



STATES WITH LANDFILL TIPPING SURCHARGES

Arizona*	Indiana	Montana	Utah
Arkansas*	Iowa*	Nebraska*	Vermont
California*	Kansas	Ohio*	West Virginia
Colorado*	Kentucky	Oklahoma	Wisconsin
Connecticut	Maine*	Pennsylvania*	Wyoming
Georgia*	Minnesota	So. Dakota*	
Hawaii	Mississippi*	Tennessee	
Illinois*	Missouri*	Texas	

\*Statute or excerpt follows. The excerpt contains the portion covering the **amount** of the surcharge. An **ellipsis** indicates more provisions follow, or precede, those excerpted below.

ARIZONA

49-836. Solid waste landfill disposal fees

A. Each operator of a solid waste landfill or facility shall make the fee payments required by this section as determined by the department. Monies from fees shall be deposited in the recycling fund established pursuant to section 49-837 and the solid waste fee fund established pursuant to section 49-881. Fees shall be calculated and paid as follows:

1. A disposal fee of twenty-five cents for each six cubic yards of uncompacted solid waste, twenty-five cents for each three cubic yards of compacted solid waste or twenty-five cents per ton of solid waste received at landfills regulated by the department. From and after June 30, 2004, for each twenty-five cents collected in disposal fees, twelve and one-half cents shall be deposited in the recycling fund and twelve and one-half cents shall be deposited in the solid waste fee fund. From and after June 30, 2005, all twenty-five cents collected in disposal fees shall be deposited in the recycling fund. ....

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/49/00836.htm&Title=49&DocType=ARS>

ARKANSAS

8-6-06 Landfill disposal fees

(a)(1) Except as provided in subsection (c) of this section, there is imposed on each landfill permittee a landfill disposal fee of twenty-five cents (25¢) for each uncompacted cubic yard of solid waste and forty-five cents (45¢) for each compacted cubic yard of solid waste received at the landfill.

(2) If a landfill permittee is required or chooses to operate on a weight basis, the landfill disposal fee shall be one dollar and fifty cents (\$1.50) for each one (1) ton of two thousand pounds (2,000 lbs.) of solid waste received at the landfill. ....

<http://www.arkleg.state.ar.us/NXT/gateway.dll?f=templates&fn=default.htm&vid=blr:code>

CALIFORNIA

PUBLIC RESOURCES CODE SECTION 48000-48008

48000. (a) Each operator of a disposal facility shall pay a fee quarterly to the State Board of Equalization which is based on the amount, by weight or volumetric equivalent, as determined by the board, of all solid waste disposed of at each disposal site.

(b) The fee for solid waste disposed of shall be one dollar and thirty-four cents (\$1.34) per ton. Commencing with the 1995-96 fiscal year, the amount of the fee shall be established by the board at an amount that is sufficient to generate revenues equivalent to the approved budget for that fiscal year, including a prudent reserve, but shall not exceed one dollar and forty cents (\$1.40) per ton. ....

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=47001-48000&file=48000-48008>

#### COLORADO

25-16-104.5. Solid waste **user fee** – imposed – rate-direction-repeal.

(1) On and after January 1, 1986, there is hereby imposed a user fee upon each person disposing of solid waste at an attended solid wastes disposal site. The fee is intended to be a charge to waste producers in addition to any charges specified by contract. Such fee shall be collected by the operator of such site or facility at the time of disposal and shall be imposed and passed through to waste producers and other persons at the following rate, or at an equivalent rate established by the department: (a) Six cents per load transported by a motor vehicle that is commonly used for the noncommercial transport of persons over the public highways; (b) Eleven cents per load transported by a truck, as such term is defined in section 42-1-102 (108), C.R.S., that is commonly used for the noncommercial transport of persons and property over the public highways; (c) Seventeen cents per cubic yard per load transported by any commercial vehicle or other vehicle not included in paragraph (a) or (b) of this subsection (1). ....

<http://198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm&2.0>

#### GEORGIA

12-8-39.

.....

(e) After July 1, 1992, owners or operators of any solid waste disposal facility other than an inert waste landfill as defined in regulations promulgated by the board or a private industry solid waste disposal facility shall assess and collect on behalf of the division from each disposer of waste a surcharge of 50¢ per ton of solid waste disposed. From July 1, 2003, through June 30, 2008, said surcharge shall be 65¢ per ton of solid waste disposed. After July 1, 2008, said surcharge shall be 75¢ per ton of solid waste disposed. Two percent of said surcharges collected may be retained by the owner or operator of any solid waste disposal facility collecting said surcharge to pay for costs associated with collecting said surcharge. Surcharges assessed and collected on behalf of the division shall be paid to the division on July 1, 1993, for the period July 1, 1992, through December 31, 1992. All subsequent payments shall be due on the first day of July of each year for the preceding calendar year.

(f) All surcharges required by subsection (e) of this Code section shall be paid to the division for transfer into the state treasury to the credit of the general fund. The division shall collect such fees until the unencumbered principal balance of the hazardous waste trust fund equals or exceeds \$25 million, at which time the division shall not collect any further such surcharges until the unencumbered balance in such fund equals or is less than \$12.5 million, at which time the division shall resume collection of such surcharges at the beginning of the next calendar year following the year in which such event occurs. The director shall provide written notice to all permitted solid waste disposal facilities at the time he receives notice that the unencumbered balance of such trust fund equals or exceeds \$25 million or equals or is less than \$12.5 million.

(g) Unless the requirement for the surcharge required by subsection (e) of this Code section is reimposed by the General Assembly, no such surcharge shall be collected after July 1, 2013.

(h) The division shall advertise to the public the surcharges imposed pursuant to subsection (e) of this Code section in accordance with rules promulgated by the board.

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=12-8-39](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=12-8-39)

#### ILLINOIS

(415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

Sec. 22.15. Solid Waste Management Fund; fees.

(a) There is hereby created within the State Treasury a special fund to be known as the "Solid Waste Management Fund", to be constituted from the fees collected by the State pursuant to this Section and

from repayments of loans made from the Fund for solid waste projects. Moneys received by the Department of Commerce and Community Affairs in repayment of loans made pursuant to the Illinois Solid Waste Management Act shall be deposited into the Solid Waste Management Revolving Loan Fund.

(b) The Agency shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The Agency shall deposit all fees collected into the Solid Waste Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 95 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of \$2.00 per ton of solid waste permanently disposed of. In no case shall the fee collected or paid by the owner or operator under this paragraph exceed \$1.55 per cubic yard or \$3.27 per ton. ....  
<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=041500050HTit%2E+V&ActID=1585&ChapterAct=415%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=36&ChapterName=ENVIRONMENTAL+SAFETY&SectionID=56501&SeqStart=23300&SeqEnd=28600&ActName=Environmental+Protection+Act%2E>

#### IOWA

##### **455b.310 Tonnage fee imposed – appropriations – exemptions.**

1. Except as provided in subsection 5, the operator of a sanitary landfill shall pay a tonnage fee to the department for each ton or equivalent volume of solid waste received and disposed of at the sanitary landfill during the preceding reporting period. The department shall determine by rule the volume which is equivalent to a ton of waste.

2. The tonnage fee is four dollars and twenty-five cents per ton of solid waste. ....

<http://www.legis.state.ia.us/IACODE/2003SUPPLEMENT/455B/310.html>

#### MAINE

Title 38: WATERS AND NAVIGATION

Chapter 24: SOLID WASTE MANAGEMENT AND RECYCLING

Subchapter 7: FINANCE, FEES AND CONTRACTS

Article 2: Maine Solid Waste Management Fund

##### **§2204. Municipal solid waste disposal surcharge**

The department shall impose a fee of \$2 per ton on any municipal solid waste disposed of at a commercial, municipal or regional association landfill, except that there is no fee on municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a contract with a term longer than 9 months for disposal of municipal solid waste in that landfill facility. [1999, c. 385, §8 (amd).]

<http://janus.state.me.us/legis/statutes/38/title38sec2204.html>

##### **§2205. Fee payments**

Each operator of a solid waste disposal facility shall make the fee payment quarterly. The fee must be paid to the department on or before the 20th day of April, July, October and January for the 3 months ending the last day of March, June, September and December. [1995, c. 465, Pt. A, §77 (amd); Pt. C, §2 (aff).] ....

<http://janus.state.me.us/legis/statutes/38/title38sec2205.html>

#### MICHIGAN – Pending Legislation as of January 2006

**Senate Bill 256**, Introduced Feb. 2005, Sponsored by Senator Brater et al.

Referred to Committee on Natural Resources and Environmental Affairs.

**Sec. 11532a.** (1) Beginning January 1, 2006, a recycling and waste diversion surcharge of \$6.00 is assessed on each ton of municipal and commercially generated solid waste that is disposed of in a landfill or a municipal solid waste incinerator.

(2) The owner or operator of a landfill or municipal solid waste incinerator shall pay the recycling and waste diversion surcharges under this section to the department within 30 days after the end of each quarter of the state fiscal year. The department shall forward all recycling and waste diversion surcharges it receives to the state treasurer for deposit into the Michigan green communities fund created in section 11532b. ....

[http://www.legislature.mi.gov/\(bvwykv454hoffh3jieu1yq45\)/mileg.aspx?page=BillStatus&objectname=2005-SB-0256](http://www.legislature.mi.gov/(bvwykv454hoffh3jieu1yq45)/mileg.aspx?page=BillStatus&objectname=2005-SB-0256)

**House Bill 4758**, Introduced May 2005, Sponsored by Rep. Kathleen Law et al.

Referred to Committee on Natural Resources, Great Lakes, Land Use, and Environment.

**Sec. 11532a.** (1) Beginning October 1, 2005, a recycling and waste diversion surcharge of \$7.50 is assessed on each ton of solid waste that is disposed of in a landfill or a municipal solid waste incinerator. (2) The owner or operator of a landfill or municipal solid waste incinerator shall pay the recycling and waste diversion surcharges to the Department within 30 days after the end of each quarter of the state fiscal year. The Department shall forward all recycling and waste diversion surcharges it receives to the state treasurer for deposit into the Recycling and Waste Diversion fund created in Section 11532B. ....

[http://www.legislature.mi.gov/\(bvwykv454hoffh3jieu1yq45\)/mileg.aspx?page=BillStatus&objectname=2005-HB-4758](http://www.legislature.mi.gov/(bvwykv454hoffh3jieu1yq45)/mileg.aspx?page=BillStatus&objectname=2005-HB-4758)

### MISSISSIPPI

§17-17-233. Establishment, collection and disposition of fees, surcharges, etc., to produce resources for **closure** of landfills and post-closure monitoring and remediation.

From and after October 9, 1993, the owner of a sanitary landfill shall establish a fee, or a surcharge on existing fees or other appropriate revenue-producing mechanism, to ensure the availability of financial resources for the proper closure of the sanitary landfill and post-closure monitoring and remediation. However, the disposal of solid waste by persons on their own property, as described in [Section 17-17-13](#), Mississippi Code of 1972, is exempt from this section.

(a) The revenue-producing mechanism must produce revenue at a rate sufficient to generate funds to meet state and federal landfill closure and post-closure requirements.

(b) The revenue shall be deposited in an interest-bearing escrow account to be held and administered by the owner. The owner shall file with the department an annual audit of the account. The audit shall be conducted by a certified public accountant and shall be filed no later than December 31 of each year. Failure to collect or report such revenue is a noncriminal violation, punishable by a fine of not more than Five Thousand Dollars (\$5,000.00) for each offense. The owner may make expenditures from the account and its accumulated interest only for the purpose of landfill closure and post-closure requirements. If such expenditures do not deplete the fund to the detriment of eventual closure and post-closure requirements, any monies remaining in the account after paying for proper and complete closure and all post-closure requirements, as determined by the commission, shall be returned to the owner. ....

<http://198.187.128.12/mississippi/lpext.dll?f=templates&fn=fs-main.htm&2.0>

### MISSOURI

#### **Collection of fee by operator, payment required--separate surcharge, transmittal of funds.**

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, 2003, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the county commission or authority for economic development within the county. Collection costs shall be the same as

established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also indicate whether the county commission or economic development authority receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body.

(L. 1993 S.B. 80, et al. § 18, A.L. 1996 S.B. 662, A.L. 2003 S.B. 546, A.L. 2004 H.B. 795, et al.)

<http://www.moga.state.mo.us/statutes/C200-299/2600000831.HTM>

#### NEBRASKA

##### **13-2042. Landfill disposal fee; payment; interest; use; grants; department; powers; council; duties.**

(1) A disposal fee of one dollar and twenty-five cents is imposed for each six cubic yards of uncompacted solid waste, one dollar and twenty-five cents for each three cubic yards of compacted solid waste, or one dollar and twenty-five cents per ton of solid waste disposed of at landfills regulated by the department. Each operator of a landfill disposal facility shall make the fee payment quarterly. The fee shall be paid quarterly to the department on or before the forty-fifth day following the end of each quarter. For purposes of this section, landfill has the same definition as municipal solid waste landfill unit in 40 C.F.R. part 258, subpart A, section 258.2. ....

<http://statutes.unicam.state.ne.us/Corpus/statutes/chap13/R1320042.html>

#### OHIO

##### **§ 3734.57. Fees for disposal of waste.**

(A) For the purposes of paying the state's long-term operation costs or matching share for actions taken under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended; paying the costs of measures for proper clean-up of sites where polychlorinated biphenyls and substances, equipment, and devices containing or contaminated with polychlorinated biphenyls have been stored or disposed of; paying the costs of conducting surveys or investigations of solid waste facilities or other locations where it is believed that significant quantities of hazardous waste were disposed of and for conducting enforcement actions arising from the findings of such surveys or investigations; paying the costs of acquiring and cleaning up, or providing financial assistance for cleaning up, any hazardous waste facility or solid waste facility containing significant quantities of hazardous waste, that constitutes an imminent and substantial threat to public health or safety or the environment; and, from July 1, 2003, through June 30, 2006, for the purposes of paying the costs of administering and enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and [Chapter 3714](#), of the Revised Code and any rules adopted under them, and paying a share of the administrative costs of the environmental protection agency pursuant to [section 3745.014](#) [3745.01.4] of the Revised Code, the following fees are hereby levied on the disposal of solid wastes in this state:

(1) One dollar per ton on and after July 1, 1993;

(2) An additional one dollar per ton on and after July 1, 2003, through June 30, 2006. ....

<http://onlinedocs.andersonpublishing.com/oh/lpExt.dll?f=templates&fn=main-h.htm&cp=PORC>

#### PENNSYLVANIA (enacted 2002)

##### **The General Assembly of Pennsylvania**

##### **House Bill No. 2044, Session of 2001**

##### **CHAPTER 63 DISPOSAL FEE**

Sec. 6301. Disposal fee for municipal waste landfills.

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§ 6301. Disposal fee for municipal waste landfills.

(a) Imposition.--Except as otherwise provided in subsection (b), each operator of a municipal waste landfill shall pay, in the same manner prescribed in Chapter 7 of the Municipal Waste Planning, Recycling and Waste Reduction Act, a disposal fee of \$4 per ton for all solid waste disposed of at the municipal waste landfill. The fee established in this section shall apply to process residue and nonprocessable waste from a resource recovery facility that is disposed of at the municipal waste landfill and is in addition to the fee established in section 701 of the Municipal Waste Planning, Recycling and Waste Reduction Act. ....

<http://www.legis.state.pa.us/WU01/LI/BI/BT/2001/0/HB2044P4198.HTM>

#### SOUTH DAKOTA

**34A-6-81.** Solid waste management disposal fee--Calculation. There is hereby imposed a solid waste management fee of a one dollar per ton for all municipal solid waste disposed of at a landfill facility. The fee shall be imposed upon the generator as a surcharge by the operator of the landfill facility at the time of disposal. The fee shall be calculated based upon actual disposal weight or if actual weight is not available each person served by the facility shall be considered to generate eight-tenths of a ton per year. Facilities subject to the fee imposed by § 34A-6-1.17 (see below) are not subject to the fee imposed by this section.

**Source:** SL 1992, ch 254, § 50H; SL 1993, ch 257, § 4.

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34A-6-81>

**34A-6-1.17.** Additional fee imposed upon disposal of certain solid waste. Because of the additional environmental risks attending large-scale solid waste facilities, a solid waste disposal fee of three dollars per ton or part thereof is hereby levied and imposed upon the disposal of solid waste other than mine wastes at any solid waste disposal facility in this state permitted for more than two hundred fifty thousand tons of solid waste per annum. The fee imposed by this section shall be in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility. Neither this fee nor any fees authorized by § 34A-6-1.38 may be imposed upon the disposal of waste by the state or any of its institutions. In the case of any solid waste facility that receives solid waste only from entities that have implemented a solid source reduction and recycling program, the fees provided for this section shall only be required if the facility receives more than two hundred fifty thousand tons of solid waste per year.

The disposal fee herein imposed shall be paid by the owner of the solid waste disposal facility and remitted to the state treasury. The obligation of the owner to pay the fee accrues at the time solid waste is disposed of at a solid waste facility. The fee imposed by this section shall be due and payable on or before the fifteenth day of the month next succeeding the month in which the fee accrued together with a return on such form or forms as may be prescribed by the secretary of revenue. Each owner of a facility who is required to pay the fee imposed by this section shall keep complete and accurate records in such form as the board or the secretary of revenue, by rule promulgated pursuant to chapter 1-26 may require.

Fees collected under this section shall be deposited in the South Dakota environment and water resources trust fund established pursuant to § 46A-1-82.

**Source:** SL 1989, ch 306, § 18; SL 1992, ch 256.

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34A-6-1.17>