentucky: NO

D. Maryland: NO

E. New Jersey: YES: \$10 per manifest

F. North Carolina: NO

G. Pennsylvania: NO

H. South Carolina: NO

I. Tennessee: NO

J. Virginia: NO

K. West Virginia: NO

(5) Does your state collect any fees from hazardous waste transporters? If so, please include a fee schedule and information on what factors are considered.

A. Delaware: YES: Application Fee + \$300 (Annual)

B. Georgia: NO: Fees are collected at the Hazardous Waste Facility.

C. Kentucky: NO

D. Maryland: YES: \$50 annually for each vehicle/\$20 annually for domiciled drivers

E. New Jersey: YES: Biennial Fees: \$40 - Each Hazardous Waste Cab; \$170 - Each Transport Unit w/attached cab; \$234 - Each Transportation Unit w/o a trailer with a capacity of >1 ton; \$274 - Each Transportation Unit with a trailer with a capacity >1 ton.

F. North Carolina: YES: \$600 annually.

G. Pennsylvania: YES: \$1.50/ton for hazwaste delivered to a recycler; \$3.00/ton for all other.

H. South Carolina: NO

I. Tennessee: YES: \$100 application fee + \$200 annual permit maintenance and renewal fee.

J. Virginia: The only fees that are collected from transporters are permit application fees. Permits are issued for 10 years and the fee currently is \$240 for transporters with terminals in Virginia and \$360 for transporters with no terminals in Virginia.

K. West Virginia: NO

(6) Please provide the regulatory and statutory citations for any fees identified.

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Summary of Fee Survey Results

- A. Delaware:** 7 Del C Section 6319
- B. Georgia:** Georgia Hazardous Site Response Act (HSRA) O.C.G.A. 12-8-95
- C. Kentucky:** 401 KAR 39:120. Application Fees; KRS 224.46-012 Registration fees for generation of hazardous waste; KRS 224.46-016 Fees for permit to construct or operate hazardous waste treatment, storage, or disposal facility
- D. Maryland:** Environmental Article - Title 7, Subtitle 2, Annotated Code of Maryland; COMAR 26.13.07
- E. New Jersey:** N.J.A.C 7:26G-3 Hazardous Waste Fees
- F. North Carolina:** GS 130A-294.1. Fees applicable to generators and transporters of hazardous waste, and to hazardous waste storage, treatment, and disposal facilities.
- G. Pennsylvania:** 35 P.S. 6020.903 263a.23, 24 and 25 PA. Code 264a.78. Hazardous waste management fee.
- H. South Carolina:** SC Hazardous Waste Management Act, Title 44, Chapter 55 and 56, SC Code of Laws, 1976, as amended
- I. Tennessee:** Tennessee Code Annotated Title 68 Chapter 212
- J. Virginia:** Code of Virginia Section 10.1-1402.1 and 9 VAC 20-60
- K. West Virginia:** Rule 33 CSR 24 and Rule 33 CSR 20. Chapter 22, Article 18 of WVCode

(7) Please provide the web-address where this information can be found.

- A. Delaware:** www.dnrec.state.de.us/DNREC2000/Divisions/AWM/hw/hw/drghw.htm
- B. Georgia:** NA
- C. Kentucky:** www.lrc.state.ky.us/legresou/legres2.htm
- D. Maryland:** <https://constmail.gov.state.md.us/comar/26/26.13.07.21.htm> and http://www.mde.state.md.us/permit/permit_guide98/waste.html
- E. New Jersey:** <http://www.state.nj.us/dep/dshw/hwr/>
- F. North Carolina:** <http://wastenot.enr.state.nc.us/hwhome/WEBRules/pdf/genstat1.PDF>
- G. Pennsylvania:** <http://www.pacode.com/secure/data/025/chapter264a/s264a.78.html> and <http://www.pacode.com/secure/data/025/chapter270a/s270a.3.html>
- H. South Carolina:** <http://www.scdhec.net/lwm/html/haz.html>
- I. Tennessee:** <http://198.187.128.12/tennessee/lpext.dll?f=templates&fn=fs-main.htm&2.0> and <http://www.state.tn.us/sos/rules/1200/1200-01/1200-01-11/1200-01-11.htm>
- J. Virginia:** <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+10.1-1402.1> ; <http://www.deq.state.va.us/waste/wastereg60.html> and <http://www.deq.state.va.us/waste/pdf/wstregs/ehzregs.pdf>
- K. West Virginia:** www.wvsos.com and www.wvsos.com/adlaw/proposed/proposedrules.htm for Proposed Rule 33 CSR 24

(8) Please provide information on the total amount of program fees that would be paid to the state in a typical year and over a ten-year period for the following example facilities. Please assume these are new facilities and include the initial permit application fee amount. If you need to make any other assumptions to answer this question, please include that information.

- (a) Facility #1: A Large Quantity Hazardous Waste Generator that sends 100 tons per year off-site for disposal

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Summary of Fee Survey Results

- A. Delaware:** Max: \$41,600 per year.
- B. Georgia:** \$2,300 per year.
- C. Kentucky:** \$2,700 per year for liquid/\$700 per year for solid waste.
- D. Maryland:** \$12,000 - \$45,000
- E. New Jersey:** \$801 Biennially
- F. North Carolina:** \$550/year (Note that fees are collected on the amount GENERATED, not just sent off for disposal, so the \$550/year [\$500 as LQG + \$50 for the tonnage] specified in this example is the minimum that would be charged this facility.)
- G. Pennsylvania:** \$0
- H. South Carolina:** No Response
- I. Tennessee:** \$3,100 per year
- J. Virginia:** \$0
- K. West Virginia:** \$2,000/year (Fees are not based on amounts other than the Large Quantity Generator category.)

(b) Facility #2: A Small Quantity Hazardous Waste Generator that sends 3 tons per year off-site for treatment.

- A. Delaware:** Max: \$40,048 per year.
- B. Georgia:** \$115 per year.
- C. Kentucky:** \$372 per year for liquid or solid waste.
- D. Maryland:** \$12,000 - \$45,000
- E. New Jersey:** \$0
- F. North Carolina:** \$25/year
- G. Pennsylvania:** \$0
- H. South Carolina:** No Response
- I. Tennessee:** \$1,045 per year
- J. Virginia:** \$0
- K. West Virginia:** \$200/year (Fees are not based on amounts other than the Small Quantity Generator category.)

(c) Facility #3: A treatment facility that processes 2 tons per day (600 tons per year)

- A. Delaware:** \$9,600 per year
- B. Georgia:** \$2,400 per year.
- C. Kentucky:** \$7,500 Annual Fee + \$19,960 Initial Permit Application Fee for liquid waste/\$1,500 Annual Fee + \$19,960 Initial Permit Application Fee for solid waste (Total 10 Year Fee with Renewal - \$114,920 for liquid waste/\$54,920 for solid waste)
- D. Maryland:** \$12,000 to \$45,000
- E. New Jersey:** \$801 Biennially
- F. North Carolina:** \$500 + \$300 tonnage fee = \$800 annually
- G. Pennsylvania:** Only commercial treatment facilities pay hazwaste management fees (\$5/ton). Commercial treatment facility's permit application - \$36,000 + Annual

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Summary of Fee Survey Results

permit administration fee - \$2,000 + Management Fee - \$3,000 = \$41,000/Total for 1st Year; 9 subsequent years (\$5,000 x 9) = \$45,000; Total Ten Year Cost - \$86,000.

H. South Carolina: No Response

I. Tennessee: \$8,000 per year for on-site; \$1,400 per year for off-site

J. Virginia: \$29,160 total for ten year period

K. West Virginia: NA

(d) Facility #4: A hazardous waste boiler or industrial furnace that burns 2 tons per day (600 tons per year)

A. Delaware: \$2,400 per year

B. Georgia: \$1,500 per year.

C. Kentucky: \$7,500 Annual Fee + \$24,280 Application Fee = \$31,780 (Total Ten Year Fee with Renewal - \$123,560)

D. Maryland: \$12,000 - \$45,000

E. New Jersey: \$801 Biennially

F. North Carolina: \$500 + \$300 tonnage fee = \$800 annually

G. Pennsylvania: \$0

H. South Carolina: No Response

I. Tennessee: \$8,000 per year for on-site; \$1,400 per year for off-site

J. Virginia: \$72,630 total for 10 year period

K. West Virginia: NA

(e) Facility #5: A permitted hazardous waste storage facility that cycles 100 tons per year through the facility.

A. Delaware: \$1,600 per year

B. Georgia: \$2,000 per year.

C. Kentucky: \$2,700 Annual Fee + \$15,160 Initial Permit Application Fee for liquid/\$700 Annual Fee + \$15,160 Initial Permit Application Fee for solid waste (Total 10 Year Fee with Renewal - \$57,320 for liquid/\$37,320 for solid waste)

D. Maryland: \$12,000 - \$45,000

E. New Jersey: \$801 Biennially

F. North Carolina: \$25 annually.

G. Pennsylvania: \$0

H. South Carolina: No Response

I. Tennessee: \$5,500 for on-site; \$11,000 for off-site

J. Virginia: \$29,160 total for 10 year period

K. West Virginia: NA

(f) Facility #6: A hazardous materials transporter.

A. Delaware: \$300 per year.

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Summary of Fee Survey Results

- B. Georgia:** Fees collected at Hazardous Waste Facility based on Final Management Method.
- C. Kentucky:** \$0
- D. Maryland:** \$50 annually for each vehicle + \$20 annually for each domiciled driver
- E. New Jersey:** Biennial Fees: \$40 - Each Hazardous Waste Cab; \$170 - Each Transport Unit w/attached cab; \$234 - Each Transportation Unit w/o a trailer with a capacity of >1 ton; \$274 - Each Transportation Unit with a trailer with a capacity >1 ton.
- F. North Carolina:** \$600/year.
- G. Pennsylvania:** \$1.50/ton for hazwaste delivered to a recycler; \$3.00/ton for all other.
- H. South Carolina:** No Response
- I. Tennessee:** \$200 per year
- J. Virginia:** \$240 per year if company has terminal in Virginia; \$360 per year if they do not.
- K. West Virginia:** \$0

VII. Program Information

(1) How many Large Quantity Generators of Hazardous Waste do you regulate?

- A. Delaware:** No Response
- B. Georgia:** No Response
- C. Kentucky:** 363
- D. Maryland:** No Response
- E. New Jersey:** No Response
- F. North Carolina:** 501
- G. Pennsylvania:** 1,432
- H. South Carolina:** No Response
- I. Tennessee:** 449
- J. Virginia:** 317
- K. West Virginia:** 80

(2) How many hazardous waste treatment, storage, or disposal facilities are located in your state?

- A. Delaware:** 8
- B. Georgia:** No Response
- C. Kentucky:** 48
- D. Maryland:** No Response
- E. New Jersey:** No Response
- F. North Carolina:** 92
- G. Pennsylvania:** 109
- H. South Carolina:** No Response
- I. Tennessee:** 60
- J. Virginia:** 70
- K. West Virginia:** 22

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Summary of Fee Survey Results

(3) What is your total budget (direct costs) for your hazardous waste program?

- A. Delaware:** \$1,000,000
- B. Georgia:** No Response
- C. Kentucky:** For the 2003 EPA Grant fiscal year, the budget is \$2,250,063 in federal and state general funds. (75% Federal, 25% State)
- D. Maryland:** No Response
- E. New Jersey:** No Response
- F. North Carolina:** \$3.5 million
- G. Pennsylvania:** No Response
- H. South Carolina:** No Response
- I. Tennessee:** \$4.7 million
- J. Virginia:** FY 03 - \$2,348,771 (budgeted)
- K. West Virginia:** \$2,182,000 per year

(4) What percentage is funded through fees?

- A. Delaware:** 10 to 15%
- B. Georgia:** No Response
- C. Kentucky:** 0%
- D. Maryland:** No Response
- E. New Jersey:** No Response
- F. North Carolina:** 17%
- G. Pennsylvania:** <1%: The only part of the RCRA program that is funded through fees is the transporter program, and those are only licensing fees.
- H. South Carolina:** No Response
- I. Tennessee:** 53%
- J. Virginia:** FY 01 - 6.5%; FY 03 - 19.5% (Note: These fees will decrease on 7/01/04.)
- K. West Virginia:** 5%

(5) How many inspection, enforcement, and permitting staff work in this program?

- A. Delaware:** 8 FTEs
- B. Georgia:** No Response
- C. Kentucky:** 77
- D. Maryland:** No Response
- E. New Jersey:** No Response
- F. North Carolina:** 56
- G. Pennsylvania:** 132 (30% to 40% on hazwaste)(52.8)
- H. South Carolina:** No Response
- I. Tennessee:** 36 Inspection; 6 Enforcement; 32 Permitting (74)
- J. Virginia:** 29.81 staff
- K. West Virginia:** 30

VIII. Increased Efficiencies or Savings from Use of Technology

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Summary of Fee Survey Results

Has your state realized (or do you anticipate) any service efficiencies or cost savings for your program from the use of technology? If so, please describe below and, if possible, quantify the benefits.

- A. Delaware:** No Response
- B. Georgia:** No Response
- C. Kentucky:** Currently the Department of Environmental Protection is developing an electronic tracking and permitting system with an outside contractor. The system, TEMPO, should be on-line for the air, water, and waste programs by the end of 2003.
- D. Maryland:** No Response
- E. New Jersey:** Use Biennial Reporting Schedule and encourage the use of Electronic Reporting by split fee schedule for electronic versus paper reporting.
- F. North Carolina:** YES: Since data entry has become less onerous due to electronic submittals of report information, we have reduced our data entry staff from five to one.
- G. Pennsylvania:** Anticipate savings from technology. Presently send some of the RCRA grant money to EPA to enter CM&E data into RCRAInfo. Expect to transfer this data within the next two years and no longer pay EPA to enter it.
- H. South Carolina:** No Response
- I. Tennessee:** No Response
- J. Virginia:** None Identified
- K. West Virginia:** Computers have, of course, made operations more efficient.

ATTACHMENT B

Summary of Fee Survey Results

Solid Waste Program Funding and Fee Survey(s)

IV. contact information (name, title, phone, email, address)

- L. Delaware:** Nancy Marker (302-739-3689)
- M. Georgia:** Tim Cash (404-657-8600)
- N. Kentucky:** Ron Gruzsky (502-564-6716) (rongruzsky@mail.state.ky.us)
- O. Maryland:** Regina Rochez (410-631-3314) (rochez@mde.state.md.us)
- P. New Jersey:** Joe Lomerson (609-984-6741) (jlomerso@dep.state.nj.us)
- Q. North Carolina:** Paul Crissman (919-733-0692, Ext.254) (paul.crissman@ncmail.net)
- R. Pennsylvania:** David Hogeman (717-787-1904) (dhogeman@state.pa.us)
- S. South Carolina:** Jana White (803-896-4221) (whitejm@dhec.state.sc.us)
- T. Tennessee:** Mike Apple (615-532-0780) (ask.tdec@state.tn.us)
- U. Virginia:** Leslie Romanchik (804-698-4129) (laromanchik@deq.state.va.us)
- V. West Virginia:** Larry Atha (304-558-6350) (Latha@Mail.dep.state.wv.us)

II. Program Specific Information

- (1) Does your state collect a tipping fee on solid waste disposal? If so, please provide information on the fee amount, the types of waste and facilities that are subject to the fee, and what the fee revenues are used for (ie, program support, grant programs, etc).
- A. Delaware:** YES: \$7.00/ton (Separate state agency operates all landfills)
 - B. Georgia:** YES: \$.50/ton
 - C. Kentucky:** YES: \$1.75/ton - Effective January 1, 2003. (The first \$5,000,000 per year will be devoted to old landfill closure. Additional funds go toward open dumps and other related uses.)
 - D. Maryland:** NO
 - E. New Jersey:** NO
 - F. North Carolina:** NO
 - G. Pennsylvania:** \$7.25/ton
 - H. South Carolina:** NO Tipping fee: Utilize an Advance Disposal Fee: Collect fees on four items either at point of sale or at wholesale. Oil Fee - \$0.08/gallon of motor oil or similar lubricants sold - collected monthly/Tire Fee - \$2.00/tire for each new tire sold/Lead-Acid Battery Fee - \$2.00/lead-acid battery sold/White Goods Fee - \$2.00/white good delivered by wholesalers for resale.
 - I. Tennessee:** NO
 - J. Virginia:** NO
 - K. West Virginia:** YES: \$8.75 total (\$1.75 per ton - Solid Waste Assessment Fee to fund Solid Waste Management Programs + \$1.00 per ton - Solid Waste Assessment Interim Fee to fund Solid Waste Authorities and to provide grants to County or Regional Authorities + \$2.00 per ton - Recycling Assessment Fee for locality grants and for Solid Waste and Hazardous Waste Planning and Response Funds + \$3.50 per ton - Closure Cost Assessment Fee for the Solid Waste Landfill Closure Assistance Program + \$0.50 per ton - County Solid Waste Assessment Fee for Solid Waste

ATTACHMENT B

Summary of Fee Survey Results

Authorities for refuse clean-up, litter control programs, or other solid waste programs).

(2) Does your state collect permit application fees for solid waste management facilities? If so, please include a fee schedule and information on what factors are considered. A

- A. Delaware:** \$7,000 for Transfer Station/WTE/Landfill
- B. Georgia:** Not for Solid Waste
- C. Kentucky:** YES: 10 Year Terms (Publicly Owned Facilities are Exempt) (MSW Landfill Fees - Notice of Intent: \$500; Administrative: \$10,000; Technical: \$5,000; Operating Permit: \$800)
- D. Maryland:** NO.
- E. New Jersey:** YES: Landfill - Class I - \$116,525/Class II - \$80,803/Class III - \$56,815; Waste-to-Energy - \$119,523; Transfer Stations/Processing Facilities - Less than 100 tons/day - \$28,768/Greater than 100 tons/day - \$35,351/Recycling Class B (C&D) - \$5,892/Recycling Class C (compost) - \$5,976/ Recycling Class D (used oil) - \$13,367
- F. North Carolina:** NO
- G. Pennsylvania:** YES: Municipal Waste Landfill - \$11,400; Composting Facility - \$2,400; C&D - \$6,000; Transfer Stations - \$1,400; Beneficial Use GP - \$1,000; Residual Waste Landfill - \$15,600; Medical GP - \$1,000
- H. South Carolina:** NO
- I. Tennessee:** YES: Class I and Class II (Hydrogeologic plan) - \$4,000; Class I and Class II (Design and construction plans) - \$6,000; Class III and Class IV - \$3,000; Major Modification - \$2,000
- J. Virginia:** YES: All landfills - Part A application - \$9,600; Part B Permit Application - \$42,900
- K. West Virginia:** YES: Class A - \$7,500; Class B - \$5,000; Class C - \$3,000; Class D1 - \$3,000; Class D - \$250; Class F - \$5,000; Non-Disposal Solid Waste Facility - \$2,500; Renewal of Permit - \$1,000; Solid Waste Facility Closure - \$2,500; Modification - \$500; Background Investigation - \$1,000

(3) Does your state collect any annual fees, permit renewal fees or any other fees from solid waste management facilities or transporters that are used to support program costs? If so, please include a fee schedule and information on what factors are considered.

- A. Delaware: Annual:** \$7,000 for Transfer Station/WTE/Landfill
- B. Georgia:** Landfills Annual Fee/\$.50 per ton
- C. Kentucky:** NO
- D. Maryland:** Groundwater discharge fees are collected. (\$100 - \$5,000 depending on the volume.)
- E. New Jersey:** YES: Annual Facility Registration Update Fee - \$1,010 + Annual Compliance Monitoring Fees - \$22,988/Sanitary Landfill (31,200 tons or more per year); \$6,386/Sanitary Landfill (<31,200 tons per year); \$16,946/Transfer Stations and Materials Recovery (31,200 tons or more per year); \$5,894/Transfer Stations and Materials Recovery (<31,200 tons per year); \$21,072/Thermal Destruction Facilities

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Summary of Fee Survey Results

(9.6 tons per day or more); \$1,834/Thermal Destruction Facilities (<9.6 tons per day); Intermodal Container Facilities/\$260; Solid Waste Composting and Co-Composting Facilities/\$3,144 + Transporter Biennial Fees of: \$40/solid waste cab; \$60/solid waste trailer; \$60/solid waste container; \$100/solid waste single vehicle; \$60/registration of container meeting the requirements of N.J.A.C. 7:26-3.5 (f)

F. North Carolina: NO

G. Pennsylvania: YES: Municipal Waste Landfill - Permit Renewal - \$200/Annual Administration \$1,800; Composting - Permit Renewal - \$200/Annual Administration - \$600; C&D - Permit Renewal - \$200/Annual Administration - \$1,100; Transfer - Permit Renewal - \$200/Annual Administration - \$600; Residual Waste Land fill - Permit Renewal - \$300/Annual Administration - \$2,500

H. South Carolina: NO

I. Tennessee: YES: Class I - \$1,000 to \$15,000 Depending on Volume; Class II - \$2,000 to \$5,000 Depending on Volume; Class III and IV - \$2,000

J. Virginia: NO

K. West Virginia: YES: \$1,000 Renewal of Permit + Groundwater Protection Fee of \$.01 per ton

(4) Please provide the regulatory and statutory citations for any fees identified.

A. Delaware: 7 DEL Code Chapter 60

B. Georgia: NA

C. Kentucky: KRS 224.10-100, 224.40-100, 224.40-305 and 224.40-310

D. Maryland: §9-204 of the Annotated Code of Maryland and Regulations at COMAR 26.04.07

E. New Jersey: NJAC 7:26-4.3 Solid Waste/NJAC 7:26A-2.1 Recycling Centers/NJAC 7:26-3A.8 Regulated Medical Waste

F. North Carolina: Article 15 of Chapter 153A and Article 16 of Chapter 160A of the General Statutes of North Carolina

G. Pennsylvania: Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§4000.101-4000.1904) & The Clean Streams Law of Pennsylvania (35 P.S. §§691.1-691.1001)

H. South Carolina: NA

I. Tennessee: TDEC Rule Chapter 1200-1-7-.02

J. Virginia: Statutory - Code of Virginia Section 10.1-1402.1; Regulatory - 9 VAC 20-90

K. West Virginia: W. VA Code, Chapter 22, Articles 11, 15, 16; Chapter 22C, Article 4; Chapter 20, Articles 7, 11; Chapter 22B (1&3)

(5) Please provide the web-address where this information can be found.

A. Delaware: <http://www.dnrec.state.de.us/dnrec2000/divisions/awm/hw/sw/swreg.htm>

B. Georgia: NA

C. Kentucky: <http://www.nr.state.ky.us/nrepc/dep/waste/publicat/landfill.htm>

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Summary of Fee Survey Results

- D. Maryland:** <http://www.dsd.state.md.us/> (COMAR Online - Title 26, Subtitle.04, Chapter .07, Solid Waste Management)
- E. New Jersey:** <http://www.state.nj.us/dep/dshw/resource/26sch04.pdf>
- F. North Carolina:** <http://www.ncleg.net/statutes/statutes.html>
- G. Pennsylvania:** <http://www.dep.state.pa.us/dep/subject/regulations.htm> or <http://www.dep.state.pa.us/dep/efacts/GeneralPermitsListing.htm>
- H. South Carolina:** NA
- I. Tennessee:** <http://www.state.tn.us/environment/swm>
- J. Virginia:** <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+10.1-1402.1> and <http://www.deq.state.va.us/waste/wastereg90.html>
- K. West Virginia:** www.wvsos.com, http://www.legis.state.wv.us/State_Code/finishedData/toc2.html and <http://www.wvsos.com/csrdocs/wordDocs/33-01.doc>

(6) Please provide information on the total amount of program fees that would be paid to the state in a typical year and over a ten-year period for each of the following example facilities. If you need to make any assumptions to answer this question, please include that information.

- (a) Privately Owned Municipal Solid Waste Landfill receiving 2000 T/d (720,000 T/yr) that applies for one major permit amendment (authorizing construction of a new cell) over the ten-year period.

- A. Delaware:** \$70,000
- B. Georgia:** \$360,000
- C. Kentucky:** \$15,000 permit amendment / \$15,000 renewal fee / 1,260,000 tipping fee / \$1,290,000 over 10 years
- D. Maryland:** \$2,000 application fee for gw (5 year term) / \$5,000 annual groundwater fees/ \$54,000 over ten years
- E. New Jersey:** \$482,390
- F. North Carolina:** \$0
- G. Pennsylvania:** \$5,238,200
- H. South Carolina:** \$0
- I. Tennessee:** \$15,000 annual fees /\$2,000 modification fee / \$152,000 over 10 years
- J. Virginia:**\$42,900 (major amendment permit fee) / \$42,000 over 10 years
- K. West Virginia:** The state has no provisions for siting a new facility of this capacity. The largest allowable classification is 30,000 tons per month, which would be 360,000 tons per year. Any major modification would be \$500. (Based on the fee structure if such a facility were allowed the costs involved might be: \$7,200 annual groundwater protection fee / \$6,300,000 tipping fees per year / \$1,000 renewal fee (10 year term) / \$500 modification / \$63,075,000 over 10 years).

- (b) Local Government Owned Municipal Solid Waste Landfill receiving 250 T/d (65,000 T/yr)

- A. Delaware:** NA
- B. Georgia:** \$320,500
- C. Kentucky:** \$11,275 per year in tipping fees / \$112,750 over 10 years

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Summary of Fee Survey Results

- D. Maryland:** \$250 ground water application fee (5 year term) / \$300 annual fees / \$3,500 over 10 years
- E. New Jersey:** \$482,390
- F. North Carolina:** \$0
- G. Pennsylvania:** \$489,450
- H. South Carolina:** \$0
- I. Tennessee:** \$10,000 annual fees / \$100,000 over 10 years
- J. Virginia:** \$0 (assuming no permit amendments)
- K. West Virginia:** \$650 annual ground water fees / 568,750 annual tipping fees / \$1,000 permit renewal (10 year term) / \$5,695,000

(c) Construction, Demolition and Debris (CDD) Landfill receiving 300 T/d (93,600 T/yr)

- A. Delaware:** No Response
- B. Georgia:** NA
- C. Kentucky:** \$10,500 permit renewal / \$10,500 over 10 years
- D. Maryland:** No
- E. New Jersey:** \$348,559
- F. North Carolina:** \$0
- G. Pennsylvania:** General Permit - \$1,000; General Permit (municipal & residual waste mixture) - \$2,000; Registration - \$250; Determination of Applicability - \$500
- H. South Carolina:** \$0
- I. Tennessee:** \$2,000 annual fee / \$20,000 over 10 years
- J. Virginia:** \$0 (assuming no permit amendments)
- K. West Virginia:** \$250 a year annual fees / \$1,000 renewal / 936 gw protection fees / \$12,860 over 10 years

(d) Captive Industrial Waste Landfill receiving 1 T/d (260 T/yr)

- A. Delaware:** No Response
- B. Georgia:** NA
- C. Kentucky:** \$5,500 permit renewal / \$5,500 over 10 years
- D. Maryland:** No information
- E. New Jersey:** \$243,617
- F. North Carolina:** \$0
- G. Pennsylvania:** General Permit - \$1,000; General Permit (municipal & residual waste mixture) - \$2,000; Registration - \$250; Determination of Applicability - \$500
- H. South Carolina:** \$0
- I. Tennessee:** \$2,000 annual fee / \$20,000 over 10 years
- J. Virginia:** \$0 (assuming no permit amendments)
- K. West Virginia:** renewal \$1,000; Annual fees - \$2,500; Annual Groundwater Protection Fees - \$300 / \$3,800 over 10 years

(e) Commercial Industrial Waste Landfill receiving 400 T/d (126,000 T/yr)

- A. Delaware:** No Response

ATTACHMENT B
Summary of Fee Survey Results

- B. Georgia:** NA
- C. Kentucky:** \$5,500 amendment fee / \$5,500 permit renewal / \$11,000 over 10 years
- D. Maryland:** No information
- E. New Jersey:** \$406,637
- F. North Carolina:** \$0
- G. Pennsylvania:** General Permit - \$1,000; General Permit (municipal & residual waste mixture) - \$2,000; Registration - \$250; Determination of Applicability - \$500
- H. South Carolina:** \$0
- I. Tennessee:** \$5,000 per year / \$50,000 over 10 years
- J. Virginia:** \$0
- K. West Virginia:** Application fees - initial \$5,000, renewal \$1,000 (10 year term); Annual fees - \$2,500; Annual Groundwater Protection Fees - \$300 / \$29,000 over 10 years

(f) Transfer Station with 100 T/day capacity

- A. Delaware:** No information
- B. Georgia:** No information
- C. Kentucky:** No Information
- D. Maryland:** No information
- E. New Jersey:** \$250,263
- F. North Carolina:** \$0
- G. Pennsylvania:** General Permit - \$1,000; General Permit (municipal & residual waste mixture) - \$2,000; Registration - \$250; Determination of Applicability - \$500
- H. South Carolina:** \$0
- I. Tennessee:** \$0
- J. Virginia:** \$0
- K. West Virginia:** No information

(g) Medical waste treatment facility with 100 T/d capacity

- A. Delaware:** No Response
- B. Georgia:** NA
- C. Kentucky:** No information
- D. Maryland:** No information
- E. New Jersey:** \$20,000
- F. North Carolina:** \$0
- G. Pennsylvania:** General Permit - \$1,000; Re gistration - \$250; Determination Of Applicability - \$500
- H. South Carolina:** \$0
- I. Tennessee:** \$1,000 annual fee / \$10,000 over 10 years
- J. Virginia:** \$0
- K. West Virginia:** Fees would range from \$250 to \$7,500 depending on the type of facility or permitting action required.

ATTACHMENT B
Summary of Fee Survey Results

(h) Solid waste incinerators rated at 1 T/day

- A. Delaware:** No Response
- B. Georgia:** NA
- C. Kentucky:** No information provided
- D. Maryland:** No information
- E. New Jersey:** \$274,183
- F. North Carolina:** \$0
- G. Pennsylvania:** General Permit - \$1,000; General Permit (municipal & residual waste mixture) - \$2,000; Registration - \$250; Determination of Applicability - \$500
- H. South Carolina:** \$0
- I. Tennessee:** \$2,000 annual fees / \$20,000 over 10 years
- J. Virginia:** \$0
- K. West Virginia:** Fees range from \$250 to \$7,500 depending on the type of facility or permitting action required.

(i) Composting facility receiving 2800 T/yr

- A. Delaware:** No information
- B. Georgia:** No information
- C. Kentucky:** \$6,000 application/renewal fee (10 year term) / \$6,000 for 10 years
- D. Maryland:** No information
- E. New Jersey:** \$37,630
- F. North Carolina:** \$0
- G. Pennsylvania:** General Permit - \$2,000; Registration - \$250; Determination of Applicability - \$500
- H. South Carolina:** \$0
- I. Tennessee:** \$2,000 to \$20,000
- J. Virginia:** \$0
- K. West Virginia:** Fees range from \$250 to \$7,500 depending on the type of facility or permitting action required.

IX. Program Cost Information

1. How many permitted solid waste facilities are in your state?

- A. Delaware:** 20
- B. Georgia:** 200 landfills (active)
- C. Kentucky:** No Response
- D. Maryland:** 19 MSW landfills / 44 other permitted facilities
- E. New Jersey:** 12 landfills>31,200T/yr; 10 landfills<31,200T/yr; 25 Transfer Stations/Material Recovery Facilities>31,200T/yr; 19 Transfer Stations/Material Recovery Facilities<31,200T/yr; 5 Thermal Destruction Facilities>9.6 tons per day; 86 Class B Recycling Centers; 40 Class C Recycling Centers; 4 Class D Recycling Centers; 39 Medical Waste (Note: Transporters are registered, but not included, as the question is specific to facilities.)

ATTACHMENT B
Summary of Fee Survey Results

- F. North Carolina:** 14 Industrial landfills; 42 MSW; 68 C&D; 137 Land Clearing/Debris; 82 Transfer Station; 1 MSW Incinerator; 2 Medical Waste
 - G. Pennsylvania:** No Response
 - H. South Carolina:** 470
 - I. Tennessee:** No Response
 - J. Virginia:** 89
 - K. West Virginia:** 101
2. How many people work in the permitting, compliance/inspections, and enforcement programs?
- A. Delaware:** 4 FTEs
 - B. Georgia:** No Response
 - C. Kentucky:** No Response
 - D. Maryland:** No response
 - E. New Jersey:** 68 positions (48 permitting, 20 compliance inspection/enforcement)
 - F. North Carolina:** No Response
 - G. Pennsylvania:** No Response
 - H. South Carolina:** 53
 - I. Tennessee:** No Response
 - J. Virginia:** 54.70 FTE
 - K. West Virginia:** 34
3. What are your total direct costs for permitting, compliance, and enforcement staff. Direct costs include salaries, benefits, training, and travel for these staff?
- A. Delaware:** \$500,000
 - B. Georgia:** No Response
 - C. Kentucky:** No Response
 - D. Maryland:** No Response
 - E. New Jersey:** \$10,400,000 (Includes transportation registrations.)
 - F. North Carolina:** \$800,000
 - G. Pennsylvania:** No Response
 - H. South Carolina:** \$2.3 million
 - I. Tennessee:** No Response
 - J. Virginia:** \$3.2 million
 - K. West Virginia:** No Response
4. What percentage of direct program costs do fees cover?
- A. Delaware:** 55%
 - B. Georgia:** No Response
 - C. Kentucky:** No Response
 - D. Maryland:** No Response
 - E. New Jersey:** Under existing fee schedule 85-90%/After adoption of new fees 100%
 - F. North Carolina:** 0%

ATTACHMENT B
Summary of Fee Survey Results

- G. Pennsylvania:** No Response
- H. South Carolina:** 100%
- I. Tennessee:** No Response
- J. Virginia:** FY 01 - 5.2%; FY 02 - 4.8% (note that fees have been tripled for FY03-04, but revenues are not expected to triple)
- K. West Virginia:** No Response

X. Increased Efficiencies or Savings from Use of Technology

Has your state realized (or do you anticipate) any service efficiencies or cost savings for your program from the use of technology? If so, please describe below and, if possible, quantify the benefits.

- A. Delaware:** None Identified
- B. Georgia:** No Response
- C. Kentucky:** No Response
- D. Maryland:** NA
- E. New Jersey:** There have been efficiencies and cost savings over the years as a result of computerization in general. A specific system now being developed, New Jersey Environmental Management System (NJEMS) will result in standardization of permits and simplify billing.
- F. North Carolina:** Use of computers by staff has eliminated secretarial position.
- G. Pennsylvania:** No Response
- H. South Carolina:** No - None expected in near future.
- I. Tennessee:** No Response
- J. Virginia:** None identified
- K. West Virginia:** None identified

ATTACHMENT C
Background Information for Preliminary Analysis of Funding Sources

General Funds

Permit Application Fees

Solid Waste Tipping Fees

Permit Annual Fees

Activity Based Fees

Hazardous Waste Generator Fees

ATTACHMENT C

Background Information for Preliminary Analysis of Funding Sources

Increase in DEQ General Fund Revenues

- State General Fund revenues comprise 22% of DEQ's budget for FY04.
- To fund current activity levels, an additional appropriation of \$2.5 million would be required.

Modification of Permit Application Fees

- Permit application fees currently cover less than 20% of the direct costs of the waste permit program and less than 35% of the direct costs of the water permit program.
- State law currently sets limits on permit application fee amounts. Fee amounts were initially set in 1992 (water and solid waste) and 1988 (hazardous waste) and were temporarily increased in 2002. The authority for the increased fees will sunset in 2004.
- This does not establish a consistent revenue stream because the number of permit application received each year varies. This is particularly difficult for the solid waste program because there is no permit renewal requirement so revenue is generated only when a new landfill is constructed or an existing landfill makes modifications.
- See fee schedule in Appendix A and facility information in the discussion above.

Hazardous Waste Generator Fees

- There are 40 permitted Treatment, Storage or Disposal Facilities, 315 Large Quantity Generators, 4,342 Small Quantity Generators, and 410 Transporters regulated by DEQ.
- Virginia's large quantity generators generated approximately 122,000 tons per year.
- Only 450 of the 5,000 facilities and transporters regulated by the hazardous waste program are required to obtain permits (and pay permit application fees). Imposing fees on generators to help cover the costs of inspections and enforcement activities would help spread the costs to all of the users.
- If each of the 315 Large Quantity Generators paid a fee of \$1,600 per year (the amount charged in Tennessee), \$504,000 per year would be generated.
- If a fee was collected of \$2.90 - \$115 per ton of hazardous waste generated (the amount charged in Kentucky, depending on the method of disposition), \$353,800 - 14,030,000 per year would be generated, depending on the method of disposition used by Virginia generators.

ATTACHMENT C

Background Information for Preliminary Analysis of Funding Sources

Solid Waste Tipping Fees

- 18 million tons of solid waste was disposed of at landfills and incinerators in 2001, 11.3 million tons of which was municipal solid waste.
- If a tipping fee of \$7.25 per ton of solid waste were collected (the amount charged in Pennsylvania), \$130,500,000 would be collected.

Permit Annual Fees

- Permit fee schedules could be based upon volume of operation, category of facility, environmental impact, or some combination of these factors.
- The number of permitted facilities in each major category are listed below:

Virginia Pollutant Discharge Elimination System:	147 Majors / 1,060 Minors 64 stormwater management systems 6,000+ stormwater management sites
Virginia Water Protection Permits:	800-900 wetland projects per year 5-7 withdrawals per year
Hazardous Waste Permits:	40 Treatment, Storage or Disposal Facilities 410 transporters
Solid Waste:	118 active landfills / 58 transfer stations / 10 incinerators / 33 materials recovery facilities / 12 composting facilities / 376 inactive or closed landfills
Virginia Pollution Abatement Permits:	1,100 concentrated animal feeding operations 40 sludge application operations

ATTACHMENT C

Background Information for Preliminary Analysis of Funding Sources

Activity Based Fees or Surcharges

Enforcement Program Fees: Each year, approximately 200 enforcement actions result in orders. Enforcement Orders may last for several years or however long it takes to resolve the compliance issues and perform any corrective measures. If each facility covered by an order paid \$400 plus \$250 per year (the amount charged in North Carolina), this would generate approximately \$130,000 per year. (Note: assumes a duration of two years for a typical order)

Toxics Management Program Fees: There are 321 facilities with VPDES permits that are in the Toxics Management Program because of the nature of their operations and their effluent.