

# California Code of Regulations

## Title 27. Environmental Protection

### Division 2. Solid Waste

#### Subdivision 1. Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste

#### Chapter 8. Other Provisions

#### Subchapter 2. Fees

#### Article 1. Closure, Postclosure Maintenance, and Financial Assurance Fee

### 23020. CalRecycle – Scope and Applicability

An operator or owner of a solid waste disposal site in operation on or after January 1, 1988, and subject to the provisions of Public Resources Code 43500 et seq. shall pay an annual fee to CalRecycle in accordance with §§23023 and 23024.

*Authority cited:* Section 40502, Public Resources Code.

*Reference:* Section 43508, Public Resources Code.

### 23021. CalRecycle- Closure, Postclosure Maintenance and Financial Assurance Fee Subaccount

CalRecycle shall deposit all fees collected under this Article in the Closure, Postclosure Maintenance and Financial Assurance Fee Subaccount of the Integrated Waste Management Account. CalRecycle may expend the money in the subaccount to perform the closure, postclosure maintenance and financial assurance duties undertaken to implement Public Resources Code §43500-43510.

*Authority cited:* Section 40502, Public Resources Code

*Reference:* Sections 43508 and 47901 (a), Public Resources Code

### 23022. CalRecycle – Air Space Capacity

- (a) An operator or owner shall submit to CalRecycle the total air space capacity and supporting calculations:
- (1) with the initial annual fee submittal,
  - (2) with each application for a solid waste facility permit, permit revision, permit modification, or permit review,
  - (3) with each final closure and/or postclosure maintenance plan,
  - (4) with each amended preliminary or final closure and/or postclosure maintenance plan, and
  - (5) each time that the air space capacity is revised.

(b) Air space capacity means the volume (cubic yards) contained between the excavation plan surface and the final fill plan surface (i.e., from the bottom of the excavation to the top of the final cover) taking into consideration design slopes, benches, and other design features, as authorized by the current solid waste facility permit. For a disposal site that has been certified as closed pursuant to §21880, air space capacity is calculated based on the final closure geometry of the disposal site.

*Authority cited:* Section 40502, Public Resources Code.

*Reference:* Section 43508, Public Resources Code.

### 23023. CalRecycle – Fee Calculation

- (a) The maximum annual fee is the amount calculated under the following formula

$$\text{Maximum Annual Fee} = \frac{\text{Total Staff Costs}}{\text{No. very small DS}^1(0.40) + \text{No. small DS}(0.55) + \text{No. Medium DS}(0.70) + \text{No. Large DS}(0.85) + \text{No. Very Large DS}(1.00)}$$

<sup>1</sup> DS = Solid Waste Disposal Site

(b) (1) The total cost in the ¶(a) formula is the cost of performing all duties relating to closure, postclosure maintenance, and financial assurance, including:

(A) personnel year costs, including salary and benefits; and

(B) overhead and other indirect and direct costs.

(2) The total cost will be adjusted annually based on the CalRecycle budget in each fiscal year's Enacted Budget.

(c) The annual fee payable by a disposal site is based on the disposal site's air space capacity and is the applicable percentage of the maximum annual fee, as determined under the schedule in §23024.

**Authority cited:** Section 40502, Public Resources Code.

**Reference:** Section 43508, Public Resources Code.

### **23024. CalRecycle – Fee Schedule**

The percentage of the maximum annual fee payable by a disposal site is determined under the following fee schedule:

<u>Landfill Size</u>	<u>Air Space Capacity (Million Cubic Yards – MCY)</u>	<u>Percentage of Maximum Annual Fee</u>
<u>Very Small</u>	<u>&lt; 0.25 MCY</u>	<u>40</u>
<u>Small</u>	<u>≥ 0.25 MCY but &lt; 0.5 MCY</u>	<u>55</u>
<u>Medium</u>	<u>≥ 0.5 MCY but &lt; 30 MCY</u>	<u>70</u>
<u>Large</u>	<u>≥ 30 MCY but &lt; 100 MCY</u>	<u>85</u>
<u>Very Large</u>	<u>&gt; 100 MCY</u>	<u>100</u>

**Authority cited:** Section 40502, Public Resources Code.

**Reference:** Section 43508, Public Resources Code.

### **23025. CalRecycle – Fee Payment**

(a) CalRecycle shall provide an annual invoice to each solid waste disposal site.

(b) The annual fee is due and payable within 30 days of the invoice date.

**Authority cited:** Section 40502, Public Resources Code.

**Reference:** Section 43508, Public Resources Code.