

**ENVIRONMENTAL PROTECTION
COMPLIANCE AND ENFORCEMENT
HAZARDOUS WASTE PROGRAM**

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

Take notice that the Department of Environmental Protection (Department) is adjusting fees to be paid by hazardous waste generators, hazardous waste commercial facilities, hazardous waste non-commercial facilities and registered hazardous waste transporters pursuant to the Hazardous Waste rules at N.J.A.C. 7:26G-3.3(f), (g), (h), (i) and (j).

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. Pursuant to N.J.A.C. 7:26G-3.3(h), the hourly rate is then 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. 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 hourly rate for FY 2009, calculated pursuant to the formula codified at N.J.A.C. 7:26G-3.3(g), is \$170.37. The FY 2009 hourly rate increased from the hourly rate for FY2008 of \$126.82 by \$43.55 because the FY 2009 program costs for average salary, fringe benefits and indirect costs each increased from FY2008.

Compliance monitoring fees for FY 2009 compare with currently codified fees, as follows (all fees are annual except as otherwise noted):

<u>Type of Generator</u>	<u>Currently Codified</u>	<u>FY 2009</u>
Large quantity generator	\$940.00	\$970.00
Small quantity generator	\$660.00	\$835.00
Conditionally exempt small quantity generator not included in the above two categories, with active identification number	\$50.00	\$30.00
Commercial hazardous waste facility, other than major	\$1,285.00 (per inspection)	\$2,130.00 (per inspection)
Non-commercial hazardous waste facility	\$3,820.00	\$3,130.00
Hazardous waste transfer facility	\$3,550.00	\$2,725.00

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 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 fee is calculated pursuant to the formula codified at N.J.A.C. 7:26G-3.3(f)3 and is based on program costs. Additionally, registrants that transport no waste and new hazardous waste transporters are required to pay the minimum 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 (see N.J.A.C. 7:26G-3.3(f)2 and 3).

The adjusted fees for FY 2009 are based on the program costs associated with hazardous waste transporters for FY 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 adjusted fees

for FY 2009 differ from the adjusted fees for FY 2008, which were based on FY 2008 costs and total tons transported in 2006. The FY 2008 fees compare with the FY2009 fees as follows:

<u>Fiscal Year</u>	<u>Per ton fee</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 slightly less than in 2006 and the Department costs were slightly less for FY2009 than FY2008, as well. The minimum fee increased because the hourly rate for FY 2009 has increased slightly from FY 2008. The decal price remains the same because the contract for the 2007 registration period continues through June 2009.

Under the rules, bills are to be sent in March of the applicable fiscal year. Each bill will state the fee for the particular transporter for FY 2009, and will reflect the revised tonnage rate multiplied by the total tons of hazardous waste that the particular transporter transported into or out of the State of New Jersey. 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

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

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

Date: _____

Mark N. Mauriello, Acting Commissioner
Department of Environmental Protection