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Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

SENATE BILL 1085

AN ACT

AMENDING SECTIONS 49-836 AND 49-881, ARIZONA REVISED STATUTES; RELATING TO SOLID WASTE MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-836, Arizona Revised Statutes, is amended to
3 read:

4 49-836. Solid waste landfill disposal fees

5 A. Each operator of a solid waste landfill or facility shall make the
6 fee payments required by this section as determined by the
7 department. Monies from fees shall be deposited in the recycling fund
8 established pursuant to section 49-837 AND THE SOLID WASTE FEE FUND
9 ESTABLISHED PURSUANT TO SECTION 49-881. Fees shall be calculated and paid as
10 follows:

11 1. A disposal fee of twenty-five cents for each six cubic yards of
12 uncompacted solid waste, twenty-five cents for each three cubic yards of
13 compacted solid waste or twenty-five cents per ton of solid waste received at
14 landfills regulated by the department. FOR EACH TWENTY-FIVE CENTS COLLECTED
15 IN DISPOSAL FEES, TWELVE AND ONE-HALF CENTS SHALL BE DEPOSITED IN THE
16 RECYCLING FUND AND TWELVE AND ONE-HALF CENTS SHALL BE DEPOSITED IN THE SOLID
17 WASTE FEE FUND.

18 2. A solid waste landfill that receives only waste generated on site
19 shall compute the fee by using one of the following methods:

20 (a) By actual volume or weight.

21 (b) By estimate based on landfill capacity use, volume or number of
22 waste loads or any other reasonable means for approximating the volume or
23 weight of disposed waste.

24 3. Facilities that generate waste from recycling solid waste, effluent
25 from a secondary wastewater treatment plant or wastewaters shall pay one-half
26 of the fee calculated pursuant to paragraph 1 of this subsection. The
27 maximum annual amount paid by a facility for on-site disposal of waste
28 generated from recycling shall not exceed fifteen thousand dollars. The fee
29 for these facilities may be computed based on the dry or dewatered weight or
30 volume of the waste generated from recycling.

31 B. Each fee payment shall be accompanied by a form prepared and
32 furnished by the department and completed by the operator. The form shall
33 state the total volume or weight of solid waste disposed of at that landfill
34 during the payment period and shall provide any other information deemed
35 necessary by the department. The form shall be signed by the operator.

36 C. A person who for a fee disposes of waste in a solid waste landfill
37 that is not regulated by the department shall keep accurate records of the
38 waste disposed of in those landfills and shall remit a fee to the department
39 at the same rate and in the same manner as provided in subsection A of this
40 section.

41 D. For solid waste landfills THAT ARE operated pursuant to section
42 49-741 ~~which~~ AND THAT do not have on-site operators or scales, the fee shall
43 be based on a formula which multiplies the population of the political
44 subdivisions served by the landfill by seven cents. THREE AND ONE-HALF CENTS
45 OF THE SEVEN CENTS SHALL BE DEPOSITED IN THE RECYCLING FUND AND THREE AND

1 ONE-HALF CENTS OF THE SEVEN CENTS SHALL BE DEPOSITED IN THE SOLID WASTE FEE
2 FUND. The fee shall be paid in the same manner as provided in subsection A
3 of this section.

4 E. The provisions of this section do not apply to:

5 1. Persons disposing of a load containing less than six cubic yards of
6 uncompact solid waste or three cubic yards of compacted solid waste.

7 2. A site used solely for the reclamation of land through the
8 introduction of landscaping rubble or inert material.

9 3. Material produced in connection with a mining or metallurgical
10 operation.

11 F. Solid waste management service companies and agencies affected by
12 the landfill disposal fees established by this section may adjust the fees
13 charged to customers by passing through to the customers the additional
14 costs.

15 Sec. 2. Section 49-881, Arizona Revised Statutes, is amended to read:

16 49-881. Solid waste fee fund; uses; exemption

17 A. A solid waste fee fund is established. The director shall
18 administer the fund. The fund consists of legislative appropriations,
19 donations, gifts, grants, waste tire administrative monies distributed
20 pursuant to section 44-1305, subsection B, paragraph 1, solid waste landfill
21 registration fees from section 49-747, solid waste fees collected pursuant to
22 section 49-762.03, subsection F, special waste management plan fees collected
23 pursuant to section 49-857, special waste management fees collected pursuant
24 to section 49-863, private consultants expedited plan review fees collected
25 pursuant to section 49-762.03, subsection G, and self-certification filing
26 fees collected pursuant to section 49-762.05, subsection H AND SOLID WASTE
27 LANDFILL DISPOSAL FEES COLLECTED PURSUANT TO SECTION 49-836.

28 B. Monies in the fund are subject to legislative appropriation for
29 solid waste control programs established in the funding sources pursuant to
30 subsection A of this section and as determined by the director.

31 C. On notice from the director, the state treasurer shall invest and
32 divest monies in the fund as provided in section 35-313, and monies earned
33 from investment shall be credited to the fund. Monies deposited in the fund
34 are exempt from the provisions of section 35-190 relating to lapsing of
35 appropriations.