

HB 2007 provided ADEQ the authority to increase existing fees, including the special waste management fees, as a stopgap measure to make up for the loss of general funds for fiscal year 2011. Here is the rule:

R18-13-2701. Special Waste Management Fees for Fiscal Year 2011

Beginning on July 1, 2010 and until June 30, 2011, the director shall collect a fee of \$5 per ton, not more than \$50,000 per generator site per year, for special waste that is transported to a facility in this state for treatment, storage, or disposal. This fee increases and supersedes the per ton fee listed in A.R.S. § 49-855, R18-13-1307(F), and R18-13-1606 and the maximum fee listed in A.R.S. § 49-855 for the period of July 1, 2010 through June 30, 2011. The payor shall remit the fee in accordance with A.R.S. § 49-863. For special waste that is shredder residue, the owner or operator of a special waste facility may pay a special waste management fee of \$1.65 per cubic yard of uncompacted shredder residue or \$3.75 per cubic yard of compacted shredder residue received in lieu of the \$5 per ton fee.

In response to comments on the initial rulemaking, ADEQ reduced the special waste management fees from \$10.00 per ton to \$5.00 per ton, and lowered the maximum fee cap of \$100,000 per generator site per year to \$50,000.

Historically, the special waste management cap has been calculated based on a calendar year; thus, there may be confusion regarding increases to the cap that are based on a fiscal year. The cap for the second half of the 2010 calendar year went up to \$50,000 per generator site. This means that the receiving facility must continue to pay the fee until it pays \$50,000 per generator site in calendar year 2010. Under the fee rule, the cap will continue to be \$50,000 per generator site for the first half of the 2011 calendar year. As a result, the receiving facility will have to pay the fee until it pays \$50,000 per generator site in calendar year 2011.