

Sec. 22a-208a-1. Solid waste permit fee regulations

(a) **Definitions.** For the purposes of this Regulation,

(1) “Alter” means “alter” as defined in subsection (d) of section 22a-208a of the General Statutes.

(2) “Annual fee” means any annual fee required under section 22a-208a of the General Statutes.

(3) “Applicant” means a person that submits an application to the Commissioner.

(4) “Application” means an application submitted to the Commissioner for issuance, renewal, amendment or transfer of an individual solid waste permit or authorization to conduct a regulated activity under section 22a-208a of the General Statutes.

(5) “Asbestos” means “asbestos” or “asbestos-containing material” as defined in section 19a-332 of the General Statutes.

(6) “Biomedical waste” means “biomedical waste” as defined in section 22a-207 of the General Statutes.

(7) “Biomedical waste generator” means “generator of biomedical waste” as defined in section 22a-207 of the General Statutes.

(8) “Biomedical waste transporter” means a person engaged in the transportation of biomedical waste by air, rail, highway, or water.

(9) “Biomedical waste treatment facility” means “biomedical waste treatment facility” as defined in section 22a-207 of the General Statutes.

(10) “Bulky waste” means land clearing debris and waste resulting directly from demolition activities other than clean fill.

(11) “Clean wood” means any wood which is derived from such products as pallets, skids, spools, packaging materials, bulky wood waste, or scraps from newly built wood products, provided such wood is not treated wood as defined in section 22a-209a of the General Statutes or demolition wood.

(12) “Commissioner” means the “commissioner” as defined in subsection (b) of section 22a-2 of the General Statutes.

(13) “Construction and demolition waste” means the waste building materials or packaging resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, and other structures, excluding asbestos, clean fill as defined in regulations adopted under section 22a-209 of the general statutes, or solid waste containing greater than de minimis quantities, as determined by the commissioner of environmental protection, of (A) radioactive material regulated pursuant to section 22a-148 of the general statutes, (B) hazardous waste as defined in section 22a-115 of the general statutes, and (C) liquid and semi-liquid materials including but not limited to adhesives, paints, coatings, sealants, preservatives, strippers, cleaning agents, oils and tars.

(14) “Construction and demolition waste processing facility” means a volume reduction plant, the operations of which involve solely the reduction in volume of construction and demolition waste generated elsewhere.

(15) “Department” means the Department of Environmental Protection.

(16) “Disposal” means “disposal” as defined in section 22a-207 of the General Statutes.

(17) “Horizontal expansion” means the lateral expansion of a solid waste disposal area authorized under section 22a-208a of the General Statutes.

(18) “Intermediate processing center” means a facility which can recycle an item or items and market or deliver for reuse the resulting material product or products. Such facilities may be owned by public or private entities or combinations thereof and may offer service on a state, regional, municipal or submunicipal level.

(19) “Land clearing debris” means trees, stumps, branches, or other wood generated from clearing land for commercial or residential development, road construction, routine landscaping, agricultural land clearing, storms, or natural disasters.

(20) “Land clearing/clean wood processing facility” means a volume reduction plant, the operations of which involve solely the reduction in volume of land clearing debris or clean wood generated elsewhere.

(21) “Minor change” means any change in the facility design, capacity, practice, process or equipment which, in the judgment of the Commissioner, would not significantly alter the nature of the facility or its impact on the environment.

(22) “Municipality” means “municipality” as defined in section 22a-207 of the General Statutes.

(23) “Municipal solid waste” means “municipal solid waste” as defined in section 22a-207 of the General Statutes.

(24) “Person” means “person” as defined in subsection (c) section 22a-2 of the General Statutes.

(25) “Residue” means bottom ash, air pollution control residue, and other residues from the combustion process at resources recovery facilities, wood-burning facilities, municipal solid waste incinerators, and biomedical waste incinerators.

(26) “Resources recovery facility” means “resources recovery facility” as defined in section 22a-207 of the General Statutes.

(27) “Sludge processing facility” means a volume reduction plant, the operations of which involve solely the reduction in volume of water treatment, sewage treatment or industrial sludge generated elsewhere.

(28) “Solid waste” means “solid waste” as defined in section 22a-207 of the General Statutes.

(29) “Solid waste facility” means “solid waste facility” as defined in section 22a-207 of the General Statutes.

(30) “Solid waste disposal area” means “solid waste disposal area” as defined in section 22a-207 of the General Statutes.

(31) “Source-separated organic material composting facility” means land, including structures and appurtenances thereon, where the composting of organic material that has been separated at the point or source of generation from non-organic material, takes place. For purposes of this section “organic material” means substances composed primarily of carbon and nitrogen, including but not limited to food scraps, food processing residue, soiled or unrecyclable paper and yard trimmings.

(32) “Special waste” means the following waste, so long as it is not hazardous waste pursuant to section 22a-115 of the General Statutes or radioactive material subject to section 22a-148 of the General Statutes: (1) water treatment, sewage treatment or industrial sludges, liquids, solids and contained gases; fly-ash and casting sands or slag; and contaminated dredge spoils; (2) scrap tires; (3) bulky waste; (4) asbestos; (5) residue; and (6) biomedical

waste.

(33) “Transfer Station” means “transfer station” as defined in section 22a-207 of the General Statutes.

(34) “Vertical expansion” means an expansion of an existing solid waste disposal area such that future disposal of municipal solid waste will take place only where solid waste has previously been disposed of and is still present.

(35) “Volume reduction plant” means “volume reduction plant” as defined in section 22a-207 of the General Statutes.

(36) “Yard trimmings” means leaves, grass clippings, weeds, branches up to one (1”) inch in diameter and prunings from yards or gardens.

(b) **Fee for an Application for a Permit to Construct a Solid Waste Facility.** The fee for an application for a permit to construct a solid waste facility is as follows:

(1) Resources recovery facility: \$92,000.00

(2) Transfer station

(A) If the facility’s capacity as designed is no more than 75 tons per day: \$5,000.00

(B) If the facility’s capacity as designed is 75 to 150 tons per day: \$6,500.00

(C) If the facility’s capacity as designed is greater than 150 tons per day: \$7,500.00

(3) Volume reduction plant (other than a resources recovery facility)

(A) Intermediate processing center: \$9,500.00

(B) Source-separated organic material composting facility with a capacity as designed of no more than 100 tons per day: \$5,000.00

(C) Source-separated organic material composting facility with a capacity as designed of greater than 100 tons per day: \$6,500.00

(D) Construction and demolition waste processing facility with a capacity as designed of no more than 100 tons per day: \$5,000.00

(E) Construction and demolition waste processing facility with a capacity as designed of greater than 100 tons per day: \$9,500.00

(F) Land clearing/clean wood processing facility: \$6,500.00

(G) Sludge processing facility: \$5,000.00

(H) Other volume reduction facilities with a capacity as designed of no more than 100 tons per day: \$6,500.00

(I) Other volume reduction facilities with a capacity as designed of greater than 100 tons per day: \$9,500.00

(4) Biomedical waste treatment facility: \$12,500

(5) Solid waste disposal area

(A) Municipal solid waste disposal area: \$25,000.00

(B) Residue or other solid waste disposal area: \$17,500.00

(c) **Fee for Application for Authorization to Conduct a Regulated Activity.**

The fee for an application to conduct a regulated activity other than an activity covered in subsection (b) of this section is as follows:

(1) Biomedical waste transporter: \$1,000.00

(2) Disposal of asbestos by persons other than a homeowner disposing of asbestos which originates from his primary residence: \$160.00

(3) Disposal of special waste by persons other than a homeowner disposing of special

waste which originates from his primary residence: \$350.00

(4) Solid waste disposal area as-built closure plan (active site pursuant to permit authorized under section 22a-208a of the General Statutes): \$325.00

(5) Solid waste disposal area closure plan (inactive site): \$2,500.00

(d) **Fee for Application to Renew a Permit to Operate a Solid Waste Facility.**

The fee for an application to renew a permit to operate a solid waste facility is as follows:

(1) Resources recovery facility: \$750.00

(2) Transfer station: \$350.00

(3) Volume reduction plant (other than a resources recovery facility)

(A) Source-separated organic material composting facility: \$175.00

(B) Any other volume reduction plant: \$350.00

(4) Biomedical waste treatment facility: \$350.00

(e) **Fee for application to amend a permit to construct or operate a solid waste facility.** The fee for an application to amend a permit to construct or to operate a solid waste facility is as follows:

(1) Amendment to authorize a minor change

(A) Solid waste disposal area: \$750.00

(B) All other solid waste facilities: \$500.00

(2) Amendment to authorize a change that is not minor

(A) Amendment to authorize a change proposed solely to satisfy a new requirement in state or federal statute, regulation, permit or order: twenty-five (25) percent of the fee specified in subsection (b) of this section for an application for a permit to construct or operate the subject solid waste facility, up to a maximum fee of \$7,500.00.

(B) Amendment to authorize a change to any substantive degree in (i) the approved design, capacity, process or operation of a solid waste facility holding a permit to construct, and includes but is not limited to a change in the approved capacity or composition of solid waste disposed of, processed, reduced, stored or recycled at the subject solid waste facility, or (ii) the existing design, capacity, volume, process or operation of a solid waste facility not holding a permit to construct and includes but is not limited to a change in the volume or composition of solid waste disposed, stored, processed, reduced or recycled at the subject solid waste facility: fifty (50) percent of the fee specified in subsection (b) in this section for an application to construct or operate such facility, up to a maximum fee of \$20,000.00.

(f) **Fee for an application to transfer a solid waste facility permit.** The fee for an application to transfer a permit to construct or operate a solid waste facility is \$500.00.

(g) **Annual fee for Solid Waste Facilities.** The annual fee for a solid waste facility is as follows:

(1) Resources recovery facility: \$2,750.00

(2) Transfer station

(A) If the facility's capacity as designed is no more than 75 tons per day: \$400.00

(B) If the facility's capacity as designed is 75 to 150 tons per day: \$800.00

(C) If the facility's capacity as designed is greater than 150 tons per day: \$1,500.00

(3) Volume reduction plant (other than a resources recovery facility)

(A) Source-separated organic material composting facility with a capacity as designed of no more than 100 tons per day: \$450.00

(B) Source-separated organic material composting facility with a capacity as designed of greater than 100 tons per day: \$1,000.00

(C) Any other volume reduction plant with a capacity as designed of no more than 100 tons per day: \$900.00

(D) Any other volume reduction plant with a capacity as designed of greater than 100 tons per day: \$2,000.00

(4) Biomedical waste treatment facility: \$2,250.00

(5) Biomedical waste generators. Each biomedical waste generator who generates fifty (50) pounds or more of biomedical waste in any calendar month during the calendar year shall report to the Commissioner in writing the amount of biomedical waste actually generated during such year and pay an annual fee of \$50.00 within sixty (60) days of the end of such calendar year.

(6) Solid waste disposal areas

(A) Municipal solid waste: \$2,500.00

(B) Residue: \$2,500.00

(C) Special waste or bulky waste: \$1,800.00

(h) **General Payment Terms and Conditions.**

(1) **Time and Method of Payment.** Any fee required by this section shall be submitted simultaneously with the application to which it relates. Any annual fee required by this section shall be submitted to the Commissioner each year on or before July first. Fees shall be paid by certified check or money order payable to the Department of Environmental Protection and shall state on its face, "Waste Management Permit Fee," "Waste Management Annual Fee" or "Waste Management Fee" as appropriate, and reference the relevant permit number, application number or invoice number as appropriate.

(2) **Prohibition of Review.** The Commissioner shall not review an application unless all fees required by this section have been paid in full.

(3) **Municipal Fee.** Pursuant to subsection (b) of section 22a-6 of the General Statutes, a municipality shall be liable for fifty (50) percent of any fee required by this section.

(4) **Late Fees.** Any person who pays an annual fee after the date required by subdivision (1) of this subsection shall pay an additional fee of ten (10) percent of such annual fee, plus one and one quarter percent per month or part thereof that the annual fee was late.

(5) **Fee Increases.** If while an application is pending the applicant amends such application so as to cause an increase in the fee required by this section, the applicant shall submit the amount of such increase simultaneously with the application amendment. This subsection shall not apply to an amendment of an application submitted prior to the effective date of this regulation, provided by that date, (A) the application was complete and included all information required by statute, regulation or the Commissioner and (B) all legally required fees were paid.

(6) **Refunds.**

(A) Except as otherwise provided in this section, no fee submitted under this section shall be refunded.

(B) If, (i) an application for a permit is submitted and the Commissioner determines that such permit is legally unnecessary, or (ii) while an application is pending but before the Commissioner has issued notice of tentative determination under section 22a-6h of the

General Statutes the applicant amends such application so as to cause a decrease in the fee required by this section, the Commissioner shall retain fifty (50) percent of the fee paid or the reasonable costs of reviewing said application, whichever is greater. The Commissioner shall recommend to the Comptroller, in accordance with the provisions of section 22a-10 of the General Statutes, the amount of the fee that should be refunded to the applicant.

(C) If an applicant files an application for an individual permit and submits the fee required by this section for such application and (i) the activity that is the subject of such application is one which is covered by a general permit that the Commissioner has issued under subsection (q) of section 22a-208a of the General Statutes, (ii) such fee is greater than the fee which would be required to seek authorization under such general permit, (iii) the Commissioner notifies the applicant that he should withdraw such application and seek authorization under such general permit, and (iv) the applicant withdraws such application and seeks authorization under such general permit, the Commissioner shall retain the general permit fee from the fee paid. The Commissioner shall recommend to the Comptroller, in accordance with the provisions of section 22a-10 of the General Statutes, the amount of the fee that should be refunded to the applicant.

(i) **Severability clause.** If any section, subsection, paragraph, clause, phrase, word or provision of this section shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this section as a whole or any part or provision hereof other than the part so adjudged to be invalid or unconstitutional.

(Effective September 23, 1996)