

New Jersey Department of Environmental Protection
Hazardous Waste Program

Annual Hazardous Waste Fee Hourly Rate, Compliance Monitoring Fee and Hazardous Waste Transporter Tonnage Calculation Combined Report for Fiscal Year (FY) 2009

Pursuant to N.J.A.C. 7:26G-3.3(j), the New Jersey Department of Environmental Protection has prepared this Hazardous Waste Fee Hourly Rate, Compliance Monitoring Fee and Hazardous Waste Transporter Tonnage Calculation Combined Report for Fiscal Year (FY) 2009. This report details the factors that the Department uses to calculate the hourly rate, the compliance monitoring fee and the per ton rate.

Hourly Rate

N.J.A.C 7:26G-3.3(g) requires the Department to calculate the hazardous waste fee hourly rate for the state fiscal year as of the December of that State fiscal year.

The Hazardous Waste Fee Hourly Rate for the applicable State Fiscal Year is calculated pursuant to the following formula, codified at N.J.A.C. 7:26G-3.3(g) as follows:

$$\text{Hourly Rate} = \frac{(\text{AS} + \text{FB} + \text{IC} + \text{OE} + \text{LS})}{\text{BH}}$$

The variables that comprise this formula are fully defined at N.J.A.C. 7:26G-3.3(g), but in abbreviated fashion, are as follows: AS is average annual salary, FB is fringe benefits, IC is indirect costs, OE is Operational expenses, LS is legal services and BH is 1,428 (billable hours). For FY 2009, AS is \$125,878.37, FB is \$45,404.33, IC is \$34,753.26, OE is \$37,249.80, and LS is \$0.00, since LS is incorporated in OE. The resulting hourly rate is \$170.37.

Compliance Monitoring

Pursuant to N.J.A.C. 7:26G-3.3(h), the hourly rate is multiplied by the specific task hours for each type of activity for which the Department charges a compliance monitoring fee to derive the compliance monitoring fee for that activity ((hours per year * hourly rate)/estimated universe of facilities within generator category). For FY 2008, the Department determined not to adjust the compliance monitoring fees (see notice of Hazardous Waste Fee Hourly Rate, Compliance Monitoring Fee and Hazardous Waste Transporter Tonnage Calculation Combined Report for Fiscal Year (FY) 2008, 40 N.J.R. 4358(a), July 21, 2008). However, the Department has determined to adjust these fees for FY 2009. The following tables present the compliance monitoring fees as currently codified (as they were not adjusted in FY 2008) and as adjusted for FY 2009.

Currently Codified:

Type of Generator	Estimated # of inspections per year	Hours spent per year	Hourly Rate	Estimated Universe of Generators Within Category	Annual Fee (except as otherwise noted)
Large quantity generator	190	4455	\$126.82	600	\$940.00
Small quantity generator	200	3127	\$126.82	600	\$660.00
Conditionally exempt small quantity generator not included in the above two categories, with active identification number	500	3898	\$126.82	10,000	\$50.00
Commercial hazardous waste facility, other than major	104	1057	\$126.82	8	\$1,285.00 (per inspection)
Non-commercial hazardous waste facility	18	542	\$126.82	18	\$3,820.00
Hazardous waste transfer facility	120	840	\$126.82	30	\$3,550.00

Adjusted FY2009

Type of Generator	Estimated # of inspections per year	Hours spent per year	Hourly Rate	Estimated Universe of Generators Within Category	Annual Fee (except as otherwise noted, rounded to the nearest \$5 increment)
Large quantity generator	190	3413	\$170.37	600	\$970.00
Small quantity generator	210	2942	\$170.37	600	\$835.00
Conditionally exempt small quantity generator not included in the above two categories, with active identification number	265	1856	\$170.37	10,000	\$30.00
Commercial hazardous waste facility, other than major	96	1200	\$170.37	6	\$2,130.00 (per inspection)
Non-commercial hazardous waste facility	14	257	\$170.37	14	\$3,130.00
Hazardous waste transfer facility	116	464	\$170.37	29	\$2,725.00

Hazardous Waste Transporter Tonnage Calculation

N.J.A.C. 7:26G-3.3(f)1 provides that, except for new hazardous waste transporter applicants, any hazardous waste transporter that collects or delivers hazardous waste within the State shall pay an annual fee that is the greater of either the per ton fee codified at N.J.A.C. 7:26G-3.3(f)1 or the minimum registration fee codified at N.J.A.C. 7:26G-3.3(f)3. The transporter registration fee is calculated by multiplying the number of tons transported in the applicable 12-month period by the per ton fee.

The minimum registration fee is calculated pursuant to the following formula, codified at N.J.A.C. 7:26G-3.3(f)3:

$$\text{Minimum Registration Fee} = ((AS + FB + IC + OE + LS)/BH)0.5$$

The variables that comprise this formula are fully defined at N.J.A.C. 7:26G-3.3(g), but in abbreviated fashion, are as follows: AS is average annual salary, FB is fringe benefits, IC is indirect costs, OE is Operational expenses, LS is legal services and BH is 1,428 (billable hours). For FY 2009, AS is \$119,098.71, FB is \$42,958.90, IC is \$32,881.49, OE is \$36,716.49, and LS is \$0.00, since LS is incorporated in OE. The resulting minimum registration fee is \$80.00.

Pursuant to N.J.A.C. 7:26G-3.3(f)2 and 3, registrants that transport no waste and new hazardous waste transporters are required to pay the minimum registration fee plus the actual cost of each decal beyond the initial five, at a per decal cost pursuant to the contract awarded by the Department to its decal supplier. The cost for decals for the 2007-2009 registration period is \$0.12 per decal.

The per ton fee is based on the program costs associated with hazardous waste transporters for fiscal year 2009 (July 1, 2008 through June 30, 2009) and the total tons transported into or out of the State of New Jersey during calendar year 2007. The per ton fee is calculated pursuant to the following formula, codified at N.J.A.C. 7:26G-3.3(i):

$$\text{Per Ton Fee} = \text{Direct Program Staff} \times (AS + FB + IC + OE + LS) / \text{Total Tons Transported}$$

In this formula, AS, FB, IC, OE and LS have the same definitions as in the formula for the minimum registration fee, above.

Direct Program Staff is defined at N.J.A.C. 7:26G-3.3(i) as the Full Time Equivalent (FTE) level, projected to the nearest five percent, for all positions required to code time directly to any of the functions associated with the hazardous waste transporter program, including but not limited to: issuance of transporter registration documents, transporter billing, compliance monitoring, inspections and any actions involving regulatory activity. The FTE, including but not limited to managers, clerical support, rule writers, administrative and information technology support staff, not attributable to specific program functions (including but not limited to hazardous waste transporter registration, solid waste transporter registration, Regulated Medical Waste, A901, recycling centers, solid waste permit fees, manifest and the biennial report programs in Solid Waste Management), shall be apportioned in proportion to those various program areas. Any FTE funded by alternative non-fee sources, such as Federal Grants, are not included in the determination of the FTE. For fiscal year 2009, the Direct Program Staff for the Bureaus of Hazardous Waste Compliance and Enforcement, Solid Waste Compliance and Enforcement and Solid and Hazardous Waste Regulation is 3.7 FTE.

At N.J.A.C. 7:26G-3.3(i), "total tons transported" is defined as the combined amount of hazardous waste that originates from or is delivered to New Jersey facilities by all registered transporters as reported on the hazardous waste manifest system for a given year of the registration period. The total tons transported for calendar year 2007 was 997,443.05.

Utilizing these numbers in the per ton fee formula listed above results in a per ton fee of \$0.84.

The adjusted fees for FY 2009 differ from FY 2008 adjusted fees, which were based on FY 2008 costs and total tons transported in 2006, as follows:

<u>Fiscal Year</u>	<u>Per ton rate</u>	<u>Minimum fee</u>	<u>Decal price</u>
FY 2008	\$1.24	\$75	\$0.12 per decal
FY 2009	\$0.84	\$80	\$0.12 per decal

The per ton fee decreased because the total tons of hazardous waste transported into and out of New Jersey during calendar year 2007 was less than that of 2006 and the program costs were also decreased. The minimum fee increased because the hourly rate for FY 2009 has increased slightly from that of FY2008. The decal price remains the same because the contract for the 2007 registration period continues through June 2009.

The Department has reexamined the multipliers that it uses to calculate the tonnage, by comparing them with the most recent data provided in EPA’s “2007 National Hazardous Waste Biennial Report.” This report is a compilation of data proved to EPA by hazardous waste generators on a biennial basis. The Department has determined that the multipliers the Department uses should be adjusted to conform with the most recent data compiled by EPA.

Below is a table showing the multipliers used in FY 2008 and those used in FY 2009 and forward.

Starting Units	Ending Units	Multiplier used in FY 2008	Multiplier to be used In FY 2009 forward
Cubic Yards	Tons	0.769231	1.15
Gallons	Tons	0.00415	0.00415
Pounds	Tons	0.0005	.0005
Metric Tons	Tons	0.907441016	1.102
Tons	Tons	1	1
Kilograms	Tons	0.00022725	.001102
Liters	Tons	0.001079	.001102
Cubic Meters	Tons	0.0000188659	1.5

For the FY 2009 billing cycle, during the month of March 2009, the Department will send each registered hazardous waste transporter a bill stating the fee for FY 2009. The bill will reflect the revised tonnage rate multiplied by the total tons of hazardous waste that was transported by that transporter into or out of the State of New Jersey, pursuant to N.J.A.C. 7:26G-3.3(f). The registrant shall pay the fee by check, payable to "Treasurer, State of New Jersey" within 30 days of issuance of the invoice. The check shall be submitted to:

New Jersey Department of Treasury
 Division of Revenue
 P.O. Box 417
 Trenton, New Jersey 08625-0417

This Hazardous Waste Fee Hourly Rate, Compliance Monitoring Fee and Hazardous Waste Transporter Tonnage Calculation Combined Report for Fiscal Year (FY) 2009 is available on the Department’s web page at

<http://www.nj.gov/dep/enforcement/hw-fees.html> and will be provided to each person requesting a copy of the report.

In 2009, the Department will calculate fees to be assessed for FY 2010, based upon the fiscal year 2010 program costs and the calendar year 2008 total tons transported, and will publish notice in the New Jersey Register of the availability of the Report and the adjusted FY 2010 fees.