

STATE OF NEW MEXICO
NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD



IN THE MATTER OF PROPOSED
AMENDMENTS TO 20.4.2 NMAC –
Hazardous Waste Permit and Corrective Action Fees
AND 20.4.3 NMAC – *Annual Hazardous Waste Fees*

No. EIB 19-35 (R)

Hazardous Waste Bureau
Resource Protection Division,
New Mexico Environment Department,

Petitioner.

**NEW MEXICO ENVIRONMENT DEPARTMENT'S
NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY**

Pursuant to 20.1.1.302 NMAC, the Hazardous Waste Bureau (“Bureau”) within the Resource Protection Division (“Division”) of the New Mexico Environment Department (“Department”) files this Notice of Intent to Present Technical Testimony for the hearing in this matter currently scheduled for December 20, 2019.

1. **Entity for Whom the Witnesses Will Testify:** The New Mexico Environment Department.

2. **Names and Qualifications of the Technical Witnesses:**

a. David Cobrain is the Permit Management Program Manager for the Hazardous Waste Bureau. His CV is attached as NMED Exhibit A. A copy of his written testimony is attached as NMED Exhibit B.

b. Janine Kraemer is the Compliance and Technical Assistance Program Manager for the Hazardous Waste Bureau. Her CV is attached as NMED Exhibit E. A copy of her written testimony is attached as NMED Exhibit F.

3. Summary of Testimonies:

a. David Cobrain – Mr. Cobrain will testify about the proposed amendments to the Hazardous Waste Permit and Corrective Action Fees described in Exhibits B and C. Mr. Cobrain’s testimony is expected to take approximately 30 minutes.

b. Janine Kraemer – Ms. Kraemer will testify about the proposed amendments to the Annual Hazardous Waste Fees described in Exhibits F and G. Ms. Kraemer’s testimony is expected to take approximately 30 minutes.

4. List of exhibits:

The Department submits the following exhibits:

NMED Exhibit A	CV of David Cobrain
NMED Exhibit B	Written Testimony of David Cobrain
Attachment B1	List of Acronyms
Attachment B2	NMSA 1978, Section 74-4-4.2(J)
Attachment B3	Correspondence Related to Proposed Fee Regulation Update 20.4.2 NMAC
Attachment B4	Petition to Amend 20.4.2 NMAC and 20.4.3 NMAC for the Hazardous Waste Regulations and Request for Hearing (September 9, 2019)
Attachment B5	Hearing Notice and Affidavit
Attachment B6	Basis for Hourly Rate Determination
Attachment B7	Basis for Determination of Average Document Review Times
NMED Exhibit C	Proposed Amendments to the Hazardous Waste Permit and Corrective Action Fees 20.4.2 NMAC – Redline Version
NMED Exhibit D	Proposed Amendments to the Hazardous Waste Permit and Corrective Action Fees 20.4.2 NMAC – Clean Version
NMED Exhibit E	CV of Janine Kraemer
NMED Exhibit F	Written Testimony of Janine Kraemer
Attachment F1	Correspondence Related to Proposed Fee Regulation Update 20.4.3 NMAC
NMED Exhibit G	Proposed Amendments to the Annual Hazardous Waste Fees 20.4.3 NMAC – Redline Version
NMED Exhibit H	Proposed Amendments to the Annual Hazardous Waste Fees 20.4.3 NMAC – Clean Version
NMED Exhibit I	Final Order and Statement of Reasons for Adoption of Rules

3. **Reservation of Rights:** The Department reserves the right to call any other person to present original and/or rebuttal testimony in response to another notice of intent or public comment filed in this matter or to any testimony or exhibit offered at the public hearing.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Intent to Present Technical Testimony was served on the following parties on November 20, 2019, to:

Via hand delivery and electronic mail:

Mr. Cody Barnes, Administrator
Room N-2168, Runnels Building
1190 St. Francis Dr.
Santa Fe, New Mexico 87505
Administrator, Environmental Improvement Board

Via electronic mail:

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EXHIBIT A

DAVID COBRAIN

EXPERIENCE

Mr. Cobrain is a Program Manager with the Permits Management Program of the Hazardous Waste Bureau (HWB) of the New Mexico Environment Department. Mr. Cobrain is the manager of staff that oversees permitting and corrective action at 20 RCRA-regulated U.S. Department of Energy, U.S. Department of Defense, National Aeronautics and Space Agency, and privately-owned facilities in New Mexico.

Mr. Cobrain has been a member of the HWB staff for 20 years. His current duties include all aspects of program management including preparation, issuance and enforcement of RCRA permits and compliance orders, oversight of corrective action activities at RCRA-regulated facilities, rulemaking, staffing, policy implementation, contract oversight, budget management and staff training. His responsibilities include directing regulated facilities in implementation of corrective action to achieve compliance with New Mexico Environment Department regulations prescribed in permits and orders.

Mr. Cobrain is a registered professional geologist (Oregon and Wyoming) with ten years of experience in environmental consulting prior to joining HWB. He has extensive experience conducting environmental field investigations at industrial and commercial sites including implementation of subsurface investigations, aquifer and remediation system testing, and completion and monitoring of remediation activities. His work as a project manager for environmental consulting firms included proposal and bid specification preparation, project planning and implementation, and budget management on environmental assessment and remediation projects that included investigation, closure, demolition and monitoring activities. He has conducted evaluations of remedial alternatives in accordance with EPA and state requirements for remedy selection and provided representation for clients with regulatory agencies.

EDUCATION

Mr. Cobrain obtained a bachelor's degree from Utah State University and a master's degree in geology from the University of North Carolina at Chapel Hill.

EXHIBIT B

NMED Testimony

20.4.2 NMAC

DIRECT TESTIMONY OF DAVID COBRAIN
HAZARDOUS WASTE BUREAU
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD
DECEMBER 20, 2019
20.4.2 NMAC

OVERVIEW OF THE HAZARDOUS WASTE ACT AND REGULATIONS

The Hazardous Waste Act (**HWA**) NMSA 1978 Sections 74-4-1 through 74-4-14, provides the legal authority for the Hazardous Waste Management regulations (20.4.1 NMAC), the Hazardous Waste Permit and Corrective Action Fees (20.4.2 NMAC) and the Annual Hazardous Waste Fees (20.4.3 NMAC).

The Hazardous Waste Management Regulations (20.4.1 NMAC), which are not proposed to be amended, are the regulations for the management of hazardous waste, including standards for the identification and listing of hazardous waste, for generators and transporters of hazardous waste, for owners and operators of hazardous waste treatment, storage, and disposal facilities, for specific wastes and facilities that manage such wastes, for land disposal restrictions, for issuing, suspending, revoking, or modifying permits and for corrective action at facilities subject to obtaining a permit.

NMSA 1978 Section 74-4-4.2.J (Attachment B2) of the HWA, directs the Environmental Improvement Board (**EIB**) to provide a schedule of fees for businesses generating hazardous waste, conducting permitted hazardous waste management activities or seeking a permit for the management of hazardous waste. The Hazardous Waste Permit and Corrective Action Fees (20.4.2 NMAC) and the Annual Hazardous Waste Fees (20.4.3 NMAC) implement these fees. The purpose of these fees is to support regulatory oversight of hazardous waste facilities by the New Mexico Environment Department (**NMED**).

The Hazardous Waste Permit and Corrective Action Fees (20.4.2 NMAC) provides specific regulations for assessing fees for all persons who own or operate a permitted facility at which the treatment, storage or disposal of hazardous waste is occurring or has occurred, all persons seeking or required to obtain a permit for the treatment, storage or disposal of hazardous waste, and all persons engaging in or required to engage in closure, post closure care or corrective action under the HWA. Subsections 74-4-4.2.J(3) and (4) of the HWA provide the authority for these regulations. In addition, Section 74-4-4.2.K provides the authority for voluntary fee agreements in addition to, and that includes all of, the fees required by Subsection J of this section.

In addition to Hazardous Waste Permit and Corrective Action Fees charged for permitting actions, NMED also charges Annual Hazardous Waste Fees to hazardous waste generators and treatment, storage and disposal facilities that receive imported hazardous waste (Hazardous Waste Fees, 20.4.3 NMAC). Subsections 74-4-4.2.J(1) and (2) of the HWA provides the authority for these regulations.

The New Mexico Environment Department is requesting amendments to the Hazardous Waste Permit and Corrective Action Fees, 20.4.2 NMAC, and the Annual Hazardous Waste Fees, 20.4.3 NMAC, before the EIB.

HISTORY OF THE HAZARDOUS WASTE PROGRAM AND HAZARDOUS WASTE PERMIT AND CORRECTIVE FEE REGULATIONS 20.4.2 NMAC

In 1985, NMED received authorization from the U.S. Environmental Protection Agency (EPA) to administer the core program of the federal Resource Conservation and Recovery Act (RCRA) for regulatory oversight of permitted and interim status activities. This allowed the State to permit operating hazardous waste management units, such as storage units, treatment units, landfills, and closure and post-closure activities at facilities within the State. The authorization approval includes a determination that the State has sufficient resources to adequately administer the Hazardous Waste Program.

The Hazardous Waste Fee Regulations, (EIB/HWFR-1), the predecessor to the Hazardous Waste Permit and Corrective Action Fees, were initially promulgated by the EIB in 1988. The EIB/HWFR-1 were structured to collect fees for permit applications and permit modifications for operating and post-closure hazardous waste treatment, storage, and disposal units.

In 1995, the EIB/HWFR-1 was restructured to fit the NMAC as the HWFR, 20 NMAC 4.2. The regulations were restructured solely to make the rules fit into the NMAC structure. No changes to the regulatory language or fees were made other than adding introductory sections on the Issuing Agency, Scope, Statutory Authority, Duration, Effective Date, Objective, Amendment and Supersession of Prior Regulations, and Savings Clause.

In January 1996, NMED received authorization from the EPA for the federal Hazardous and Solid Waste Amendments (HWSA) of RCRA to provide regulatory oversight of the corrective action process for RCRA permitted and interim status facilities. This includes, in general, site assessments, investigations, remedy selection and implementation, monitoring and corrective action complete determinations. The HSWA authorization for the State also includes a determination that sufficient resources are provided by the State to adequately administer the Hazardous Waste Program.

In 1997, NMED drafted amendments to the HWFR because the permit fees were inadequate to operate the expanded program with an appropriate number of staff. The amendments to the regulations were intended to reflect a more realistic cost of the permitting portion of the Hazardous Waste Program. The revised fee regulations proposed an annual hazardous waste business fee and document review fees for corrective action submittals. During the development of the fee regulations in 1997 and 1998 NMED met several times with the regulated community in what were called task force meetings.

In 1998, NMED proposed the foregoing amendments of the HWFR to the EIB to increase the fees for permit application and permit modifications. The proposed amendments also included an annual hazardous waste business fee and document review fees for corrective action

submittals. NMED met with the affected regulated community on several occasions. The EIB held a hearing on the proposed amendments to the HWFR and, also, the Annual Hazardous Waste Fees (20.4.3 NMAC) on July 10, 1998 and August 14, 1998. Open settlement discussions were subsequently held with NMED and the regulated community to address concerns raised during the hearing.

The EIB continued the hearing on November 13, 1998 after the open settlement discussions. Changes were made to the proposed fee regulations from those initially proposed to the EIB. Agreement was reached between the regulated community and NMED on the changes to the HWFR. As indicated at the EIB hearing on November 13, 1998, NMED was doing little more than guessing at appropriate fee levels and the fee levels were a compromise and considered to be a starting point. NMED committed to review the fees after two years and make an assessment of their adequacy. If the fees were not adequate, then adjustments would be made at a future EIB hearing on the HWFR. The EIB approved the November version of the proposed amendments of the HWFR which subsequently became effective on December 31, 1998.

As mentioned above, the fees within the HWFR were estimates. Sections 74-4-4.2(J)(3) to (4) of the HWA requires that the fees do not exceed the estimated cost of the review of the application, issuing the permit and conducting regulatory oversight of permitted activities. The estimated costs were primarily extrapolated from EPA data and from limited experience within the program, since there was no historical data. It was agreed in the hearing and the subsequent discussions that NMED needed to begin tracking the review times of documents.

In 2000, the permitted federal facilities (Department of Defense, Department of Energy and NASA) convened meetings to discuss the fee regulations. This working group met several times and a set of fee regulations were drafted by NMED based on the concerns discussed at the meetings.

In 2001, a task tracking database was created which allowed for tracking of time spent to review documents that had an associated fee. The database tracks the specific document, document type, and hours of review. The task tracking database is used by Bureau staff to enter time spent for each document review. Since its inception a number of improvements have been made and the document types have been expanded in addition to staff providing more accurate data.

In 2003, NMED concluded that the revenue collected through the HWFR was not adequate to sustain the Hazardous Waste Program at its contemporaneous levels. This was due to a number of issues: decreased funding from the State General Fund and from the EPA grant; inflation since 1998; expanded activities related to enforcement of orders; increased number and types of actual documents that NMED reviews; increased administrative record and hearing costs; and expanded public participation requirements. In addition, appeals of fee assessments became significant issue beginning with the first fee assessments after the 1998 effective date.

The Hazardous Waste Bureau (Bureau) drafted an update to the HWFR titled the Hazardous Waste Permit and Corrective Action Fees based on the average hourly cost of operations for Bureau staff in 2002 dollars and estimated document review times for the document types listed in the fee regulations. The list of document types was modified and expanded to reflect the

actual document types received from regulated facilities and included document types required by Permits and Orders issued under the HWA. The document review fees were loosely based on staff task tracking data because the listed document types were generally different from those listed in the 1998 fee regulations. Therefore, the fee amounts were estimated.

NMED met with the regulated facilities several times in 2005 and 2006 to discuss the revised fee regulations and make changes to the draft regulations in response to comments. At the conclusion of the discussions, the majority of the regulated facilities sent letters to the EIB in support of the revised version of the rules. The Hazardous Waste Permit and Corrective Action Fees were subsequently adopted by the EIB on August 18, 2006. NMED has provided an annual report to the EIB providing annual data on the implementation of the regulations since 2007.

The fee amounts in the currently proposed amendments to the regulations account for the increased costs for operating the Hazardous Waste Program since these regulations were promulgated in 2006. NMED has tracked staff resources spent to conduct individual document reviews and perform other activities not assigned to specific invoiced activities and evaluated the data with respect to current operational costs. Changes to the list of document types also have been made to better reflect the submittals received since the regulations were promulgated in 2006. The basis for the proposed updated Hazardous Waste Permit and Corrective Action Fees at 20.4.2 NMAC are discussed below.

FUNDING SOURCES FOR THE HAZARDOUS WASTE PROGRAM

There are three major funding sources of the Hazardous Waste Program. They are the General Fund, Federal Funds and Other State Funds. These funding sources are explained below.

General Fund

The General Fund is appropriated to NMED by the State legislature each year. The General Fund supports staff positions (full-time equivalents (FTEs)) and general overhead costs such as rent, telecommunications, computers, and vehicle leases. The Hazardous Waste Program received approximately \$482.9 (all figures in thousands) in General Fund for FY09. The Hazardous Waste Program received approximately \$319 in General Fund for FY10 and FY11 (ending in June 2011). The Hazardous Waste Program received \$0 General Fund from FY12 to FY19.

Federal Funds (U.S. EPA RCRA 3011 Grant)

The U.S. EPA RCRA Grant is a federal funding mechanism that supports the Hazardous Waste Program. The RCRA Grant is provided by the EPA to support the program in areas that include permitting, corrective action, compliance, inspection and enforcement, data management, and program authorization. Prior to FY07, the RCRA Grant was generally approved for \$1.2 million annually. In FY07, the RCRA Grant budget was \$1.5 million, which includes the 25% match, as discussed below. The RCRA Grant decreased to \$900 (all figures in thousands) in FY08 and has subsequently decreased since FY08. The RCRA Grant for FY18 was approximately \$770 and is anticipated to be further reduced in the future due to decreased funding of the EPA by Congress.

The Grant has a 25% hard match by NMED which is obtained by two other funding sources, the General Fund, if available, and the Corrective Action Fund. Currently, the Corrective Action Fund is used for the match to the RCRA Grant. The RCRA Grant currently supports 10 FTEs within the Bureau from the Data Management Program and a portion of the Compliance and Technical Assistance Program. The match supports portions of overhead and indirect costs. The RCRA Grant is negotiated on an annual basis and has been decreasing steadily since 2009.

Hazardous Waste Fees

The Hazardous Waste Fund (Fund 339) is supported through the collection of fees from the Hazardous Waste Permit and Corrective Action Fees (20.4.2 NMAC), the Annual Hazardous Waste Fees (20.4.3 NMAC) and voluntary fee agreements. The Annual Hazardous Waste Fees average between \$240.0 and \$300.0 annually (all figures in thousands). The Annual Hazardous Waste Fees support up to four FTEs and indirect and overhead costs.

The legislature did not appropriate General Fund for the operating budget for the Hazardous Waste Bureau from FY12 to FY19 to support the Hazardous Waste Program. The Permits Management Program (PMP) is supported by the Hazardous Waste Permit and Corrective Action Fees. The PMP provides permit and corrective action oversight for three Department of Energy facilities, seven Department of Defense facilities, NASA's White Sands Test Facility and nine commercial-industrial facilities. The PMP supports 28 FTEs in addition to indirect and overhead costs and also contracts. The operating budget exceeds actual revenues.

NMED has negotiated voluntary fee agreements with two facilities. These agreements provide additional funding to NMED for staff and other resources dedicated to these facilities, when revenue that is generated through the annual fee and the applicable invoiced fees for document reviews for the individual facilities is exceeded, to cover the additional costs of providing oversight. Funding through the agreements is in addition to funding through the fee regulations. NMED's agreement with the U.S. Department of Energy (DOE) for the Waste Isolation Pilot Plant (WIPP) has been negotiated on an annual basis for the past 20 years. It covers expenses related to WIPP Audits and permit modifications, in addition to contractual support to NMED for WIPP activities. The current operating budget for the WIPP agreement supports four FTEs, overhead costs and contracts. The Los Alamos National Laboratory (LANL) fee agreement (Memorandum of Agreement or MOA) was initiated in September 2005, and currently supports six FTEs, overhead costs and contracts. The MOA outlines specific funding provided by LANL for the purpose of supporting HWB permit writing and corrective action measures that specifically pertain to LANL. These agreements are determined annually. LANL has not renewed its MOA with the NMED.

HAZARDOUS WASTE PERMIT AND CORRECTIVE ACTION FEES ANNUAL REVENUES

Revenue generated by the Hazardous Waste Permit and Corrective Action Fees varies annually. Annual fees, listed in 20.4.2.204 NMAC, are assessed based on the number of units where permitted hazardous waste management activities and ongoing corrective actions are conducted.

The number of units at regulated facilities ranges from one to 1,434. The number of units at regulated facilities has generally decreased as cleanup at corrective action units is completed and hazardous waste management units are closed. Permitting and corrective action activities include activities that are not directly related to document reviews, such as pre-submittal meetings and public participation during certain phases of closure or corrective action completion.

In addition to annual fees, which are a relatively stable revenue source for the Bureau, document review fees are assessed based on the document types listed in the fee tables in 20.4.2.205 through 210 NMAC. This revenue source is variable based on the type and frequency of activities conducted at permitted facilities. The frequency of activities conducted at a facility is influenced by permit renewal and modification schedules, federal facility funding, federal contracting policies, facility compliance, and the scope of individual corrective action projects which are generally not under the control of the NMED.

Since FY07, annual permit fees have ranged from \$462.25 (all figures in thousands) to \$569.75. The supplemental fees assessed under the LANL and WIPP fee agreements comprised an additional \$490 to \$520 each for an approximate average of \$1,000 per year in annual permit fees. Since FY07, document review fees received annually have ranged from \$517 (FY18) to \$885.3 and averaged approximately \$677.4 excluding the LANL and WIPP supplemental fees.

WIPP permit fees and document review fees have covered less than 25% of the total cost of providing regulatory oversight for the facility, including contract services. The WIPP fee agreement has provided the supplemental funding necessary to support WIPP permitting oversight. The annual revenue provided under the WIPP fee agreement has ranged from \$787.6 in FY11 to \$323.4 in FY18 with an average of approximately \$557.0. The LANL fee agreement ranged between \$310.7 in FY16 to \$1,471 in FY15. The supplemental fees ranged from approximately \$180 less than the annual permit fee to approximately \$979 more than the annual permit fee. This reflects the amount of permitting and corrective action oversight conducted through the number of FTEs working on facility activities and yearly overlap between funding transfers from LANL to NMED. In general, average funding has decreased since 2012 as a reflection of the level of permit and corrective action activity conducted since 2012 and the number of FTEs that the LANL supplemental fees have supported has been reduced accordingly.

The Bureau currently is operating with a 35% vacancy rate after eliminating eight positions to accommodate budget reductions related to the absence of general fund, declining revenues and inflation-related increases in operating costs. The current operating budget for the Bureau is approximately \$4.6 million. The Bureau operating budget would be approximately \$6 million if fully staffed.

The RCRA grant, the Annual Hazardous Waste Fees and the WIPP and LANL supplemental fees provided approximately \$2 million in FY2019. The Hazardous Waste Permit and Corrective Action Fees promulgated in 2006 currently provide insufficient revenues to cover the remainder of the annual operating budget.

MEETINGS WITH THE REGULATED COMMUNITY ON THE PROPOSED REVISIONS TO THE HAZARDOUS WASTE PERMIT AND CORRECTIVE ACTION FEES

On February 7, 2019, NMED held a conference call with the regulated facilities to announce that the Hazardous Waste Permit and Corrective Action Fees were being updated. On February 8, 2019 NMED provided a draft of the proposed revised regulations to the regulated community by email and requested input from the facilities on the revised text of the regulations. NMED also posted the draft regulations on the Bureau website. The Bureau held a webinar to present the basis for the fee regulations on May 15, 2019 and again requested input from the regulated community on the revisions to the fee regulations. Meetings were held on July 10 and August 29, 2019 in Albuquerque to discuss the draft regulations with the affected community. The issues raised by the attendees were primarily focused on the changes and additions to the definitions. The limited number of comments received were discussed in the meetings conducted in May, July and August 2019.

The Bureau provided the basis for the fee amounts listed in 20.4.204 through 20.4.210 NMAC by presenting a compilation of staff review time-tracking data for each document type and providing the Bureau operating costs in the context of an FTE hourly rate as described below.

The Bureau also provided changes to one added definition in June 2019 and included an additional definition in response to stakeholder input in August 2019 and again requested input from the regulated facilities regarding the revisions. The NMED did not receive further input regarding the revisions to the regulations after August 2019.

On September 27, 2019 NMED petitioned the EIB to schedule a hearing on the proposed amendments to the hazardous Waste Permit and Corrective Action Fees (Attachment B4). The EIB granted the hearing request and scheduled the hearing for December 20, 2019 in Santa Fe, New Mexico. The hearing notice was published on October 15, 2019 in the State Register, on the New Mexico Sunshine Portal, and in the Albuquerque Journal (Attachment 5). It was also sent to all NMED field offices for posting. As part of the notice, NMED again provided the proposed amended regulations to the regulated community and stakeholders by email and web posting.

THE FEE BASIS

The basis for the proposed fee amendments was calculated by determining the hourly rate for a staff full time equivalent (FTE). The hourly rate incorporates the operating costs of the bureau divided by the number of FTEs in the Bureau. The hourly rate calculated based on the bureau operating costs was then multiplied by the average review time for each document type to determine the proposed adjusted fee for document reviews. The Fee Basis (Attachment B7) is a compilation of several tables providing the supporting information on document review times, average hourly rates based on the review times, and the basis for the fee revisions. The Fee Basis consists of tables listing time and cost information and is discussed in detail below.

Hourly Rate Basis

The hourly rate is determined by the overall cost of a staff FTE to perform work. The hourly rate is calculated by adding the cost of Bureau salary and benefits and the cost of operating the Bureau divided by the number of FTEs in the Bureau. Examples of costs include building rents, contracted services, vehicles, travel, computers and office supplies, postage, newspaper publications and indirect costs assessed by the Office of the Secretary to support Department-wide services. The Hourly Rate Basis table provided in Attachment 6 shows the derivation of the hourly rate of \$93.09. The hourly rate calculated for the current regulations was based on 2002 Bureau costs and was \$70.48 per hour. This was formulated from the contemporaneous average hourly rate for FTEs in the Permits Management Program. The inflation rate was also considered in adjusting the hourly FTE rate. The value of a 2004 dollar was \$1.34 in 2018 based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers. The hourly rate increase adjusted for inflation between 2004 and 2018 based on the hourly rate of \$70.48 used for the current regulations is \$94.44. Due to the anticipated lag time between the bureau cost evaluation and preparation of the fee revisions, the NMED used an hourly rate of \$94.44 to account for operational cost increases between the 2018 operational cost determination and the anticipated time of rule adoption. The U.S. Bureau of Labor and Statistics Consumer Price Index for All Urban Consumers in 2018 was 2.44 percent. The increase between the calculated 2018 Bureau hourly rate of \$93.09 and the rate used based on inflation between 2004 and 2018 of \$94.44 is 1.45 percent.

The hourly rate is based on 1840 work hours in a year. This is calculated from the total yearly work hours of 2080 and subtracting the State holidays, and average annual, sick and administrative leave.

Annual Fees Adjustment

The Annual Fees listed in 20.4.2.204 NMAC were adjusted to account for inflation. The Annual Fees were adjusted based on the 2004 to 2018 inflation rate of 1.34 and rounded to the nearest \$500.00 with the exception of Corrective Action Complete with Controls per unit which was rounded to the nearest \$50.00. Annual fees cover the cost of time spent on facility activities that are not directly related to staff document reviews (e.g., administrative activities, public meetings, facility pre-submittal meetings, site inspections, training, contracted analytical laboratory services).

Document Review Fee Adjustments Based on Average Review Times

The proposed fees were adjusted from the current fees based on average staff hours worked on document reviews for each document type received between FY08 and FY18 multiplied by the adjusted hourly FTE cost of \$94.44/hour. Average review times for each document type, the current average hourly rate for document reviews based on staff hours, the average cost for review based on the adjusted hourly rate and the new proposed document review fees are included in Attachment 7. The average review times for documents still under review were

included as part of average review times; therefore, average review times for some document types are underestimated.

The average review time spent for each document type was multiplied by the FY18 hourly rate of \$94.44/hour for comparison to the current fee schedule. The average cost of review based on the adjusted rate of \$94.44/hour was calculated and a revised document review fee for each document type was determined based on the average document review time multiplied by the adjusted hourly rate for staff. The calculated cost was then rounded to the nearest \$500.00. A summary of the average review times and costs for each document type are included in Attachment B7.

PROPOSED CHANGES TO THE HAZARDOUS WASTE PERMIT AND CORRECTIVE ACTION FEES

NMED respectfully requests the Environmental Improvement Board's approval to amend the New Mexico Hazardous Waste Permit and Corrective Action Fees, 20.4.2 NMAC (Exhibits C and D). The Hazardous Waste Permit and Corrective Action Fees, 20.4.2 NMAC provide regulations authorized by 74-4-4.2(J)(3) and (4) of the Hazardous Waste Act. The following provides a list of proposed modifications with supporting information for the amendments to the Hazardous Waste Permit and Corrective Action Fees, 20.4.2, NMAC.

The amendments to 20.4.2 NMAC are described below:

20.4.2.2 NMAC

Within Section 20.4.2.1 NMAC, SCOPE, a clarification was added that this part applies to all persons seeking or required to obtain a permit for corrective action and all persons subject to an enforceable document under the New Mexico Hazardous Waste Act in addition to those persons seeking or required to obtain a permit for the treatment, storage or disposal of hazardous waste.

20.4.2.7 NMAC

Within Section 20.4.2.7 NMAC, DEFINITIONS, several definitions have been added, amended or deleted to reflect current documents received by NMED and to make the definitions correspond with the Hazardous Waste Management Regulations, 20.4.1 NMAC, and also to include documents required by permits and orders. The added, amended and deleted definitions are listed below followed by the citation of the proposed regulations:

"background study report" is proposed to be added as a new document. (20.4.2.7(B)(1) NMAC)

"background study work plan" is proposed to be added as a new document. (20.4.2.7(B)(2) NMAC)

"emergency permit" is proposed to be added as defined at 40 CFR 270.61 (20.4.2.7(E)(1) NMAC)

"frequent monitoring plan" is proposed to be added as a new document. (20.4.2.7(F)(3) NMAC)

"frequent monitoring report" is proposed to be added as a new document. (20.4.2.7(F)(4) NMAC)

"interim measures monitoring report" is proposed to be deleted because the report is the same as a frequent monitoring report or a periodic monitoring report (20.4.2.7 NMAC). This proposed change was inadvertently omitted from the proposed rule attached to the petition.

"letter report" or "supplemental report" or "report addendum" is proposed to be added as a new document. (20.4.2.7(L)(1) NMAC)

"letter work plan" or "supplemental work plan" or "work plan addendum" is proposed to be added as a new document. (20.4.2.7(L)(2) NMAC)

"notice of disapproval" or "disapproval" is proposed to be defined in relation to document revisions (20.4.2.7(N)(3) NMAC)

"petition for NFA review" or "petition for corrective action complete review" is proposed to be revised to delete "petition for NFA review" because the EPA no longer uses the term "NFA" and the term "corrective action complete" is defined in permits and orders. (20.4.2.7(P)(3) NMAC)

"pilot test/aquifer test report" replaces the word "investigation" with "characterization" for accuracy. (20.4.2.7(P)(4)NN NMAC)

"pilot test/aquifer test work plan" replaces the word "investigation" with "characterization" for accuracy. (20.4.2.7(P)(5) NMAC)

"rejected document" defines the NMED action as used in 20.4.2.201.B(b) NMAC. (20.4.2.7(R)(2) NMAC)

"revision" or "document revision" is defined in relation to a "notice of disapproval" or "disapproval" as defined in 20.4.2(N)(3) NMAC. (20.4.2.7.R(6) NMAC)

"well abandonment report" or "well replacement report" is proposed to be added and is a new document. (20.4.2.7(W)(2) NMAC)

"well abandonment work plan" or "well replacement work plan" is proposed to be added and is a new document. (20.4.2.7(W)(3) NMAC)

20.4.2.8 to 20.4.2.200 NMAC

No amendments are proposed for sections 20.4.2.8 to 20.4.2.200 NMAC

20.4.2.201 NMAC

20.4.2.201.(B)(2)(b), the time to make an administrative completeness determination was extended from 180 to 270 days of receipt of the submittal.

20.4.2.201.B(6), Submittal review process, was amended to reference “[t]he secretary, at his or her discretion, shall establish a new notice date...”

20.4.2.201.C NMAC, Permit application, remedial action plan, and corrective action section fees, was amended to state that “NMED will perform the review of the application and prepare a draft permit...after receipt of fees.”

20.4.2.201.H NMAC, Corrective action submittal review fees, was amended to clarify that documents that contain attached documents that require NMED review will be assessed a separate document review fee corresponding to the document type of the attached document and that draft documents shall be considered initial submittals subject to submittal review fees. The amendment also clarifies that rejected documents are subject to the document review fees upon resubmittal.

20.4.2.201.M NMAC, Emergency permit fee, was added to state that emergency permits are subject to the fee listed in 20.4.2.209 NMAC.

20.4.2.201.N NMAC, Adjustment for inflation, was added to require an annual adjustment for inflation rounded to the nearest \$50.00.

20.4.2.202

No amendments are proposed for this section.

20.4.2.203 NMAC

20.4.2.203(A)(1), Hearing fee, the hearing fee was changed from \$20,000 to \$25,000 to account for inflation.

20.4.2.204 NMAC

Table 1, Annual Fees, was amended to adjust the fee amounts for inflation and to eliminate the discount for numbers of SWMU/AOC units listed for a facility in permits or orders greater than 150.

20.4.2.205 NMAC

Table 2, Application and Corrective Action Section Fees, was amended to adjust for inflation and to reflect the review times required to process applications and draft permits.

20.4.2.206 NMAC

Table 3, Interim Status Closure Plan and Interim Status Permitted Unit Closure Report Review Fees, was amended to adjust for inflation and average staff review hours and to reflect the review times required to process closure plans.

20.4.2.207 NMAC

Table 4, Permit Modification Fees, was amended to adjust for inflation and average staff review hours and to reflect the review times required to process permit modification requests.

20.4.2.208 NMAC

Table 5, Corrective Action Submittal Review Fees, was amended to adjust for inflation and average staff review hours and to reflect the review times required to process corrective action document submittals. It was also amended to add document types submitted under the current regulations that were not previously listed and to add a fee for submittal of a third document revision.

20.4.2.209 NMAC

Table 6, Land Disposal, Audit Review and Other Fees, was amended to adjust for inflation and average staff review hours and to reflect the review times required to process document submittals. An Emergency Permit fee was added to the table.

20.4.2.210 NMAC

Table 7, Change During Interim Status Fees, was amended to adjust for inflation and average staff review hours and to reflect the review times required to process permit modification requests as specified in 20.4.2.207 NMAC, Table 4, Permit Modification Fees.

20.4.2.211 to 20.4.2.300 NMAC

No amendments are proposed to sections 20.4.2.211 to 20.4.2.300.

20.4.2.301 NMAC

20.4.2.301.D, Manner of Payment and Due Dates, was amended to require that payments made by certified check or money order be payable to the New Mexico Environment Department or the Hazardous Waste Bureau.

20.4.2.302 NMAC

20.4.2.302.B(3) corrects a typographical error, “appealed” was corrected to “appeal.”

20.4.2.303 to 20.4.2.599 NMAC

No amendments are proposed to sections 20.4.2.303 to 20.4.2.599.

Attachment B1
List of Acronyms

AOC	Area of Concern
EIB	Environmental Improvement Board
FFCO	Federal Facilities Compliance Order
HWA	New Mexico Hazardous Waste Act, 74-4-1 through 74-4-14, NMSA 1978
HWB	Hazardous Waste Bureau
HWFR	Hazardous Waste Fee Regulations, 20.4.2 NMAC
HWMR	Hazardous Waste Management Regulations, 20.4.1 NMAC
LQG	Large Quantity Generator
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMSA	New Mexico Statutory Authority
RCRA	Resource Conservation and Recovery Act
SQG	Small Quantity Generator
SWMU	Solid Waste Management Unit
VSQG	Very Small Quantity Generator

Attachment B2

Section 74-4-4.2.J of the Hazardous Waste Act

74-4-4.2 of the Hazardous Waste Act states:

J. The board shall provide a schedule of fees for businesses generating hazardous waste or seeking a permit for the management of hazardous waste, to be deposited to the credit of the hazardous waste fund, including but not limited to:

(1) a hazardous waste business fee applicable to any business engaged in a regulated hazardous waste activity, which shall be an annual flat fee based on the type of activity;

(2) a hazardous waste generation fee applicable to any business generating hazardous waste, which shall be based on the quantity of hazardous waste generated annually; however, when any material listed in Paragraph (2) of Subsection I of Section 74-4-3 NMSA 1978 is determined by the board to be subject to regulation under Subtitle C of the federal Resource Conservation and Recovery Act, the board may set a generation fee under this paragraph for that waste based on its volume, toxicity, mobility and economic impact on the regulated entity; and

(3) a hazardous waste permit application fee, not exceeding the estimated cost of investigating the application and issuing the permit, to be paid at the time the secretary notifies the applicant by certified mail that the application has been deemed administratively complete and a technical review is scheduled.

(4) an annual hazardous waste permit management fee based on and not exceeding the estimated cost of conducting regulatory oversight of permitted activities.

K. The department and a business generating hazardous waste, conducting permitted hazardous waste management activities or seeking a permit for the management of hazardous waste may enter into a voluntary fee agreement in addition to and that includes all of the fees required by Subsection J of this section.

Attachment B3

**Correspondence Related to Proposed Fee Regulation Update
and
Attendees at Fee Regulation Meetings**

February 7, 2019 Conference Call (attendees not tracked)

May 15, 2019 Webinar (attendees not tracked)

July 10, 2019 (Albuquerque)

August 29, 2019 (Albuquerque)



NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

MICHELLE LUJAN GRISHAM
Governor

HOWIE MORALES
Lieutenant Governor

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 8, 2019

Brian D. Knight
Chief, Environmental Division
U.S. Army Garrison, White Sands
(Building 163)
White Sands Missile Range, New Mexico
88002-5000

**RE: NOTIFICATION OF INFORMATIONAL CONFERENCE CALL ON
PROPOSED REVISIONS TO THE HAZARDOUS WASTE PERMIT AND
CORRECTIVE ACTION FEE REGULATIONS, 20.4.2 NMAC**

Dear Mr. Knight:

The New Mexico Environment Department Hazardous Waste Bureau (HWB) intends to update the Hazardous Waste Permit and Corrective Action Fee Regulations (20.4.2 New Mexico Administrative Code [NMAC]). The modifications are necessary to adjust the fees to reflect current operational costs and to more accurately represent document review times based on data acquired since the regulations became effective in August 2006.

HWB will modify 20.4.2 NMAC in accordance with 20.1.1 NMAC (Rulemaking Procedures - Environmental Improvement Board), the Environmental Improvement Act, Section 74-1-9 NMSA 1978, the Hazardous Waste Act, Chapter 74, Article 4 NMSA 1978 and other applicable procedures.

HWB would like to meet with all facilities subject to regulation under 20.4.1 NMAC, prior to petitioning the Environmental Improvement Board to modify the Hazardous Waste Permit and Corrective Action Fee regulations, to explain the basis for the rule changes. The HWB plans to hold an informational conference call on **February 7, 2019** to provide background for the rule changes and to explain the rulemaking process. HWB anticipates scheduling a meeting in Santa Fe in March 2019 to discuss specifics regarding the proposed modifications to the regulations after distributing a draft of the proposed rule changes.

Mr. Knight
January 8, 2019
Page 2

The informational conference call is scheduled for **1:30 pm MST on Thursday February 7, 2019**. A telephone number and passcode will be forwarded to all facilities by email approximately one week prior to the conference call. HWB encourages all facilities conducting RCRA-permitted activities or corrective action to participate in the conference call, which will discuss the basis for the proposed modifications to 20.4.2 NMAC.

If you have questions regarding this letter, please contact Dave Cobrain at 505-476-6055.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

cc: B. Holton, NMED HWB
D. Cobrain, NMED HWB

File: HWB 2018 and Reading

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Tuesday, January 29, 2019 4:07 PM
To: 'timothy.j.davis@nasa.gov'; 'mike.brown@cbfo.doe.gov'; 'Scott.Denton@HollyFrontier.com'; 'Michael.Holder@hollyfrontier.com'; 'JMoore5@Marathonpetroleum.com'; 'EMartinez@sparton.com'; CLARK, SCOTT C GS-12 USAF AFMC 377 MSG/CEIR (scott.clark@us.af.mil); Avalos, Benito CIV (US) (benito.avalos1.civ@mail.mil); Patterson, Mark C CIV (US) (mark.c.patterson.civ@mail.mil); 'KOTTKAMP, SHEEN T GS-12 USAF AFCEC AFCEC/CZOW'; Larry Gandy; 'david.rast@nnsa.doe.gov'; Reiser, Anita (asreise@sandia.gov); 'Nick.Culian@safety-kleen.com'; KUSMAK, ADAM M GS-13 USAF ACC 49 CES/CEI (adam.kusmak@us.af.mil); 'jesus.d.moncada.civ@mail.mil'; Jeffrey Smith (jsmith@ACTEnviro.com); 'douglas.hintze@em.doe.gov'; 'glenn.morgan@em-la.doe.gov'; 'christopher.segura.2@us.af.mil'; Robinson, Kelly; 'brian.d.knight.civ@mail.mil'; 'rick.chavez@wipp.ws'
Cc: Kieling, John, NMENV
Subject: NMED Hazardous Waste Bureau Fee Regulations Informational Conference Call call-in number

This email follows the Hazardous Waste Bureau letter titled *Notification of Informational Conference Call on Proposed Revisions to the Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2.NMAC* dated January 8, 2019. Please see the call-in information below.

The phone number and pass code below will connect you to the initial conference call to discuss the updates to the fee regulations. The call is scheduled to begin at **1:30pm MST on Thursday February 7th**.

Call in number: 800-747-5150

Access Code: 3453860#

Please call 505-476-6000 if you have problems with connecting on the conference call.

Dave Cobrain
Hazardous Waste Bureau

Main Office Phone 505-476-6000

Direct Line 505-476-6055

Fax 505-476-6030



CenturyLink®

Welcome to the Conferencing Portal Website

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- [→ Ready-Access](#)
- [→ Web Services](#)
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- [Feedback](#)
- [Contact Us](#)
- [Logout](#)

Conference Details

Conference Number: 549530644
Start Time: 2019-02-07 13:26 MST
End Time: 2019-02-07 13:58 MST
Total Number of Lines Connected: 20

Participant Details

Participant Connect Time	Participant Disconnect Time	Originating Number	Participant PIN
2019-02-07 13:26 MST	2019-02-07 13:58 MST	3017188900	
2019-02-07 13:26 MST	2019-02-07 13:58 MST	5152660319	
2019-02-07 13:27 MST	2019-02-07 13:58 MST	5053495220	
2019-02-07 13:27 MST	2019-02-07 13:58 MST	7146256660	
2019-02-07 13:27 MST	2019-02-07 13:58 MST	5053721	
2019-02-07 13:27 MST	2019-02-07 13:58 MST	5755723932	
2019-02-07 13:28 MST	2019-02-07 13:58 MST	5756783258	
2019-02-07 13:28 MST	2019-02-07 13:58 MST	5755245460	
2019-02-07 13:28 MST	2019-02-07 13:58 MST	5179174667	
2019-02-07 13:28 MST	2019-02-07 13:58 MST	5752347476	
2019-02-07 13:29 MST	2019-02-07 13:58 MST	5752343225	
2019-02-07 13:29 MST	2019-02-07 13:58 MST	5755726678	
2019-02-07 13:29 MST	2019-02-07 13:58 MST	8133554472	
2019-02-07 13:29 MST	2019-02-07 13:57 MST	9186697597	
2019-02-07 13:30 MST	2019-02-07 13:58 MST	5052801786	
2019-02-07 13:30 MST	2019-02-07 13:58 MST	5058533098	
2019-02-07 13:30 MST	2019-02-07 13:58 MST	5050000000	
2019-02-07 13:31 MST	2019-02-07 13:58 MST	5052844048	
2019-02-07 13:39 MST	2019-02-07 13:54 MST	5752347355	
2019-02-07 13:52 MST	2019-02-07 13:58 MST	5303632632	

© 2019

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Friday, February 8, 2019 2:16 PM
To: Kieling, John, NMENV
Cc: HOLTON, BRIAN, NMENV; Cobrain, Dave, NMENV
Subject: 20.4.2 NMAC draft revision
Attachments: 20.4.2 NMAC modified redline 1-2019.pdf

Please find attached a redline-strikeout version of the proposed revisions to the NMED Hazardous Waste Bureau (HWB) fee regulations (20.4.2 NMAC). HWB plans to hold a meeting in Santa Fe to discuss the changes and provide supporting information for the changes during the week of March 25th. We will notify you of the date as soon as possible so that you can make arrangements to attend. The link below provides web access to the proposed revised regulations.

<https://www.env.nm.gov/wp-content/uploads/2018/02/DRAFT-20.4.2-NMAC-redline-2-7-2019.pdf>

The link below connects to the HWB website where any updates or other information will be posted as we move through the rule change process.

<https://www.env.nm.gov/hazardous-waste/proposed-hazardous-waste-regulations/>

If you have comments or suggestions related to the proposed revisions, please send them to me at dave.cobrain@state.nm.us so that we can ensure that the issues are discussed in the meeting next month.

For those who participated on the call yesterday (February 7th), thank you for your participation.

Dave Cobrain
Hazardous Waste Bureau

Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 4 HAZARDOUS WASTE
PART 2 HAZARDOUS WASTE PERMIT AND CORRECTIVE ACTION FEES

20.4.2.1 ISSUING AGENCY: Environmental Improvement Board.

[12/31/98; 20.4.2.1 NMAC - Rn, 20 NMAC 4.2.I.101, 8/18/06; xx/xx/xx]

20.4.2.2 SCOPE: This part applies to all persons who own or operate a permitted facility at which the treatment, storage or disposal of hazardous waste is occurring or has occurred, all persons seeking or required to obtain a permit for the treatment, storage or disposal of hazardous waste or corrective action, all persons subject to an enforceable document under the New Mexico Hazardous Waste Act, and all persons engaging in or required to engage in closure, post closure care and corrective action under the New Mexico Hazardous Waste Act, Sections 74-4-1 through 74-4-14 NMSA 1978.

[12/31/98; 20.4.2.2 NMAC - Rn, 20 NMAC 4.2.I.102, 8/18/06; xx/xx/xx]

20.4.2.3 STATUTORY AUTHORITY: Sections 74-1-8, 74-4-4, 74-4-4.2 and 74-4-4.5 NMSA 1978.

[12/31/98; 20.4.2.3 NMAC - Rn, 20 NMAC 4.2.I.103 & A, 8/18/06; xx/xx/xx]

20.4.2.4 DURATION: Permanent.

[12/31/98; 20.4.2.4 NMAC - Rn, 20 NMAC 4.2.I.104, 8/18/06; xx/xx/xx]

20.4.2.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.

[12/31/98; 20.4.2.5 NMAC - Rn, 20 NMAC 4.2.I.105 & A, 8/18/06; xx/xx/xx]

20.4.2.6 OBJECTIVE: The objective of this part is to provide a schedule of fees for facilities seeking permits, currently permitted, or undergoing corrective action for past or present hazardous waste management activities. Fees paid are for deposit in the hazardous waste fund to meet necessary expenses in the administration and operation of the state hazardous waste program.

[12/31/98; 20.4.2.6 NMAC - Rn, 20 NMAC 4.2.I.106, 8/18/06; xx/xx/xx]

20.4.2.7 DEFINITIONS: Unless otherwise defined in this part, the words and phrases used in this part have the same meanings as in 20.4.1 NMAC, Hazardous Waste Management regulations. As used in this part:

A. "accelerated corrective action completion report" or "accelerated corrective measures completion report" means a report on implementation of presumptive remedies at small and relatively simple units where groundwater contamination is not a component of the accelerated cleanup, where the remedy is considered to be the final remedy for the unit, and where the field work will be accomplished within 180 days of commencement;

B. "accelerated corrective action work plan" or "accelerated corrective measures work plan" means a work plan to implement presumptive remedies at small and relatively simple units where groundwater contamination is not a component of the accelerated cleanup, where the remedy is considered to be the final remedy for the unit, and where the field work will be accomplished within 180 days of commencement;

C. "act" means the New Mexico Hazardous Waste Act, Sections 74-4-1 through 74-4-14 NMSA 1978;

D. "administrative authority" means the secretary of the New Mexico environment department, or the secretary's designee, or, in the case of provisions for which the state is not authorized, the United States environmental protection agency (EPA);

E. "administratively complete" means a determination made by the secretary that an application contains all the general information required in 40 CFR 270.13, applicable specific information in sections 40 CFR 270.14 through 270.28 and is complete as defined by the regulations of 20.4.1.900 NMAC incorporating 40 CFR 270.10 (c) and (d);

F. "area of concern" or "AOC" means any area having a known or suspected release of hazardous waste or hazardous constituents that is not from a solid waste management unit and that the secretary has determined may pose a current or potential threat to human health or the environment, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 270.32 (b) (2)). An area of concern may include buildings, and structures at which releases of hazardous waste or constituents were not remediated, including one-time and accidental events;

G. "~~certification of completion~~ background study report" means a report documenting the results of a study to determine background concentrations of naturally occurring inorganic compounds ~~completion of corrective~~

action required at a unit, submitted to the NMED to demonstrate that corrective action requirements for the unit, have been satisfied;

H. "background study work plan" means a plan proposing the methods to evaluate naturally occurring concentrations of inorganic compounds in environmental media.

I. "certification of completion" means completion of corrective action required at a unit, submitted to the NMED to demonstrate that corrective action requirements for the unit, specified an order, have been satisfied

HJ. "closure certification document" means all documentation certified by a New Mexico registered professional engineer in a certification of closure that is submitted by an owner or operator;

IK. "corrective action" means any activity related to site assessment, investigation, remediation, characterization or monitoring including reporting and document submittals at SWMUs or AOCs, including activities related to off-site migration;

JL. "corrective action complete with controls" means that NMED has determined that no additional remedial activity is required at a unit, but the unit requires continued performance of operation and maintenance, or monitoring actions for engineering controls, or institutional controls;

KM. "corrective action complete without controls" means that NMED has determined that no additional remedial activity is required at a unit;

LN. "corrective measures evaluation" or "CME" or "corrective measures study report" or "CMS report" means a report or study that evaluates remedial alternatives for the purpose of remedy selection and includes specifications to implement a proposed remedy;

MO. "corrective measures evaluation work plan" or "CME work plan" or "corrective measures study work plan" or "CMS work plan" means a plan to identify, develop and evaluate potential corrective measures (remedy) alternatives;

NP. "corrective measures implementation work plan" or "CMI work plan" means plans and specifications to implement the approved remedy at a facility;

OQ. "corrective measures implementation report" or "CMI report" means a report signifying completion of the remedy approved by NMED for termination of corrective action;

R. "emergency permit" means an emergency permit as defined at 40 CFR 270.61

PS. "enforceable document" means an order, a plan, or other document issued by EPA or the state under an authority that meets the requirements of 40 CFR 271.16 (e);

T. "FFCO" means federal facility compliance order;

U. "frequent monitoring plan" means a plan that describes proposed periodic monitoring activities for detection, compliance or corrective action monitoring, monitoring of a remediation system, or other corrective measure monitoring for a single site or contiguous sites with shared boundaries;

V. "frequent monitoring report" or "frequent progress report" means a report that describes periodic monitoring activities for detection, compliance or corrective action monitoring, monitoring of a remediation system, or other corrective measure monitoring or progress related to a corrective measure for a single site or contiguous sites with shared boundaries;

Q. "FFCO" means federal facility compliance order;

RW. "hazardous waste management activity" means the treatment, storage, or disposal of hazardous waste within a hazardous waste management unit at a facility subject to a hazardous waste permit or operated under interim status and subject to permit authorization, or any closure or post-closure care activity required at a hazardous waste management unit;

SX. "HWMR" means the New Mexico Hazardous Waste Management regulations, Title 20, Chapter 4, Part 1 of the New Mexico administrative code;

FY. "interim measure monitoring report" means a report which describes results of the monitoring activities conducted during implementation of measures to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented prior to implementation of a final remedy;

UZ. "interim measures report" means a report that describes the results of interim corrective measures conducted to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented prior to implementation of a final remedy;

VAA. "interim measures work plan" means a work plan to implement proposed interim corrective measures conducted to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented prior to implementation of a final remedy;

WBB. "investigation report" or "RFI report" or "RCRA facility investigation report" or "phase report" means a report that summarizes the results of investigation of the nature, rate, movement and extent of contamination at a unit or facility;

XCC. "investigation work plan" or "RFI work plan" or "RCRA facility investigation work plan" means a work plan that describes proposed investigation activities to evaluate the nature, rate, movement and extent of contamination at a unit or facility;

DD. "letter report," or "supplemental report" or "report addendum" means a report summarizing the results on the implementation of a work plan of limited scope where the field work was completed in seven working days or less and that did not constitute the initial field investigation at a site. Must be submitted as a separate document.

EE. "letter work plan," or "supplemental work plan" or "work plan addendum" means a work plan of limited scope that describes proposed corrective action activities where the field work can be completed in seven working days or less and does not constitute the initial field investigation at a site. Must be submitted as a separate document.

YFF. "monitoring plan" means a plan that describes proposed periodic monitoring activities for detection, compliance or corrective action ground water monitoring, monitoring of a remediation system, or other corrective measure monitoring;

ZGG. "notice of land transfer" means a notice that initiates NMED evaluation of the results of investigation activities conducted to evaluate the nature, rate, movement and extent of contamination and corrective measures at a property that is anticipated to be transferred to an owner other than the owner regulated by a permit or enforceable document;

AAHH. "NMED" means the New Mexico environment department;

II. "notice of disapproval" or "disapproval" means NMED-issued correspondence requiring revision and resubmittal of a deficient document.

BBJJ. "operation and maintenance plan" means a plan that describes operation, maintenance and monitoring of a remediation system or other corrective measure or monitoring activity that requires continued monitoring or upkeep during implementation;

CCKK. "periodic monitoring report" means a report that summarizes periodic detection, compliance or corrective action ground water monitoring, monitoring of a remediation system, or other corrective measure monitoring;

DDLL. "person" means any individual, trust, firm, joint stock company, federal agency, corporation including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state or any interstate body; and shall include each department, agency and instrumentality of the United States;

EEMM. "petition for NEA review" or "petition for corrective action complete review" means a petition to change the status of a unit from "subject to corrective action" to a different status (e.g., corrective action complete or no further action required) based on the results of corrective action activities or other relevant information

FFNN. "pilot/aquifer test report" means a report summarizing the results of pilot or aquifer tests conducted to evaluate hydrologic or other conditions for the purpose of site investigation characterization or remedy selection;

GGOO. "pilot/aquifer test work plan" means a work plan for conducting pilot or aquifer tests to evaluate hydrologic or other conditions for the purpose of site investigation characterization or remedy selection;

HHPP. "RCRA facility assessment" or "RFA" means the first stage in the corrective action process in which information is compiled on conditions at the site, including releases, potential releases, exposure pathways, solid waste management units, and areas of concern;

HQQ. "release assessment" or "SWMU assessment report" means an assessment of a solid waste management unit or area of concern performed after the RCRA facility assessment but before the initiation of any field investigation or full site characterization to obtain information for use in focusing subsequent investigations or eliminating certain units or areas from further consideration;

JRR. "remedial action plan" or "RAP" means a special form of a RCRA permit as defined in 20.4.1.900 NMAC, incorporating 40 CFR 270.80;

KKSS. "remedy completion report" means a report summarizing the results of completion of the implementation of corrective measures;

TT. "revision" or "document revision" means revised document submitted by a facility in response to a notice of disapproval or disapproval.

LUUU. "risk evaluation/risk assessment report" means a report summarizing the results of a risk evaluation or assessment for the purpose of evaluating the human health and ecological risks of exposure to contaminants and determining appropriate cleanup levels at a site;

MMVV. "secretary" means the secretary of the New Mexico environment department;

NNWW. "solid waste management unit" or "SWMU" means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste; such units include any area at a facility at which solid wastes have been routinely and systematically released;

OOXX. "submittal" means all applications, permit modification requests, plans, reports, studies, and other documents listed in tables 2 through 7 in 20.4.2.205 NMAC through 20.4.2.210 NMAC;

PPYY. "status report" means a report summarizing the progress of implementation of corrective actions or corrective measures;

QQZZ. "unit" means "hazardous waste management unit" as defined in 20.4.1.101 NMAC, incorporating 40 CFR 260.10, or solid waste management unit, or area of concern;

RRAAA. "well completion report" means a report summarizing the activities related to the drilling and installation of wells.

BBB "well abandonment report" or "well replacement report" means a report summarizing the activities related to abandonment or replacement of a well.

CCC "well abandonment work plan" or "well replacement work plan" means a work plan that describes the proposed activities to abandon or replace a well.

[12/31/98; 20.4.2.7 NMAC - Rn, 20 NMAC 4.2.I.107 & A, 8/18/06; xx/xx/xx]

20.4.2.8 - 20.4.2.107 [RESERVED]

20.4.2.108 GENERAL PROVISIONS: Saving clause: Repeal and replacement of hazardous waste fees, New Mexico environmental improvement board, 20.4.2 NMAC, shall not affect any administrative or judicial enforcement action pending on the effective date of this part.

[12/31/98; 20.4.2.108 NMAC - Rn, 20 NMAC 4.2.I.108, 8/18/06; xx/xx/xx]

20.4.2.109 - 20.4.199 [RESERVED]

20.4.2.200 PERMIT APPLICATION, INTERIM STATUS, REMEDIAL ACTION PLAN, AND CORRECTIVE ACTION FEES:

[12/31/98; 20.4.2.200 NMAC - Rn, 20 NMAC 4.2.II.200 & A, 8/18/06; xx/xx/xx]

20.4.2.201 TYPES OF FEES: Every owner or operator engaged in hazardous waste management activities or engaged in corrective action shall pay to NMED fees in the amounts specified in Subsections A through L of 20.4.2.201 NMAC. However, if an owner or operator has paid a fee for any type of permit application, or for the review of a submittal, prior to the effective date of these regulations, the owner or operator shall not be required to pay the fee provided for by these regulations. An owner or operator who has paid a fee provided for in table 2 or table 4 for permit applications or permit modification requests shall be required to pay the applicable fee again if the application or document is resubmitted by the owner or operator after being denied under NMSA 1978, Section 74-4-4.2, and 20.4.1.901 NMAC by NMED. The secretary may in his discretion, based on good cause shown, determine that the fee on resubmission should be reduced or waived.

A. Annual Fees: Every owner or operator engaged in hazardous waste management activities or engaged in corrective action shall pay to NMED an annual in an amount equal to the sum of the annual unit fees set forth in table 1 of 20.4.2.204 NMAC for each unit as identified in the facility permit, part A application, or enforceable document, or any combination thereof as applicable.

B. Submittal review process:

(1) For each submittal, the owner or operator shall pay the associated review fee as listed in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC. NMED will conduct the review within the time specified in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC. The secretary may grant an extension of time for good cause shown. NMED shall provide notice to the owner or operator of any requested time extension.

(2) NMED will invoice the owner or operator for the applicable review fee.

(a) Within 60 days of receipt of submittal, in the case of interim status fees, corrective action submittal fees, and other fees assessed under tables 3, 5, 6, and 7 of 20.4.2.206 NMAC and 20.4.2.208 NMAC through 20.4.2.210 NMAC.

(b) After an application is deemed administratively complete, in the case of application and permit modification fees under table 2 of 20.4.2.205 NMAC and table 4 of 20.4.207 NMAC. For

class 2 permit modification requests the invoice shall be issued within 30 days of receipt and the procedures of 40 CFR 270.42, as incorporated by 20.4.1.900 NMAC, shall apply. Unless extended by the secretary, administrative completeness determination shall be made within ~~180-270~~ days of receipt of the submittal. If the application is incomplete, NMED shall provide the owner or operator with written notice that shall list those parts of the application that are missing and describe the specific information needed to process the permit application.

(3) The timeframe for NMED review begins after receipt of payment, except for class 2 permit modification requests, in which case the time frame for NMED's review begins upon receipt of the request.

(4) NMED will provide the owner or operator written notice of approval, approval with modifications, disapproval, denial, or rejection of the submittal. If the submittal is disapproved, denied or rejected, NMED shall provide the owner or operator with written notice providing the reasons for such action.

(5) The review times specified in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC shall be tolled during all periods in which NMED is awaiting a response by the owner or operator to a notice under Paragraph (1) of Subsection B of 20.4.2.201 NMAC and during all time periods in which further action cannot be taken due to public comment and hearing requirements, except for class 2 permit modification requests, in which case the time frame for NMED's review begins upon receipt of the request.

(6) If NMED fails to meet a notice date pursuant to 20.4.2.205 NMAC through 20.4.2.210 NMAC, including an administrative completeness notice date, the NMED shall, within 10 business days after the deadline, notify the secretary and the owner or operator that the deadline was not met. The written notice shall state the reasons that the deadline was not met and propose a new deadline by which the NMED will act. The owner or operator may submit a written response to the secretary regarding its proposed remedy within 10 business days of its receipt of the notification. The secretary, at his discretion, shall establish a new notice date and remedy within 30 days after the secretary receives notice that the deadline was not met.

(7) In the event of a conflict, between review time and notice dates in these regulations and in an enforceable document the time-periods and review process in the enforceable documents shall control.

C. Permit application, remedial action plan, and corrective action section fees: Every owner or operator seeking a permit for the treatment, storage or disposal of hazardous waste or for post closure care shall pay an application review and permit preparation fee set forth in table 2 of 20.4.2.205 NMAC. The fee for application review and permit preparation shall be in an amount equal to the sum of the fees for each unit included in the permit application. If a corrective action section is required, the owner or operator shall also pay the basic fee for corrective action preparation set forth in table 2 of 20.4.2.205 NMAC plus the additional unit fee for each corrective action unit in excess of one which is addressed by the corrective action section. NMED ~~shall will~~ perform the review of the application and prepare the draft permit within the time specified in table 2 of 20.4.2.205 NMAC after receipt of the fees.

D. Permit renewals: Every owner or operator seeking to renew a previously issued permit for the treatment, storage or disposal of hazardous waste or for post-closure care shall pay an application review and permit preparation fee, and if required, a corrective action section fee, in the amounts and in the manner set forth in table 2 in 20.4.2.205 NMAC.

E. Interim status closure plan review fees: Every owner or operator submitting an interim status closure plan for review and approval shall pay a fee set forth in table 3 of 20.4.2.206 NMAC. The fee shall be in an amount equal to the sum of the fees set forth in table 3 of 20.4.2.206 NMAC for each unit included in the closure plan. An application to modify an approved interim status closure plan is subject to the following fees:

(1) Amendments of plans that are identified as equivalent to a class 1 or a class 2 permit modifications are subject to the corresponding fee in table 4 in 20.4.2.207 NMAC;

(2) Amendments of plans identified as equivalent to class 3 permit modifications are subject to the corresponding fee in table 3 in 20.4.2.206 NMAC.

F. Permit modification fees: Every owner or operator who requests a class 1, 2, or 3 modification to a permit, and every owner or operator whose permit is to be modified as a result of a five (5) year land disposal review shall pay the applicable class modification fee for each modification as set forth in table 4 of 20.4.2.207 NMAC. If the permit modification request is to add a new unit to the permit the applicable fee in table 2 of 20.4.2.205 NMAC ~~will shall~~ apply.

G. Closure report review fees: Every owner or operator who submits a closure report for review shall pay a closure report review fee as set forth in table 3 of 20.4.2.206 NMAC.

H. Corrective action submittal review fees: Every owner or operator who submits a corrective action submittal for review shall pay a corrective action submittal review fee as set forth in table 5 of 20.4.2.208 NMAC. An additional unit fee shall be paid for each additional unit for submittals that address multiple units.

Documents that contain attached documents or attached sections of other documents within the submittal will be

assessed a separate document review fee for the attached document or document section corresponding to the document type listed in table 5 of 20.4.2.208 NMAC. Draft documents shall be considered initial submittals subject to the corrective action submittal review fees as set forth in table 5 of 20.4.2.208 NMAC. Rejected documents shall be subject to the corrective action submittal review fees as set forth in table 5 of 20.4.2.208 NMAC upon resubmittal.

I. Land disposal review fee: Every owner or operator subject to a review under 20.4.1.900 NMAC (incorporating 40 CFR 270.50 (d)) shall pay a review fee as set forth in table 6 of 20.4.2.209 NMAC. At the time of invoicing, NMED shall notify the owner or operator in writing of any additional information required to process the review.

J. Audit review fee: Every owner or operator subject to an audit review required under a facility permit or enforceable document shall pay an audit fee for each audit as set forth in table 6 of 20.4.2.209 NMAC.

K. FFCO fee: Every owner or operator subject to a review of amendments, annual reports, and revisions under an FFCO shall pay a fee as set forth in table 6 of 20.4.2.209 NMAC. In the event of a conflict between the review times specified in table 6 and the FFCO, the FFCO shall control.

L. Change during interim status fee: Every owner or operator who requests a change during interim status pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.72) shall pay the following fees:

(1) Modifications that are identified as being equivalent to class 1 or class 2 permit modifications are subject to the corresponding fee in table 7 in 20.4.2.210 NMAC;

(2) Modifications identified as equivalent to class 3 permit modifications are subject to the corresponding fee in table 7 in 20.4.2.210 NMAC.

M. Emergency permit fee: Every facility that requests an emergency permit as required by 40 CFR 270.61 shall pay a fee as set forth in table 6 of 20.4.2.209 NMAC.

[12/31/98; 20.4.2.201 NMAC - Rn, 20 NMAC 4.2.II.201 & A, 8/18/06; xx/xx/xx]

20.4.2.202 ANNUAL FEE REPORT: On or before September 30 of every year, NMED shall review the amount of fees collected and the amount of money expended administering the hazardous waste management program for the prior state fiscal year and submit a report on its review to the board. The report shall include for each facility the amount of fees collected, the number and types of permitting actions taken, submittals reviewed, a summary of the time required to conduct each review or permitting action, and an analysis of the cost of regulatory oversight. The report shall include a summary of funds received and expenses required to administer the state hazardous waste program.

[12/31/98; 20.4.2.202 NMAC - Rn, 20 NMAC 4.2.II.202 & A, 8/18/06; xx/xx/xx]

20.4.2.203 HEARING FEES:

A. An applicant for issuance, renewal, or modification of a permit, or remedy selection shall be required to pay the following hearing fees if the secretary determines that a public hearing shall be held on the application.

(1) **Hearing fee:** The applicant shall be invoiced a hearing fee of twenty five thousand dollars (~~\$2025,000~~) within thirty (30) days of notification by the secretary that a hearing will be scheduled.

(2) **Administrative record preparation fee:** The applicant shall pay an administrative record preparation fee equal to the actual cost of copying the administrative record for the public hearing process.

(3) **Facility fee:** The applicant shall pay a facility fee equal to the actual cost of providing the public facility, including security and other ancillary costs, necessary to conduct the public hearing.

(4) **Recording and Transcription service fee:** The applicant shall pay a recording and transcription service fee equal to the actual cost of providing recording and transcription services for the public hearing and providing three copies of the hearing transcript to NMED.

(5) **Translation service fee:** If the secretary determines that translation services are required for the public hearing, the applicant shall pay a translation service fee equal to the actual cost of providing translation services necessary to conduct the public hearing.

(6) The applicant shall be invoiced for the total cost of the hearing within 90 days after the secretary's final decision under Subsection A of 20.4.2.203 NMAC. The hearing fee required under Paragraph (1) of Subsection A of 20.4.2.203 NMAC will be credited against the total cost of the hearing, or if the fee is more than the total cost of the hearing it shall be credited for future actions.

[12/31/98; 20.4.2.203 NMAC - Rn, 20 NMAC 4.2.II.201.8 & 203 & A, 8/18/06; xx/xx/xx]

20.4.2.204 TABLE 1 - ANNUAL FEES:

Unit Type	Fee
Disposal	\$4,000 \$5,500
Treatment	\$3,000 \$4,000
Storage	\$2,000 \$3,000
Post Closure	\$4,000 \$5,500
Corrective Action Management (CAMU)	\$4,000 \$5,500
Temporary (TU)	\$3,000 \$4,000
Remedial Action Plan Unit	\$3,000 \$4,000
Corrective Action Only	
SWMU/AOC per Unit:	\$1,000
— for the first 150 units (1 to 150)	\$750
— for the second 350 units (151 to 500)	\$350
— for each unit over 500 (501+)	\$200
Corrective Action Complete with Controls per Unit	\$2350

[12/31/98; 20.4.2.204 NMAC - Rn, 20 NMAC 4.2.II.204 & A, 8/18/06; xx/xx/xx]

20.4.2.205 TABLE 2 - APPLICATION AND CORRECTIVE ACTION SECTION FEES:

Unit Type	Fee	Fee for Renewal or Modification to add a unit	Review Time
Land Disposal	\$90,000 \$270,000	\$60,000 \$180,000	360-1080 days
Post Closure	\$90,000 \$120,000	\$60,000 \$80,000	360-720 days
Land Treatment	\$90,000 \$120,000	\$60,000 \$80,000	360 days
Surface Impoundment	\$75,000 \$100,000	\$50,000 \$65,000	360 days
Incinerator	\$75,000 \$100,000	\$50,000 \$65,000	360-720 days
Boiler or Industrial Furnace	\$75,000 \$100,000	\$50,000 \$65,000	360 days
Subpart X	\$90,000 \$120,000	\$60,000 \$80,000	360-720 days
Waste Pile	\$36,000 \$144,000	\$96,000 \$24,000	360 days
Treatment in Tanks	\$36,000 \$144,000	\$96,000 \$24,000	360-720 days
Treatment in Containers	\$36,000 \$144,000	\$96,000 \$24,000	360-720 days
Storage in Tanks	\$36,000 \$144,000	\$96,000 \$24,000	360-720 days
Storage in Containers	\$36,000 \$144,000	\$24,000 \$96,000	360-720 days
Research Demonstration and Development	\$24,000 \$32,000	\$16,000 \$21,500	360 days
Remedial Action Plan	\$24,000 \$32,000	\$16,000 \$21,500	360 days
Permit for Corrective Action Only	\$16,000 \$80,000	\$10,000 \$65,000	360 days
Corrective Action Section	\$10,000	\$7,000	N/A
Additional SWMU/AOC Unit Fee	\$1,000 \$1,300 for each additional unit	N/A	N/A

[12/31/98; 20.4.2.205 NMAC - Rn, 20 NMAC 4.2.II.205 & A, 8/18/06; xx/xx/xx]

20.4.2.206 TABLE 3 - INTERIM STATUS CLOSURE PLAN AND INTERIM STATUS AND PERMITTED UNIT CLOSURE REPORT REVIEW FEES:

Unit Type	Fee	Amendment Fee (equivalent to Class 3 permit modification)	Review Time
Land Disposal or Land Treatment	\$20,000	\$10,000	360- 540 days
Surface Impoundment	\$10,000 \$25,000	\$5,000 \$10,000	360- 540 days
Incinerator	\$8,000	\$4,000	270 days
Boiler or Industrial Furnace	\$8,000	\$4,000	270 days
Subpart X	\$10,000 \$30,000	\$5,000 \$15,000	360- 540 days
Waste Pile	\$8,000	\$4,000	270 days
Storage	\$6,000 \$12,000	\$3,000 \$6,000	180-270 days

Treatment	\$8,000 \$10,000	\$4,000 \$5,000	<u>270-360</u> days
Closure Report	\$6,000 \$13,000	NA	180 days

[12/31/98; 20.4.2.206 NMAC - Rn, 20 NMAC 4.2.II.206 & A, 8/18/06] ; ~~xx/xx/xx~~

20.4.2.207 TABLE 4 - PERMIT MODIFICATION FEES:

Modification	Fee	Review Time
Class 1 (without prior approval)	\$500 \$1,800	N/A
Class 1 (with prior approval)	\$2,500 \$6,500	<u>120-150</u> days
Class 2	\$6,000 \$30,000	Refer to 20.4.1.900 NMAC (incorporating 40 CFR 270.42 (b))
Class 3	\$40,000 \$100,000	<u>360-540</u> days
Class 3 - Petition for Corrective Action Complete Review/Petition for No Further Action Review	\$7,000 \$30,000 plus \$250 \$500 for each additional unit <u>up to 20 units</u> and plus \$750 \$750 for every unit over 20 units.	<u>270-360</u> days (plus 30 days for every 10-3 units over 20)

[12/31/98; 20.4.2.207 NMAC - Rn, 20 NMAC 4.2.II.207 & A, 8/18/06; ~~xx/xx/xx~~]

20.4.2.208 TABLE 5 - CORRECTIVE ACTION SUBMITTAL REVIEW FEES:

Submittal Type	Basic Review Fee	Additional Unit Fee	Review Time
Accelerated Corrective Action Completion Report/Accelerated Corrective Measures Completion Report	\$5,000 \$11,000	\$1,000	120 days
Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	\$5,000 \$9,000	\$1,000	120 days
Background Study Report	\$5,000	\$1,000	210 days
Background Study Work Plan	\$4,000	\$1,000	210 days
Certification of Completion per unit	\$500 \$3,000	NA	90 days
Corrective Measures Implementation Report	\$12,000 \$10,000	\$1,000	360 days
Corrective Measures Implementation Work Plan	\$6,500 \$18,000	\$1,000	270 days
Corrective Measures Study Report/Corrective Measures Evaluation	\$15,000 \$30,000	\$1,000	480 days
Corrective Measures Study Report/Corrective Measures Evaluation with Risk Assessment	\$20,000 \$35,000	\$1,000	480 days
Corrective Measures Study Workplan/Corrective Measures Evaluation Workplan	\$7,500 \$8,500	\$1,000	360 days
Frequent Monitoring Plan	\$3,500	\$1,000	120 days
Frequent Monitoring Report/Frequent Progress Report	\$4,000	\$1,000	N/A
Interim Measures Monitoring Report	\$500	\$1,000	N/A
Interim Measures Report	\$3,500 \$10,000	\$1,000	120 days
Interim Measures Work Plan	\$5,000 \$17,000	\$1,000	90 days
Investigation Report (RFI Report)/Phase Report	\$7,500 \$18,000	\$1,000	270 days
Investigation Report with Risk Assessment	\$10,000 \$20,000	\$1,000	360 days
Investigation Work Plan (RFI Work Plan)	\$10,000 \$15,000	\$1,000	270 days

<u>Letter Report/Supplemental Report/Report Addendum</u>	<u>\$6,000</u>	<u>\$1,000</u>	<u>180 days</u>
<u>Letter Work Plan/Supplemental Work Plan/Work Plan Addendum</u>	<u>\$5,000</u>	<u>\$1,000</u>	<u>180 days</u>
Monitoring Plan	\$2,500 <u>\$10,000</u>	\$1,000	120 days
Notice of Land Transfer	\$5,000 <u>\$2,000</u>	\$1,000	120 days
Operation and Maintenance Plan	\$2,500 <u>\$9,000</u>	\$1,000	150 days
Periodic Monitoring Report	\$2,000 <u>\$5,000</u>	\$1,000	N/A
Pilot/Aquifer Test Report	\$1,500 <u>\$10,000</u>	\$1,000	120 <u>180</u> days
Pilot/Aquifer Test Work Plan	\$1,000 <u>\$7,000</u>	\$1,000	90 <u>150</u> days
RCRA Facility Assessment (RFA) Report	\$2,500 <u>\$14,500</u>	\$1,000	180 days
Release Assessment/SWMU Assessment Report	\$3,500 <u>\$8,500</u>	\$1,000	90 <u>180</u> days
Remedy Completion Report	\$4,500 <u>\$8,500</u>	\$1,000	180 days
<u>Third Revision/ Third Document Revision</u>	<u>50% Review Fee</u>	<u>NA</u>	<u>NA</u>
Risk Evaluation/Risk Assessment Report	\$6,000 <u>\$14,000</u>	\$1,000	180 days
Status Report	\$2,000 <u>\$8,000</u>	\$1,000	N/A
Well Completion Report <u>per well</u>	<u>\$500</u> <u>\$3,000</u>	NA	90 days
<u>Well Abandonment Report/Well Replacement Report per well</u>	<u>\$2,000</u>	<u>NA</u>	<u>90 days</u>
<u>Well Abandonment Work Plan/Well Replacement Work Plan per well</u>	<u>\$2,000</u>	<u>NA</u>	<u>90 days</u>

[20.4.2.208 NMAC - N, 8/18/06 : xx/xx/xx]

20.4.2.209 TABLE 6 - LAND DISPOSAL, AUDIT REVIEW AND OTHER FEES:

Activity	Fee	Review Time
Land Disposal Permit Review	\$10,000	360 days
Audit Review	\$20,000 <u>\$30,000</u>	45 days
FFCO Administration	\$500 <u>\$2,000</u>	90 days
<u>Emergency Permit</u>	<u>\$1,000</u>	<u>30 days</u>

[20.4.2.209 NMAC - N, 8/18/06 : xx/xx/xx]

20.4.2.210 TABLE 7 - CHANGE DURING INTERIM STATUS FEES:

Submittal Type	Fee	Review Time
Change without prior approval	\$500 <u>\$1,800</u>	30 <u>45</u> days
Change with prior approval (equivalent to Class 1 permit modification)	\$2,500 <u>\$6,500</u>	120 <u>150</u> days
Change with prior approval (equivalent to Class 2 permit modification)	\$6,000 <u>\$30,000</u>	120 days
Change with prior approval (equivalent to Class 3 permit modification)	\$10,000 <u>\$100,000</u>	360 <u>540</u> days

[20.4.2.210 NMAC - N, 8/18/06 : xx/xx/xx]

20.4.2.211 FEE CALCULATION:

A. The annual fee shall be assessed for each unit identified in the facility permit, Part A application, and enforceable document on January 1 of the assessed year. The annual fee shall be waived for hazardous waste management units for which the owner or operator provides documentation to NMED that hazardous waste management activities did not occur at the unit during the previous calendar year. To be considered for the waiver the owner or operator shall submit the documentation to NMED on or before July 1 of each year.

B. The owner or operator of the facility is liable for payment of the undisputed part of the assessed fee on the date the annual fee is due. Payments will not be refunded because of a transfer of ownership or operations to a new owner or operator.

[20.4.2.211 NMAC - Rn, 20 NMAC 4.2.II.208 & A, 8/18/06; [xx/xx/xx](#)]

20.4.2.212 - 20.4.2.299 [RESERVED]

20.4.2.300 PAYMENT, DUE DATES, AND APPEALS:

[12/31/98; 20.4.2.300 NMAC - Rn, 20 NMAC 4.2.III.300 & A, 8/18/06; [xx/xx/xx](#)]

20.4.2.301 MANNER OF PAYMENT AND DUE DATES:

A. Annual Fee Invoices: NMED shall invoice every owner or operator for the annual fee by October 1 of every year.

B. Review Fees: Any submittals listed in tables 2 through 7 of 20.4.2.205 NMAC through 20.4.2.210 NMAC submitted by an owner or operator for review shall be invoiced for the corresponding fee by NMED.

C. Due Date: Payment of any fee shall be due within sixty (60) days of receipt of the invoice unless the owner or operator submits to NMED a written request seven (7) days prior to the end of the sixty (60) day period and receives written approval to extend the time for payment before the date payment is due. Failure to submit payment within the sixty (60) days, or approved extension, may result in the document being denied, and further enforcement action.

D. All fees shall be paid to NMED by certified check or money order payable to the New Mexico hazardous waste fund, by electronic funds transfer (with prior notice to NMED), or by other methods deemed acceptable by NMED. Cash payments are not an acceptable method of payment. All payments must include the invoice number and be addressed to the New Mexico environment department - hazardous waste bureau.

[12/31/98; 20.4.2.301 NMAC - Rn, 20 NMAC 4.2.III.301 & A, 8/18/06; [xx/xx/xx](#)]

20.4.2.302 APPEAL OF FEE ASSESSMENT:

A. Mandatory Settlement Conference:

Any owner or operator seeking to appeal an invoice for fees under this part must first notify the NMED in writing of the intent to appeal the invoice within thirty (30) calendar days of receipt of the invoice. The notice shall set forth the specific matters in dispute, the basis for the dispute, and any matters considered necessary for NMED's consideration. The parties shall have thirty (30) calendar days from NMED's receipt of notification to meet or confer with NMED to attempt to resolve the matters in the dispute. The secretary may extend deadlines under this section upon a determination that good cause exists. If an agreement is reached resolving the dispute, NMED may issue a revised invoice and the owner and operator shall comply with the terms of such agreement and revised invoice. If an agreement is not reached, NMED shall issue a notification to all parties that an agreement has not been reached. Failure to notify NMED of an appeal in the required timeframe shall prohibit the owner and operator from appeal of the invoice.

B. Administrative appeal:

(1) An invoice for fees may be appealed by filing a written request for hearing with the hearing clerk designated by the secretary of environment within thirty (30) days of the date of the notification that an agreement has not been reached. The written request shall be accompanied by a copy of the invoice being contested and shall set forth the grounds upon which the appellant disagrees with the assessment.

(2) Except as otherwise provided, the appeal shall be governed by 20.1.5 NMAC, Adjudicatory Procedures - Environment Department. The hearing officer shall schedule the hearing for no later than ninety (90) days after service of the notice of docketing.

(3) NMED shall not seek collection of an appealed fee or take enforcement action on an appealed of the fee assessment until the secretary has issued a decision on the appeal. Late charges on the amount assessed shall continue to accrue and shall be payable if the assessment is upheld or upheld with modification. If the assessment is modified on appeal, late charges shall be calculated based on the assessment as modified.

(4) If an appeal is not timely filed pursuant to this subsection, the invoice shall constitute a final action of the secretary of environment.

[12/31/98; 20.4.2.302 NMAC - Rn, 20 NMAC 4.2.III.302 & A, 8/18/06; [xx/xx/xx](#)]

20.4.2.303 - 20.4.2.399 [RESERVED]

20.4.2.400 LATE CHARGES AND ENFORCEMENT:

[12/31/98; 20.4.2.400 NMAC - Rn, 20 NMAC 4.2.IV.400, 8/18/06; [xx/xx/xx](#)]

20.4.2.401 LATE CHARGES: If any fee required by this part is not paid in full on the date due, which shall be either sixty (60) days after receipt of the invoice or the end of an approved extension of the time for payment, the person owing the fee shall pay a billing charge of \$100, plus late charges in the amount of an additional one percent (1%) of all fees owed for every month or part of a month in which the fees remain unpaid beyond the due date. Billing and late charges shall be credited to the Hazardous Waste Fund and are independent of any penalties assessed under the act.

[12/31/98; 20.4.2.401 NMAC - Rn, 20 NMAC 4.2.IV.401, 8/18/06: [xx/xx/xx](#)]

20.4.2.402 FAILURE TO PAY FEES:

A. Failure to pay any fee required by this part may result in enforcement proceedings under the act including but not limited to the revocation or suspension of any permit issued by NMED pursuant to the act to the person failing to pay the fees as required.

B. Fees are not refundable and do not guarantee that a permit will be issued or a submittal or action will be approved by the NMED.

[12/31/98; 20.4.2.402 NMAC - Rn, 20 NMAC 4.2.IV.402 & A, 8/18/06: [xx/xx/xx](#)]

20.4.2.403 - 20.4.2.499 [RESERVED]

20.4.2.500 MISCELLANEOUS PROVISIONS:

[12/31/98; 20.4.2.500 NMAC - Rn, 20 NMAC 4.2.V.500, 8/18/06: [xx/xx/xx](#)]

20.4.2.501 DEPOSIT IN THE HAZARDOUS WASTE FUND: All fees collected pursuant to this part shall be transmitted to the state treasurer for credit to the hazardous waste fund and used for the sole purpose of meeting necessary expenses in the administration and operation of the hazardous waste program.

[12/31/98; 20.4.2.501 NMAC - Rn, 20 NMAC 4.2.V.501, 8/18/06: [xx/xx/xx](#)]

20.4.2.502 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part does not relieve a person of the obligation to comply with other applicable local, state and federal regulations.

[12/31/98; 20.4.2.502 NMAC - Rn, 20 NMAC 4.2.V.502, 8/18/06: [xx/xx/xx](#)]

20.4.2.503 CONSTRUCTION: This part shall be liberally construed to effectuate the purpose of the act.

[12/31/98; 20.4.2.503 NMAC - Rn, 20 NMAC 4.2.V.503, 8/18/06: [xx/xx/xx](#)]

20.4.2.504 SEVERABILITY: If any provision or application of this part is held invalid, the remainder, or its application to other situations or persons, shall not be affected.

[12/31/98; 20.4.2.504 NMAC - Rn, 20 NMAC 4.2.V.504, 8/18/06: [xx/xx/xx](#)]

20.4.2.505 - 20.4.2.599 [RESERVED]

HISTORY OF 20.4.2 NMAC:

Pre-NMAC History: The provisions of this part were derived in part from material previously filed with the commission of public records, state records center and archives under:

EIB/HWFR-1, Hazardous Waste Fee Regulations, filed October 28, 1988; and

EIB/HWFR-1, Annual Hazardous Waste Fee Regulations, filed January 19, 1994.

History of Repealed Material:

20 NMAC 4.2, Hazardous Waste Fees (filed 10/27/1995), repealed 12/31/1998.

Other History:

EIB/HWFR-1, Annual Hazardous Waste Fee Regulations (filed 01/19/1994) was renumbered, reformatted, amended, and replaced by 20 NMAC 4.2, Hazardous Waste Fees, effective 11/30/1995.

20 NMAC 4.2, Hazardous Waste Fees (filed 10/27/1995) was replaced by 20 NMAC 4.2, Hazardous Waste Fees, effective 12/31/1998.

20 NMAC 4.2, Hazardous Waste Fees (filed 11/30/1998) was renumbered, reformatted, amended, and replaced by 20.4.2 NMAC, Hazardous Waste Permit and Corrective Action Fees, effective 08/18/2006 [was reformatted](#).

amended, and replaced by 20.4.2 NMAC, Hazardous Waste Permit and Corrective Action Fees, effective 12/18/2019.
20.4.2 NMAC, Hazardous Waste Permit and Corrective Action Fees, effective 12/18/2019.

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Friday, March 22, 2019 8:45 AM
To: Kieling, John, NMENV
Cc: HOLTON, BRIAN, NMENV; Cobrain, Dave, NMENV
Subject: Fee Regulations Update Meeting

With the change in administration and with new management recently coming on board, it's been necessary to delay the fee regulations update meeting. We also have discovered that not all facilities will be able to attend a meeting; therefore, we plan to schedule a webex meeting so that all participants can view the presentation and any additional data that would be presented in response to questions. We anticipate that the meeting will be held in early May. We will try to provide as much advance notice as possible to allow everyone to schedule the meeting.

Thank you.

Dave Cobrain
Hazardous Waste Bureau

Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Thursday, April 4, 2019 5:07 PM
To: Kieling, John, NMENV
Cc: HOLTON, BRIAN, NMENV
Subject: Hazardous Waste Bureau Fee Regulations Update Meeting May 15, 2019

Based on the logistics for holding a meeting with all facilities in Santa Fe, it appears that a webex meeting is the most appropriate way to present the basis for the changes to the fee regulations and ensure that everyone has an opportunity to view the information. A webex meeting is scheduled for Wednesday May 15th beginning at 9:00am MDT. Please plan for a full day so that we can receive and discuss as much input as possible. I will send the web access and conference call-in numbers the week before the meeting. As with the last meeting, HWB encourages you to participate in the meeting so that we can provide information to every facility and receive your input and answer questions. Additional meetings will be scheduled as necessary.

Thanks.

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030



April 11, 2019

Mr. Dave Cobrain, Program Manager, Permits Management
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505

Also via email: dave.cobrain@state.nm.us

**RE: NMED Hazardous Waste Bureau Fee Regulations (20.4.2 NMAC)
Comments on Proposed Revisions
Submitted by New Mexico Oil and Gas Association**

Dear Mr. Cobrain:

On behalf of its members, the New Mexico Oil and Gas Association (NMOGA) submits the following comments in response to the New Mexico Environment Department (NMED), Hazardous Waste Bureau's (HWB) proposed changes to the hazardous waste permit and corrective action fee regulations (20.4.2 NMAC).

INTRODUCTION

Founded in 1929, NMOGA represents over 1,000 members who account for 95% of the oil and gas activity in New Mexico. NMOGA's diverse membership represents every aspect of the oil and gas industry in New Mexico, including exploration and production companies, refineries/processors, pipeline transporters, on-site field service companies, suppliers, and vendors. NMOGA is dedicated to promoting the safe and responsible development of oil and gas resources in New Mexico through advocacy, collaboration, and education. The revenue that oil and gas production provided to the State of New Mexico government in 2018 reached a record high of \$2.2 Billion in 2018. Many NMOGA members have hazardous waste permits. As such, NMOGA and its members have a vested interest in the outcome of this proposed regulation revision.

NMOGA and its members have carefully reviewed the redline-strikeout version of the proposed revisions to the NMED HWB fee regulations (20.4.2 NMAC). We understand that the Department originally planned to hold a meeting in Santa Fe during the week of March 25, 2019 to discuss the changes; our members were informed on March 22, 2019 that the meeting was postponed to May 15, 2019. We recently received the details for the new meeting date and logistics that were emailed to permit holders. We look forward to this meeting and appreciate your invitation to submit comments and suggestions in advance of that meeting. We would like to encourage NMED HWB to post meeting updates on your website as changes are made. We are disappointed NMED HWB is considering only a webinar format for the meeting to ensure maximum attendance of interested parties. We appreciate that format to support attendance but have concerns that it will inhibit discussion and feedback from the regulated community. Therefore, we request an in-person meeting attendance option and that comments be accepted for at least 30 days after the public meeting. Additionally, NMOGA may also request a face-to-face meeting with the Department during the post-meeting comment period.

This letter provides our comments and suggestions for your review and consideration in advance of the meeting. Please note that our comments are based only on the redline-strikeout version of the proposed revisions, as we do not have the background information behind these changes, which we understand you will provide at the upcoming meeting. NMOGA may provide additional comments after the meeting.

GENERAL COMMENTS

NMOGA fully supports paying appropriate fees for services provided. We understand and appreciate both budget and manpower issues. NMOGA cannot speak for the entire regulated community in New Mexico, but we know many, if not most, regulated facilities fully support fee increases that allow the Department to hire and otherwise obtain additional, experienced resources that can provide more timely service on behalf of the State. NMOGA would readily support dedicated reviewers and their associated fees, discussed further below. We look forward to a more detailed discussion around these proposed fee increases and longer review times.

At this time, however, we have no information about the justification for individual fee increases and we are disappointed to see such substantial fee increases accompanied by increases in agency staff review times, in several cases increasing review times from months to years. NMOGA believes the proposed fee increases far exceed the cost necessary to review the documents and associated expenses. For example, let's assume five wells in a well completion report. Under the proposed changes, the new fee increases by 30 times, from \$500 per report

to \$3000 per well, resulting in a total of \$15,000 for the 5-well report. A Professional Geologist should be able to review this report in less than an 8-hour day. Assuming \$150/hour billable rate, the actual cost to review the report would be under \$1200, in other words less than one-tenth of the fee proposed. Thus, at this time and without further explanation, NMOGA cannot support such fee increases due to apparent significant inconsistency with services provided and significant deterioration in the review times.

For comparison, NMOGA members researched fees for hazardous waste facilities for neighboring states and found the proposed NMED HWB fees far in excess. A brief summary is attached to this letter as Appendix A.

Regulations in other states outline how the fees will be deposited into certain funds and the use of those funds,¹ thus providing a transparent understanding of the services provided for the fees. On the other hand, to-date New Mexico has provided no explanation for the fee increases or information as to how the payments will be applied. How will NMED HWB apply the revenue collected through these fees? Our calculations show an increase of 50 to 100 percent based on fees paid by a typical facility with several units and several activities. Furthermore, as noted above, the fees far exceed the cost to do the work.

While other states have undertaken major efforts to streamline permit processing of all types, NMED proposes to substantially increase their permit processing times and provided no explanation for processing times much greater than one year, in several cases up to two years and up to three years in one case. In the most recent biennial report of the Texas Commission on Environmental Quality (TCEQ) to the Texas Legislature, TCEQ reports permit processing times for industrial and hazardous waste permits as follows:²

- Maximum time for new permit – 474 days
- Average time for new permit – 416 days

Compare these to NMED HWB proposed times of 720 days for simple issues such as treatment or storage in tanks or containers.

¹ Texas Administrative Code (TAC) §335.321(b) through (d)

² Texas Commission on Environmental Quality (TCEQ) biennial report FY2017 – FY2018, available online at https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/057_18/appB.pdf, Appendix B, Figure B-2, page 61

Furthermore, Texas currently has a major initiative underway with targeted activities to expedite processing of environmental permits of all types. TCEQ reports the following activities to expedite waste permits:³

- Holding pre-application meetings
- Improvement of checklists, forms, and guidance documents to facilitate more consistent and complete applications
- Consolidation of application review processes to improve turnaround times

NMOGA requests that NMED HWB consider adding exemptions for less than 90-day accumulation areas and an NPDES exemption. Clearly, an industrial facility in New Mexico will pay many times more in hazardous waste facility fees than a comparable facility in other states, perhaps ten times or even more, depending on the number of activities within the year involving reports, plans, documents, etc. for which New Mexico proposes fee increases. For example, one NMOGA member company facility in New Mexico has 34 Solid Waste Management Units (SWMU) plus Areas of Concerns (AOCs) on its permit, resulting in a proposed annual fee of \$34,000. Hypothetically, if the site has 3 additional less than 90-day storage areas, it will pay an additional \$9,000. If the site submits four periodic monitoring reports (\$5,000 each, total \$20,000), one corrective measure workplan (\$18,000), and a closure report (\$13,000) during the year, its total fees for the year would be \$94,000, increased from \$53,000 under the current fee schedule, thus a 77% increase. If the site submits several other reports or plans, its fees may easily approach \$200,000 per year and a site undergoing a significant closure project may incur increases in fees of several million dollars over the course of the closure project.

20.4.2.7 DEFINITIONS

We note and appreciate the additional definitions entries, i.e., letter report/work plan. We appreciate the additional delineation provided by the Department. We request the addition of well installation work plans and reports. These can be added, if appropriate to BBB and CCC, respectively.

20.4.2.204 TABLE 1 - ANNUAL FEES

We note that the proposed changes to the annual fees include increases of between 33 and 50 percent for each waste management unit at a facility. NMOGA respectfully requests an explanation for the increases. Based on the definitions, there does not appear to be an

³ TCEQ biennial report FY2017 – FY2018, Appendix B, page 58.

associated service enhancement or labor cost associated with the fee, rather is an ongoing fine or penalty.

20.4.2.205 TABLE 2 - APPLICATION AND CORRECTIVE ACTION SECTION FEES

NMOGA respectfully requests explanation for these increases, including identification of level-of-effort (i.e., labor and expense), especially given the additional fee increases provided in Tables 2 through 7 on activities where the Department incurs labor and expense. These proposed fee increases seem exorbitant. Table 2 proposes fees for review of permit applications and renewals/modifications to increase by 33 to more than 500 percent, depending on the types of waste management units being permitted. While the permitting fees for many types of units are on the lower end of this range (e.g., post-closure, land treatment, surface impoundment, incinerator, boiler or industrial furnace, Subpart X), others have fee increases of 200-300 percent (land disposal, waste pile, treatment in tanks, treatment in containers, storage in containers), and the proposed fee for a Corrective Action Only permit increased 400 to 550 percent. At the same time, the Department proposed the amount of time to review these permits to be doubled or even tripled. These appear to be very significant increases concurrent with considerably reducing the associated level of service (i.e., timely review). Again, we respectfully request justification for the large proposed fee increases and commensurate proposed increase in agency staff review time.

NMOGA believes that the high proposed Corrective Action fees and lengthy review times will likely deter on-site treatment and promote out-of-state treatment with corresponding increase of hazardous waste transportation on New Mexico highways and loss of revenue to New Mexico. We believe this will be an unintended and undesirable consequence.

20.4.2.206 TABLE 3 - INTERIM STATUS CLOSURE PLAN AND INTERIM STATUS AND PERMITTED UNIT CLOSURE REPORT REVIEW FEES

Our comments on Table 3 are like those for Table 2, regarding fee increases in conjunction with increases in review times. We request information on the justification.

20.4.2.207 TABLE 4 - PERMIT MODIFICATION FEES

Our comments on Table 4 are like those for Tables 2 and 3, regarding fee increases in conjunction with increases in review times. The fee increases in Table 4 are the most significant in the proposed revisions, at roughly 200 to 400 percent. Again, we request information about the justification.

20.4.2.208 TABLE 5 - CORRECTIVE ACTION SUBMITTAL REVIEW FEES

Like the other tables, we note the significant increases to fees for review of the various document types listed in the table. However, we also note that the Department has not proposed to extend the review timeframes for most submittals, which we appreciate. The submittals identified in Table 5 cover the ongoing corrective action activities being conducted at a facility, and their timely review and approval is important for effective planning, scheduling, and implementation. To that end, we would support an accelerated review timeframe in some cases for these submittals. As noted in the fee regulation, NMED HWB will invoice its review fee within 60 days of receiving a submittal (20.4.2.201), and only begin its review following receipt of payment (payment due within 60 days post invoice), meaning the time from submittal to completion of Departmental review is much longer than the review times indicated, up to 120 days longer. Perhaps NMED HWB could provide an option for a facility to submit the fee concurrent with submitting the document for review, thus eliminating 120 days from the schedule.

While NMED HWB currently has no provision for a dedicated reviewer, NMOGA respectfully suggests that NMED consider such a program whereby a dedicated reviewer would be provided to a regulated facility. Assuming the Department's regulations and policies would allow this, could NMED HWB develop a suitable fee structure? This might be analogous to expedited air permits processing programs that some states have implemented, where the facility pays a fee to obtain the higher level of service.⁴

In terms of the new submittal types being added as part the proposed revisions, NMOGA supports the inclusion of these documents, in particular the Letter Work Plan and Letter Report, and Frequent Monitoring Plan and Frequent Monitoring Report/Progress Report. Like other facilities, many of our corrective action projects involve a variety of task-specific support activities, involving targeted work plans, brief reports, and monitoring results. NMOGA has concerns, however, about the four- to six-month review timeframe for these brief submittals, which are often critical-path items. Perhaps an interim meeting or conference call on an agreed-to schedule could help both parties in addressing key items and thereby optimize the review cycle time. These brief submittals present an opportunity for NMED HWB to implement work process improvements resulting in quick successes at enhancing response times.

While the Department recognizes the variety of submittal types and has worked diligently to include these in Table 5, NMOGA believes that some additional definition for each of these report types, as well as tiers within a given report type, would be helpful so that parties can best understand what fee will be assessed for a given submittal. For example, the definition and associated fee for an Investigation Work Plan/RFI Work Plan (fee \$15,000) is currently a "one-size-fits-all" since the definition of such a submittal covers "a unit or facility." Significant

⁴ For example, see TAC Chapter 101 Subchapter J, §101.600 to 101.602.

disparity exists between a report addressing dozens of units or an area of a facility, versus the investigation of one unit with a limited number of constituents of concern (COCs). For example, if a permittee were to submit a work plan covering one SWMU with one COC they could be assessed the same fee had they investigated the entire facility. We recognize that "each site is different" and that the Department has worked to provide a standardized list with the full understanding of this fact, and that a line must be drawn someplace. However, more definition as well as tiering could be helpful. If you have not already, we recommend that NMED HWB review other states facility fee structures, based on size of unit, amount stored, or acreage covered and include a cap on annual fees for a facility.⁵

Related to these document types, we also have a question regarding consistency. As provided in "H" under 20.4.2.201, "Documents that contain attached documents or attached sections of other documents within the submittal will be assessed a separate document review fee for the attached document or document section corresponding to the document type listed in table 5." If a permittee submits a RCRA Facility Investigation (RFI) Report with an attached Risk Assessment, will it be charged for the RFI plus the Risk Assessment, \$18,000 +\$14,000, or for an Investigation Report with Risk Assessment (\$20,000)? The valuation of the Risk Assessment piece appears inconsistent.

20.4.2.209 TABLE 6 - LAND DISPOSAL, AUDIT REVIEW AND OTHER FEES:

Like the other tables, we note the significant increases to fees for review and we respectfully request information to justify the changes.

20.4.2.210 TABLE 7 - CHANGE DURING INTERIM STATUS FEES

We note these fees are consistent with those in Table 4, which have equivalent levels of effort. As with our comments on Table 4, we note the substantial fee increases in conjunction with increases in review times. The fee increases in Tables 4 and 7 are the most significant, at roughly 200 to 400 percent. Again, NMOGA respectfully requests information to justify these proposed changes.

EDITORIAL COMMENTS

20.4.2.7 DEFINITIONS

I. "certification of completion" means completion of corrective action required at a unit, submitted to the NMED to demonstrate that corrective action requirements for the unit,

⁵ TAC §335.324(h)(i) and §335.324(d)

specified an order, have been satisfied. NMOGA suggests replacing "...specified an order...", with "...specified in a permit or order...".

ZZ. "unit" means" hazardous waste management unit" as defined in 20.4.1.101 NMAC, incorporating 40 CFR 260.10, or "solid waste management unit," or "area of concern"; NMOGA suggests adding quotation marks around SWMU and AOC.

20.4.2.201 TYPES OF FEES

A. Annual Fees: Every owner or operator engaged in hazardous waste management activities or engaged in corrective action shall pay to NMED an annual fee in an amount equal to the sum of the annual unit fees set forth in table 1 of 20.4.2.204 NMAC for each unit as identified in the facility permit, part A application, or enforceable document, or any combination thereof as applicable. The word "fee" is missing as currently written.

20.4.2.302 APPEAL OF FEE ASSESSMENT

B. Administrative appeal:

(3) NMED shall not seek collection of an appealed fee or take enforcement action on an appealed of the fee assessment until the secretary has issued a decision on the appeal. Late charges on the amount assessed shall continue to accrue and shall be payable if the assessment is upheld or upheld with modification. If the assessment is modified on appeal, late charges shall be calculated based on the assessment as modified. The word "appealed" should be replaced with "appeal".

SUMMARY AND CONCLUSION

Generally speaking, NMOGA believes that fees should be commensurate with level of service. At this time, we lack information on the justification of the proposed fee increases or use of the additional funds, particularly in light of some fee increases appearing to be far out of line with the amount of effort needed to perform the review. Furthermore, significant fee increases accompanied by significant increases in review times conflict with the principle of purposeful revenue collection, in other words, revenues addressing the purpose for which they are collected.

Comparing the NMED HWB fee increases to fees in other oil-producing states, we find the proposed increases for New Mexico to be excessive.

Rather than increases in review times, we request that NMED HWB consider implementing a review of its work processes with a focus on expediting review times. We also request that NMED HWB consider if and how it could implement some type of dedicated reviewer program

where a company could pay a fee at its discretion to obtain significantly reduced review times. Finally, we recommend adding appropriate exemptions.

Thank you for allowing us to submit our comments on the proposed fee regulation changes. Although these proposed changes may seem to incrementally small changes from the Department's perspective, Securities and Exchange Commission (SEC) requirements mandate permittees within publicly owned companies estimate and maintain adequate financial assurance to address its known RCRA obligations and over time, these changes have a significant impact on expenses.

We look forward to gaining a more detailed insight behind these proposed changes at the meeting planned for April. In the meantime, if you have any questions regarding our comments, please feel free to contact Trais Kliphuis at (505) 982-2568.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan", with a stylized flourish at the end.

Ryan Flynn

c: NMED Secretary James Kenney

NMED RPD Director Stephanie Stringer

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Thursday, April 11, 2019 12:17 PM
To: 'Trais Kliphuis'
Cc: Kieling, John, NMENV
Subject: RE: NMOGA Comments on DRAFT

Trais,

Thank you for providing input on the proposed changes to the Hazardous Waste Permit and Corrective Action Fee Regulations. A preliminary review of the comments suggests that NMOGA is under the impression that there will only be one meeting to discuss the changes to the regulations. The Hazardous Waste Bureau anticipates that the supporting information presented in the May 15th meeting will provide information for further discussion. The distribution of the draft regulations was intended to provide information in advance of providing the supporting data and to avoid the impression of a surprise. The use of webex for this initial meeting is in response to input from some permitted facilities that attending a meeting in Santa Fe was not possible and it's the opinion of the Bureau that for this meeting in particular, the visual presentation of data is essential.

Thanks.

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

From: Trais Kliphuis <trais@nmoga.org>
Sent: Thursday, April 11, 2019 11:13 AM
To: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Cc: Kieling, John, NMENV <john.kieling@state.nm.us>; Stringer, Stephanie, NMENV <Stephanie.Stringer@state.nm.us>
Subject: [EXT] NMOGA Comments on DRAFT

Hi,

Please see the attached comments submitted by NMOGA on behalf of our members and in response to the NMED proposed changes to the hazardous waste permit and corrective action fee regulations.

As instructed, I will be contacting Theresa Macias to set up a follow up meeting to discuss and clarify any questions but, in the meantime, please feel free to contact me if you have any questions or concerns.

Trais Kliphuis
Director of Regulatory Affairs
NMOGA
505.819.0749 (direct)
505.310.4367 (mobile)

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Tuesday, April 16, 2019 4:42 PM
To: Kieling, John, NMENV; Cobrain, Dave, NMENV
Cc: HOLTON, BRIAN, NMENV
Subject: Hazardous Waste Fee Regulations addition

The Hazardous Waste Bureau has been directed to add a provision to the updated fee regulations to account for inflation in the future. The following will be added to the draft of the updated fee regulations and is based on long-term inflation rates.

20.4.2.201.N

N. Adjustment for inflation: Every third year beginning January 1 after the effective date of the fee regulations, the fees listed in 20.4.2.204 through 20.4.2.210 shall be increased by five percent and rounded to the nearest \$50.00 to adjust for inflation.

A slide has been added to the presentation for the May 15th meeting to provide supporting information and for the purpose of discussion.

Dave Cobrain
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Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Wednesday, April 17, 2019 2:48 PM
To: Kieling, John, NMENV; Cobrain, Dave, NMENV
Cc: HOLTON, BRIAN, NMENV
Subject: FW: Hazardous Waste Fee Regulations addition

My apologies, the Hazardous Waste Bureau has been directed by the Secretary of the Environment Department to add a provision to the updated fee regulations to adjust all fees annually to the consumer price index account for inflation. The following change to the draft of the updated fee regulations will replace the text sent yesterday.

20.4.2.201.N

N. Adjustment for inflation: Every year beginning January 1 after the effective date of the fee regulations, the fees listed in 20.4.2.204 through 20.4.2.210 shall be modified by the annual United States Bureau of Labor Statistics consumer price index percentage change for the previous year rounded to the nearest \$50.00 to adjust for inflation.

This change will be discussed at the May 15th meeting. As with the draft distributed in February, feel free to send comments and we will address them in the meeting.

Dave Cobrain
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Direct Line 505-476-6055
Fax 505-476-6030



DEPARTMENT OF THE AIR FORCE
AIR FORCE CIVIL ENGINEER CENTER
JOINT BASE SAN ANTONIO LACKLAND TEXAS

April 23, 2019

Mr. Dave Cobrain
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Bldg. 1
Santa Fe, NM 87505

Subject: Department of Defense Comments on Revisions to Hazardous Waste Bureau Fee Regulations 20.4.2. NMAC

Dear Mr. Cobrain,

Thank you for the opportunity to comment on New Mexico Environment Department's (NMED's) proposal to revise the Hazardous Waste Permit and Corrective Action Fees under New Mexico Administrative Code (NMAC) 20.4.2. As the Department of Defense (DoD) Regional Environmental Coordinator (REC) in U.S. Environmental Protection Agency (EPA) Region 6, I am responsible for coordinating DoD responses to proposed legislation and regulations, and ensuring our State partners are informed of any impacts that may result on military installations under these proposals. The DoD submits the following comments on proposed changes to Fee Regulations 20.4.2 NMAC.

NMED's proposed changes to Fee Regulations has the following components: 1) increase in certain fees for treatment, storage and disposal of hazardous waste or corrective action; 2) addition of new documents for review; and, 3) increase in review times for documents submitted to NMED's Hazardous Waste Bureau (HWB) for review.

1. Proposed Increase in Fees: As stated in 20.4.2.6 NMAC, the required fees are to "*meet necessary expenses in the administration and operation of the state hazardous waste program.*" Fee regulations were last updated in August 2006, and DoD understands the necessity to update fee structure to account for cost increases since 2006. However, DoD is concerned with the magnitude of this increase. For example, Land Disposal fees are proposed to triple from \$90,000 to \$270,000; renewal or modification fees are proposed to triple from \$60,000 to \$180,000; Class III Mod fees proposed to more than double from \$40,000 to \$100,000; and, fee for renewal or modification to add a unit increases more than six times from \$10,000 to \$65,000. The net impact for DoD installations in New Mexico is estimated at approximately \$2-3M additional cost each year.

The DoD also has concerns with the proposed new language in Sections 20.4.2.201.H and 20.4.2.7.TT, which requires a facility to pay a fee again for review of a revised document submitted in response to a notice of disapproval (which is defined in Section 20.4.2.7.II as

“NMED-issued correspondence requiring revision and resubmittal of a deficient document”). DoD is concerned this language has the potential to result in duplicative costs to the DoD, specifically, when original documents require only minor revisions, the new language would require facilities to pay substantial additional fees and further delay cleanup of contaminated sites. DoD believes that additional fees, if any, should be proportional to the extent of changes in a revised document and the level of effort needed to review the revised sections.

2. **Addition of New Documents for Review:** In addition to significant increase in fees, NMED proposes to add new document categories (e.g., Background Study Work Plan/Report, Frequent Monitoring Plan/Report) requiring separate fees. In Section 20.4.201.H “Corrective Action Submittal Review Fee,” NMED has added new language that states *“Documents that contain attached documents or attached sections of other documents within the submittal will be assessed a separate document review fee for the attached document or document section corresponding to the document type listed in table 5 of 20.4.2.208 NMAC.”* It is unclear whether NMED will assess separate fees for supporting documents (e.g., Background Study) that NMED has previously reviewed and approved, if such documents are referenced in future documents. DoD requests NMED consider revising the language as follows: “Documents that contain attached documents or attached sections of other documents within the submittal will be assessed a separate document review fee for the attached document or document section corresponding to the document type listed in table 5 of 20.4.2.208 NMAC, unless such documents have been previously reviewed and approved by NMED.”

Additionally, DoD is concerned including a separate Background Study Work Plan and Background Study Report in Table 5 adds approximately 2 – 3 additional years to review, assuming one revision to each document, and would delay cleanup by that much. In most instances, background studies are site-specific and are part of the site characterization and risk assessment process. Similarly, long-term monitoring requirements are currently identified in Statement of Basis and in closure requirements. By creating separate review times for frequent monitoring plans and progress reports, it further delays permittee’s efforts to achieve timely cleanup goals.

3. **Proposed Increase in Review Times:** In addition to significant increase in fees, NMED has also proposed to increase review times for several documents. For example, the review time for “Land Disposal” documents would increase three-fold, from 360 days to 1080 days; post closure documents would increase from 360 days to 720 days; and, Subpart X permits would increase from 360 days to 720 days. DoD is concerned that increasing the review times by 1 to 2 years for first draft, and potentially additional 1-2 years for subsequent revisions, will further delay the cleanup of the environment and our efforts to protect human health and the environment. If the proposed increases in fee were to become final and effective, it would likely produce tens of millions of dollars in additional hazardous waste funds. DoD believes that these additional funds should allow the State to hire additional staff leading to reduced, and not increased, review times for documents.

4. Thank you for consideration of DoD's comments. DoD looks forward to receiving supporting data for the proposed increases in fee and review times in order to determine reasonableness. If you have any questions, please contact me at (210) 395-8783 or Mahalingam.Ravichandran@us.af.mil.

Sincerely,

RAVICHANDRA
N.MAHALINGA
M.1285056302

Digitally signed by
RAVICHANDRAN.MAHALIN
GAM.1285056302
Date: 2019.04.23 09:24:00
-05'00'

MAHALINGAM RAVICHANDRAN, PhD
DoD Regional Environmental Coordinator
Federal Region 6

Cc:

Mr. Michael Weaver, Army REC

Mr. William Durig, Navy REC

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Tuesday, April 23, 2019 2:23 PM
To: 'RAVICHANDRAN, MAHALINGAM CIV USAF AFMC AFCEC/CZP'
Subject: RE: 20.4.2 NMAC draft revision

Ravi,

Thank you for providing comments prior to the May 15th webinar. We plan to address the comments received during the presentation and discussion. Please be aware that the Hazardous Waste Bureau does not anticipate that this will be the only meeting on the Fee Regulations update but the webinar can be attended by all facilities and will clarify our basis for the changes and allow for questions and should better focus subsequent discussions.

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

From: RAVICHANDRAN, MAHALINGAM CIV USAF AFMC AFCEC/CZP <mahalingam.ravichandran@us.af.mil>
Sent: Tuesday, April 23, 2019 8:34 AM
To: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Cc: Weaver, Michael R CIV USARMY CENWD <Michael.R.Weaver2@usace.army.mil>; william.durig@navy.mil
Subject: [EXT] RE: 20.4.2 NMAC draft revision

Mr. Cobrain,

on behalf of the Department of Defense, I submit the attached comments for your consideration on the proposed revisions to 20.4.2 NMAC. If you have any questions, or need clarification, please do not hesitate to contact me.

Thank you for the invitation to attend the Webex Meeting on 15 May 2019, and we look forward to learning more about this proposal.

Regards,

Ravi

//SIGNED//

Mahalingam Ravichandran, PhD
DoD Regional Environmental Coordinator
Air Force Civil Engineer Center (AFCEC/CZPE)
DSN 969-8783 Comm (210)-395-8783
Cell (210) 213-1407

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From: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Sent: Thursday, March 07, 2019 6:06 PM
To: RAVICHANDRAN, MAHALINGAM CIV USAF AFMC AFCEC/CZP <mahalingam.ravichandran@us.af.mil>
Subject: [Non-DoD Source] RE: 20.4.2 NMAC draft revision

Ravi,

We're still working on the meeting and haven't scheduled it yet. Based on input related to attendance in Santa Fe, it's likely we will invite our facilities to a web-based meeting so that everyone will be able to view our supporting data since spreadsheet data from our time tracking database supports the rationale for the changes. Our intent is to schedule the meeting during the last week of March but we may not be ready until next month. We provided the redline-strikeout draft to allow for questions or comments prior to this meeting. We appreciate questions in advance so that we can consider the questions or comments and incorporate additional information into the presentation as appropriate. That will help us address issues in the meeting rather than potentially having to put off providing answers until a subsequent meeting.

Thanks.

Dave

Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

From: RAVICHANDRAN, MAHALINGAM CIV USAF AFMC AFCEC/CZP <mahalingam.ravichandran@us.af.mil>
Sent: Thursday, March 7, 2019 3:34 PM
To: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Subject: [EXT] RE: 20.4.2 NMAC draft revision

Mr. Cobrain,

Good afternoon. Do you have any additional information on when and where you plan to have the public meeting for the revisions to HWB fee regulations? Also, at the public meeting, would you be discussing rationale or basis for the increase in fee and review times, or is that information available somewhere else for public review? What's the format for the public meeting (e.g., should the questions be sent in advance?).

I'd appreciate being included in your future emails regarding this.

Thank you

Ravi

//SIGNED//

Mahalingam Ravichandran, PhD
DoD Regional Environmental Coordinator
Air Force Civil Engineer Center (AFCEC/CZPE)
DSN 969-8783 Comm (210)-395-8783
Cell (210) 213-1407

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From: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Sent: Friday, February 8, 2019 2:16 PM
To: Kieling, John, NMENV <john.kieling@state.nm.us>
Cc: HOLTON, BRIAN, NMENV <brian.holton@state.nm.us>; Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Subject: [Non-DoD Source] 20.4.2 NMAC draft revision

Please find attached a redline-strikeout version of the proposed revisions to the NMED Hazardous Waste Bureau (HWB) fee regulations (20.4.2 NMAC). HWB plans to hold a meeting in Santa Fe to discuss the changes and provide supporting information for the changes during the week of March 25th. We will notify you of the date as soon as possible so that you can make arrangements to attend. The link below provides web access to the proposed revised regulations.

<https://www.env.nm.gov/wp-content/uploads/2018/02/DRAFT-20.4.2-NMAC-redline-2-7-2019.pdf>

The link below connects to the HWB website where any updates or other information will be posted as we move through the rule change process.

<https://www.env.nm.gov/hazardous-waste/proposed-hazardous-waste-regulations/>

If you have comments or suggestions related to the proposed revisions, please send them to me at dave.cobrain@state.nm.us so that we can ensure that the issues are discussed in the meeting next month.

For those who participated on the call yesterday (February 7th), thank you for your participation.

Dave Cobrain
Hazardous Waste Bureau

Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Tuesday, May 14, 2019 4:36 PM
To: Kieling, John, NMENV; HOLTON, BRIAN, NMENV
Cc: Cobrain, Dave, NMENV
Subject: Hazardous Waste Permit and Corrective Action Fees update webinar presentation

Please find attached links to the webinar presentation and revised updated fee regulations with the inflation adjustment provision for your use during tomorrow's webinar. Please distribute as you see fit.

The webinar will be held on Wednesday, May 15, 2019 beginning at 9:00 am for the day to discuss the supporting information for the proposed regulation changes. The Proposed Revised Fee Regulations (May 15, 2019) have been modified from the version provided in February 2019.

[Proposed Revised Fee Regulations](#) (May 2019)
[Presentation for May 15, 2019 Webinar](#)

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Monday, May 20, 2019 10:44 AM
To: Kieling, John, NMENV; HOLTON, BRIAN, NMENV
Cc: Cobrain, Dave, NMENV
Subject: Fee Regulations update tables and Meeting date

Please find attached links to the May 15th presentation and summary tables for the document types discussed in the webinar. The tables provided in the presentation are not included with the summary tables since they're already provided in the presentation.

[Presentation for May 15, 2019 Webinar](#)
[Fee Summary Tables](#)

In addition, a meeting is scheduled for **Wednesday July 10th** at the NMED District 1 Offices in Albuquerque located at 121 Tijeras Avenue NE Suite 1000. The purpose of the meeting is to provide follow up discussions related to the webinar, discuss comments received after the webinar, and provide the opportunity to discuss any other issues related to the fee regulations update. The Hazardous Waste Bureau encourages your attendance at the meeting.

Further information will be provided in June. A revised definition of "revision" in response to the discussion during the webinar will be sent out later this week or next week at the latest.

Please distribute this email to your facility staff as appropriate.

Thank you.

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Thursday, June 6, 2019 1:53 PM
To: 'Marie Gutierrez'
Subject: RE: NMED HWB fees database

Marie,

The following links will take you to the fee summary and task summary tables that we used as the basis for determining the average review times. The presentation that was sent with the webinar invite is also included since some of the tables were included in the power point presentation.

Please email you questions or comments.

Thank you.

Dave

<https://www.env.nm.gov/wp-content/uploads/2018/02/Fee-Summary-Tables.pdf>

<https://www.env.nm.gov/wp-content/uploads/2018/02/HWB-Copy-of-Presentation-Task-SummaryTables.pdf>

<https://www.env.nm.gov/wp-content/uploads/2018/02/Presentation-5-15-2019.pdf>

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
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Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

From: Marie Gutierrez <marieg@nmoga.org>
Sent: Wednesday, May 29, 2019 4:47 PM
To: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Subject: [EXT] RE: NMED HWB fees database

Thank you for keeping me posted. I look forward to hearing from you. Marie

A.Marie Gutiérrez y Alarid
P. O. Box 1864
Santa Fe, NM 87504
505.982.2568 (office)
505.660.4207 (mobile)
505.986.1094 (fax)



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From: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Sent: Wednesday, May 29, 2019 4:46 PM
To: Marie Gutierrez <marieg@nmoga.org>
Subject: RE: NMED HWB fees database

Marie,

Sorry for the delay in a response, our business manager has been out of the office and the information you're requesting is in a database that I don't have direct access to. I'll respond when he returns.

Dave

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

From: Marie Gutierrez <marieg@nmoga.org>
Sent: Tuesday, May 28, 2019 2:57 PM
To: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Subject: [EXT] NMED HWB fees database

Dear Mr. Cobrain

During the fee revision webinar on May 15th you presented a few sample spreadsheets with data showing permittees and the number of hours expended for each type of document or permit. We understand these were used to estimate the fees and you agreed they could be shared as a part of the rulemaking record. NMOGA and some of our members would like copies of these spreadsheets to facilitate our review and understanding of the proposed fees as part of the rulemaking process.

Thank you for your assistance,

A. Marie Gutiérrez y Alarid
P. O. Box 1864
Santa Fe, NM 87504
505.982.2568 (office)
505.660.4207 (mobile)
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Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Thursday, June 6, 2019 1:59 PM
To: 'Sorenson, Mori'
Subject: NMED HWB fees database

Mori,

The following links will take you to the fee summary and task summary tables that we used as the basis for determining the average review times. The presentation that was sent with the webinar invite is also included since some of the tables were included in the power point presentation.

Please email you questions or comments.

Thanks.

Dave

<https://www.env.nm.gov/wp-content/uploads/2018/02/Fee-Summary-Tables.pdf>

<https://www.env.nm.gov/wp-content/uploads/2018/02/HWB-Copy-of-Presentation-Task-SummaryTables.pdf>

<https://www.env.nm.gov/wp-content/uploads/2018/02/Presentation-5-15-2019.pdf>

Dave Cobrain
New Mexico Environment Department
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From: Marie Gutierrez <marieg@nmoga.org>
Sent: Wednesday, May 29, 2019 4:47 PM
To: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Subject: [EXT] RE: NMED HWB fees database

Thank you for keeping me posted. I look forward to hearing from you. Marie

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From: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>

Sent: Wednesday, May 29, 2019 4:46 PM

To: Marie Gutierrez <marieg@nmoga.org>

Subject: RE: NMED HWB fees database

Marie,

Sorry for the delay in a response, our business manager has been out of the office and the information you're requesting is in a database that I don't have direct access to. I'll respond when he returns.

Dave

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
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Direct Line 505-476-6055
Fax 505-476-6030

From: Marie Gutierrez <marieg@nmoga.org>

Sent: Tuesday, May 28, 2019 2:57 PM

To: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>

Subject: [EXT] NMED HWB fees database

Dear Mr. Cobrain

During the fee revision webinar on May 15th you presented a few sample spreadsheets with data showing permittees and the number of hours expended for each type of document or permit. We understand these were used to estimate the fees and you agreed they could be shared as a part of the rulemaking record. NMOGA and some of our members would like copies of these spreadsheets to facilitate our review and understanding of the proposed fees as part of the rulemaking process.

Thank you for your assistance,

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Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Friday, June 7, 2019 9:08 AM
To: Kieling, John, NMENV; HOLTON, BRIAN, NMENV
Cc: Cobrain, Dave, NMENV
Subject: Hazardous Waste Permit and Corrective Action Fee Regulations July 10 Meeting Announcement

Please find below the proposed clarification to the definition of “revision” highlighted in yellow as discussed during the May 15th webinar.

Original

TT. “revision” or “document revision” means revised document submitted by a facility in response to a notice of disapproval or disapproval.

Revised version

TT. “revision” or “document revision” means a document that is revised and resubmitted by a facility in response to comments issued by the NMED in a Notice of Disapproval or Disapproval as distinct from revisions submitted in response to an Approval with Modification(s).

As a reminder, a meeting is scheduled for **Wednesday July 10th** in the Rio Grande conference room of the first floor of the NMED District 1 Offices in Albuquerque located at 121 Tijeras Avenue NE Suite 1000. The meeting will begin at 9:00am. The purpose of the meeting is to provide follow up discussions related to the webinar, discuss comments received after the webinar, and provide the opportunity to discuss any other issues related to the fee regulations update. The Hazardous Waste Bureau encourages your attendance at the meeting.

Please distribute this email to your facility staff as appropriate.

Thank you.

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

Cobrain, Dave, NMENV

From: Textor, Marise L <MLTextor@Marathonpetroleum.com>
Sent: Thursday, July 11, 2019 5:28 PM
To: Cobrain, Dave, NMENV
Subject: [EXT] Most Recent Haz Waste Fees Draft Rule

Hi David. It was great to meet you yesterday at the stakeholder meeting on the rulemaking for the fee increases. I appreciate the time that you and others put into having an open dialogue to ensure that the regulated community understands the agency's approach to the rulemaking. I want to reiterate how much I also appreciated your transparency in sharing the database of agency review times for each type of document with NMOGA, as this was fundamental to providing us with a good understanding of the data and reasons behind the proposed fee changes.

You mentioned that you sent a version of the rule in early June that included a definition change. Can you please forward that to me?

Can you also add me to the distribution list for communications about this rulemaking?

Thank you.

Marise

Marise Lada Textor, P.E.
Regulatory Affairs Senior Manager
Corporate Affairs
Marathon Petroleum Corporation

Note NEW e-mail address (again) – Please update your contacts and distribution lists:

MLTextor@MarathonPetroleum.com

Phone 915-474-7897

212 N. Clark Street
El Paso, TX 79905

Cobrain, Dave, NMENV

Sent: Friday, July 12, 2019 1:50 PM
To: Kieling, John, NMENV; HOLTON, BRIAN, NMENV
Cc: Cobrain, Dave, NMENV
Subject: Hazardous Waste Permit and Corrective Action Fee Regulations August 29 Meeting Announcement

The Hazardous Waste Bureau (HWB) thanks all who attended the July 10th Hazardous Waste Permit and Corrective Action Fee Regulations meeting in Albuquerque. The HWB received two requests for clarification but did not receive comments on the fee regulations update between the May 15th webinar and the July 10th meeting. In order to keep the process moving, the Hazardous Waste Bureau will accept comments regarding the updated Hazardous Waste Permit and Corrective Action Fee Regulations through August 23rd and will hold another meeting on August 29th as discussed below. The HWB will summarize and discuss comments received since the July 10th meeting during the next meeting. The Bureau appreciates any input provided.

The next meeting is scheduled for **Thursday August 29th, 2019** in the Rio Grande conference room of the first floor of the **NMED District 1 Offices in Albuquerque located at 121 Tijeras Avenue NE Suite 1000**. The meeting will begin at **9:00am**. The purpose of the meeting is to provide follow up discussions related to the webinar, discuss comments received after the webinar, and provide the opportunity to discuss any other issues related to the fee regulations update. The Hazardous Waste Bureau encourages your attendance at the meeting.

Please distribute this email to your facility personnel as appropriate.

Thank you.

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Friday, July 12, 2019 2:08 PM
To: Kieling, John, NMENV; HOLTON, BRIAN, NMENV
Cc: Cobrain, Dave, NMENV
Subject: Hazardous Waste Permit and Corrective Action Fee Regulations August 29 Meeting Announcement

The Hazardous Waste Bureau (HWB) thanks all who attended the July 10th Hazardous Waste Permit and Corrective Action Fee Regulations meeting in Albuquerque. The HWB received two requests for clarification but did not receive comments on the fee regulations update between the May 15th webinar and the July 10th meeting. In order to keep the process moving, the Hazardous Waste Bureau will accept comments regarding the updated Hazardous Waste Permit and Corrective Action Fee Regulations through August 23rd and will hold another meeting on August 29th as discussed below. The HWB will summarize and discuss comments received since the July 10th meeting during the next meeting. The Bureau appreciates any input provided. I will distribute any revisions made to the proposed regulations based on comments received prior to the next meeting.

The next meeting is scheduled for **Thursday August 29th, 2019** in the Rio Grande conference room of the first floor of the **NMED District 1 Offices in Albuquerque located at 121 Tijeras Avenue NE Suite 1000**. The meeting will begin at **9:00am**. The purpose of the meeting is to provide follow up discussions related to the webinar, discuss comments received after the webinar, and provide the opportunity to discuss any other issues related to the fee regulations update. The Hazardous Waste Bureau encourages your attendance at the meeting.

Please distribute this email to your facility personnel as appropriate.

Thank you.

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
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Fax 505-476-6030



DEPARTMENT OF THE ARMY
U.S. ARMY GARRISON WHITE SANDS
100 Headquarters Avenue
WHITE SANDS MISSILE RANGE, NEW MEXICO 88002-5000

Environmental Division
IMWS-PWE

Mr. Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

Dear Mr. Cobrain,

White Sands Missile Range (WSMR) submits the following comments on the New Mexico Environmental Department's (NMED) proposal to revise the Hazardous Waste Permit and Corrective Action Fees under the New Mexico Administrative Code (NMAC) 20.4.2.

1. It is understood that the fee structure has not been updated since 2006. WSMR would like clarification on the adjustments based on staff time tracking data and if the data considered was collected per the Annual Fee Reports defined in Section 20.4.2.202 of the NMAC. WSMR is concerned with the magnitude of some of the increases in review fees if there is only one type of action from one entity to go by. Although the action may be similar in nature each entity is unique in itself and the review of the action at one entity is not representative of the review of the same action at other entities.

The very large increase in review times will make it very difficult for DoD to get funding, contract the requirements, and have the same contractors who start the project be able to see it to completion. Federal regulations restrict DoD's ability to issue contracts past 5 years of performance period, and require funding to be obligated in the same Fiscal Year it's provided. Land Disposal and Post Closure review times, for examples, have tripled and doubled respectively. NMED during their presentation illustrated how average review times were calculated and used that for the basis of the increased review time, and associated fees, and provided the raw data that was used to support that analysis. WSMR noted that when looking at average review times, some of the data had extreme outliers that have the effect of increasing the average when used in your calculations. We noted that, for example, there were some Department of Energy (DOE) review times that were extremely large and were included in those calculations of the average, thus increasing the average time. WSMR recommends that a more balanced and fair approach may be to normalize the data by removing those outliers from your calculations to give a more accurate average that would reflect the more typical review.

WSMR suggests that NMED may look at the size and complexity of projects/programs and "tier" the fee and review schedule to be appropriate to those specific actions. For example, a "Tier 1" project may be more routine, smaller in scope, require limited review time and thus a lower fee. "Tier 3" projects may be very complex, long term and require a higher fee in line with the expected review times. This would make fees and review times more in line with the size and difficulty of the action and the various agency programs.

2. NMED added new document fees for a frequent monitoring plan and report. The definitions for these documents mentions that these documents describe periodic monitoring activities. Being that there is also a fee associated with a periodic monitoring report, the term "periodic monitoring" needs to be further defined within the definitions in Section 20.4.2.7. It is confusing as to what the difference would be between periodic monitoring and frequent monitoring.
3. NMED has added language under Section 20.4.2.201.H Corrective action submittal review fees, that states, "*Rejected documents shall be subject to the corrective action submittal review fees as set forth in table 5 of 20.4.2.208 NMAC upon resubmittal.*" WSMR would like the term "Rejected document" defined within the definitions in Section 20.4.2. 7. WSMR is concerned that a rejection of a document may be subjective and would not want to pay fees for minor corrections.

Thank you for your consideration of WSMR's comments. If you have any questions, I may be reached at (575) 678-2225 or via email at Brian.d.knight.civ@mail.mil.

Sincerely,

Brian D. Knight, RPA
Chief, Environmental Division
USAG White Sands Missile Range

cc.
Mahalingam Ravichandran, DoD REC
Michael Weaver, Army REC

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Friday, July 26, 2019 11:40 AM
To: Kieling, John, NMENV; HOLTON, BRIAN, NMENV
Cc: Cobrain, Dave, NMENV
Subject: Hazardous Waste Permit and Corrective Action Fee Regulations August 29 Meeting Announcement and proposed revision to 20.4.2.NMAC

The following addition has been added to the proposed Hazardous Waste Permit and Corrective Action Fee Regulations update based on a comment received on July 11, 2019.

20.4.2.7 DEFINITIONS

QQ. "rejected document" means a document deemed unreviewable due to deficiencies related to permit or other enforceable document requirements, disorganization, or a substantial amount of missing information, inaccuracies, or unrelated or redundant information.

Please send comments or suggestions to me at dave.cobrain@state.nm.us no later than August 23, 2019 so that there is time to consider the comments prior to the August 29th meeting.

The next meeting is scheduled for **Thursday August 29th, 2019** in the Rio Grande conference room of the first floor of the **NMED District 1 Offices in Albuquerque located at 121 Tijeras Avenue NE Suite 1000**. The meeting will begin at **9:00am**. The purpose of the meeting is to provide follow up discussions related to the webinar, discuss comments received after the webinar, and provide the opportunity to discuss any other issues related to the fee regulations update. The Hazardous Waste Bureau encourages your attendance at the meeting.

Thank you.

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
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Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
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Fax 505-476-6030

Cobrain, Dave, NMENV

From: Textor, Marise L <MLTextor@Marathonpetroleum.com>
Sent: Friday, July 26, 2019 11:57 AM
To: Cobrain, Dave, NMENV
Subject: [EXT] RE: Hazardous Waste Permit and Corrective Action Fee Regulations August 29 Meeting Announcement and proposed revision to 20.4.2.NMAC

Hi Dave. To clarify, you are extending the comment date for the whole rule revision and not just for this added definition? We are working on another NMOGA comments letter, and I want to be sure that we don't misinterpret.

Thank you.

Marise

Marise Textor

Phone 915-474-7897

Note NEW e-mail address (again) – Please update your contacts and distribution lists:
MLTextor@MarathonPetroleum.com

From: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Sent: Friday, July 26, 2019 11:40 AM
To: Kieling, John, NMENV <john.kieling@state.nm.us>; HOLTON, BRIAN, NMENV <brian.holton@state.nm.us>
Cc: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Subject: [EXTERNAL] Hazardous Waste Permit and Corrective Action Fee Regulations August 29 Meeting Announcement and proposed revision to 20.4.2.NMAC

The following addition has been added to the proposed Hazardous Waste Permit and Corrective Action Fee Regulations update based on a comment received on July 11, 2019.

20.4.2.7 DEFINITIONS

QQ. “rejected document” means a document deemed unreviewable due to deficiencies related to permit or other enforceable document requirements, disorganization, or a substantial amount of missing information, inaccuracies, or unrelated or redundant information.

Please send comments or suggestions to me at dave.cobrain@state.nm.us no later than August 23, 2019 so that there is time to consider the comments prior to the August 29th meeting.

The next meeting is scheduled for **Thursday August 29th, 2019** in the Rio Grande conference room of the first floor of the **NMED District 1 Offices in Albuquerque located at 121 Tijeras Avenue NE Suite 1000**. The meeting will begin at **9:00am**. The purpose of the meeting is to provide follow up discussions related to the webinar, discuss comments received after the webinar, and provide the opportunity to discuss any other issues related to the fee regulations update. The Hazardous Waste Bureau encourages your attendance at the meeting.

Thank you.

Dave Cobrain

New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Friday, July 26, 2019 12:06 PM
To: 'Textor, Marise L'
Subject: RE: Hazardous Waste Permit and Corrective Action Fee Regulations August 29 Meeting Announcement and proposed revision to 20.4.2.NMAC

Marise,

There is no comment deadline except relative to the August 29th meeting. We would like to receive comments for discussion before the next meeting in time to review them and be able to present supporting data as necessary.

Thanks.

Dave

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030

From: Textor, Marise L <MLTextor@Marathonpetroleum.com>
Sent: Friday, July 26, 2019 11:57 AM
To: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Subject: [EXT] RE: Hazardous Waste Permit and Corrective Action Fee Regulations August 29 Meeting Announcement and proposed revision to 20.4.2.NMAC

Hi Dave. To clarify, you are extending the comment date for the whole rule revision and not just for this added definition? We are working on another NMOGA comments letter, and I want to be sure that we don't misinterpret.

Thank you.

Marise

Marise Textor
Phone 915-474-7897

Note NEW e-mail address (again) – Please update your contacts and distribution lists:
MLTextor@MarathonPetroleum.com

From: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>
Sent: Friday, July 26, 2019 11:40 AM

To: Kieling, John, NMENV <john.kieling@state.nm.us>; HOLTON, BRIAN, NMENV <brian.holton@state.nm.us>

Cc: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>

Subject: [EXTERNAL] Hazardous Waste Permit and Corrective Action Fee Regulations August 29 Meeting Announcement and proposed revision to 20.4.2.NMAC

The following addition has been added to the proposed Hazardous Waste Permit and Corrective Action Fee Regulations update based on a comment received on July 11, 2019.

20.4.2.7 DEFINITIONS

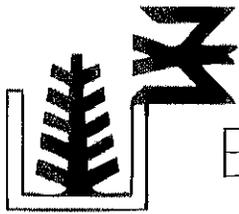
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Please send comments or suggestions to me at dave.cobrain@state.nm.us no later than August 23, 2019 so that there is time to consider the comments prior to the August 29th meeting.

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Thank you.

Dave Cobrain
New Mexico Environment Department
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NEW MEXICO ENVIRONMENTAL LAW CENTER

August 7, 2019

John E. Kieling
Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505

Re: Revision to Hazardous Waste Permit and Corrective Action Fee Regulations
20.4.2 NMAC

^{John}
Dear Mr. Kieling:

The New Mexico Environmental Law Center, and many of our clients, support revisions to the regulations on Hazardous Waste Permit and Corrective Action Fees, 20.4.2 NMAC. We recognize that a higher fee schedule is necessary for the Environment Department's Hazardous Waste Bureau to hire needed staff, and for the Bureau to effectively implement and vigorously enforce the hazardous waste management and corrective action programs in New Mexico.

The need for implementation and enforcement of these programs is perhaps greatest at federal facilities, such as Los Alamos National Laboratory, Sandia National Laboratories, Kirtland Air Force Base, Holloman Air Force Base, and Cannon Air Force Base. Each of these facilities has created substantial contamination of New Mexico's precious groundwater resources. The U.S. Department of Energy and the U.S. Air Force (a branch of the U.S. Department of Defense) have been especially recalcitrant in addressing groundwater contamination. And the U.S. Environmental Protection Agency recently declined to provide assistance to the Environment Department in addressing the per- and polyfluoroalkyl substances (PFAS) contaminating groundwater at Holloman and Cannon air bases because sister federal agencies are the responsible parties. The previous administration, moreover, was extremely and inexcusably lax in requiring cleanup at federal facilities.

We are pleased to see that the current administration is taking a more aggressive approach to federal facility cleanup and compliance, as evidenced by the recent legal action against the U.S. Air Force for cleanup of PFAS at Holloman and Cannon air bases. We hope to see similarly decisive action at Kirtland Air Force Base and Los Alamos National Laboratory. Revised fee regulations are critical to these efforts. We urge the Department to move quickly in presenting revised fee regulations to the Environmental Improvement Board for approval and promulgation.

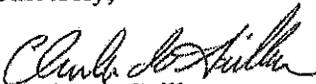
The Law Center intends to participate as a party in the rulemaking proceeding to revise the fee regulations. We will support strong regulations. We expect to represent several clients, including Nuclear Watch New Mexico. Accordingly, could you send me a copy of the latest version of the proposed revisions to the regulations? Could you also provide me with an

1405 Luisa Street, Suite 5, Santa Fe, New Mexico 87505
Phone (505) 989-9022 Fax (505) 989-3769 nmelc@nmelc.org

anticipated schedule for proposing the revisions? I would also appreciate any other information you can give me on the proposed rulemaking.

Thank you for your assistance and cooperation in this effort. If you have any questions, please call or email me at 505-989-9022 or cdesaillan@nmelc.org. Please also add me to any public mailing list for the rulemaking. We look forward to working with you and your staff on this rulemaking.

Sincerely,


Charles de Saillan
Staff Attorney

cc: Jay Coghlan, Nuclear Watch N.M.
Stephanie Stringer, NMED
Jennifer Hower, NMED
Environment Department Secretary James Kenney

2018 - 2019 Board of Directors

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WPX Energy



NEW MEXICO OIL AND GAS ASSOCIATION

August 12, 2019

Mr. Dave Cobrain
Program Manager, Permits Management
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505

Also via email: dave.cobrain@state.nm.us

RE: NMED Hazardous Waste Bureau Fee Regulations (20.4.2 NMAC) Comments on Proposed Revisions

Dear Mr. Cobrain:

On behalf of its members, the New Mexico Oil and Gas Association (NMOGA) submits the following comments in response to the New Mexico Environment Department (NMED), Hazardous Waste Bureau's (HWB) draft changes to the hazardous waste permit and corrective action fee regulations in 20.4.2 NMAC. Some of our member companies attended the informational stakeholder meeting held in Albuquerque on July 10, 2019 and found the meeting with free flow of dialogue to be very helpful. The comments in this letter are based on our current understanding of the draft rule based on the information provided at that meeting and in subsequent correspondence. We look forward to the additional meeting scheduled for August 29, 2019 at the same location in Albuquerque and we thank you for taking the time to provide this additional discussion opportunity.

Founded in 1929, NMOGA represents over 1,000 members who account for 95% of the oil and gas activity in New Mexico. NMOGA's diverse membership represents every aspect of the oil and gas industry in New Mexico, including exploration and production companies, refineries/processors, pipeline transporters, on-site field service companies, suppliers, and vendors. NMOGA is dedicated to promoting the safe and responsible development of oil and gas resources in New Mexico through advocacy, collaboration, and education. The revenue that oil and gas production provided to the State of New Mexico government in 2018 reached a record high of \$2.2 Billion in 2018. Some NMOGA members have hazardous waste permits. As such, NMOGA and its members have a vested interest in the outcome of this draft regulation revision.

Ryan Flynn, Executive Director

In summary, NMOGA recommendations include the following:

- We encourage the agency to implement tools to increase communication, expedite the document work process, and enhance the work process efficiency.
- The regulation should include a required review of fees every fifth year after adopting changes to the fees.
- When changes to NMED's Risk Assessment Guidance result in the need to change a document of any kind, this required document revision should not count as a revision towards the third revision that requires an additional fee. Furthermore, if NMED will provide advance notice of changes to the Guidance, this will reduce the need for associated document revisions. Additionally, when the agency requests a revised document to address editorial changes including format and grammar, this document revision also should not count as a revision towards the third revision that requires an additional fee.²
- Revise the wording of several definitions and other paragraphs as described below for enhanced clarity and appropriate emphasis. We reiterate some of these recommendations from our prior letter (NMOGA April 11, 2019).
- Seek additional funding from the New Mexico Legislature to fully fund the operation of the Hazardous Waste Bureau.

We address each of these recommendations in detail below. Where we provide recommended language changes to the rule, we show deletions with strikeouts and additions with underlines, both in red font.

1. We encourage the agency to implement tools to increase communication, expedite the document work process, and enhance the work process efficiency.

NMOGA continues to believe that building more efficiencies into the work process and implementing tools to improve the process remains the most important aspect of the fees covered in this rule. While the permits and orders have information to describe what must be included in some documents, we find considerable room for interpretation in this information.

Each permit may contain formats for some types of documents, but all permits do not contain the specific format for every type of document that may be required. For example, a permit may not contain a format for an "Interim Measures Report". NMOGA recommends that NMED make all document formats or outlines available under "Guidance Documents" on the NMED website. This will ensure that every regulated entity has access to the agency-specified formats for any type of document that the entity may need to submit.

We understand that the agency cannot force entities to follow a prescribed document format. Nonetheless, we maintain that providing checklists, specific example formats, training, or workshops to better define the required contents for document submittals would be beneficial toward enhancing efficiency. Checklists have the added benefit of providing a common tool for the regulated community to use in preparing documents and for the agency to use in reviewing documents. They could be set up so that the submittal includes a mapping of document sections to checklist requirements. Workshops and training could be provided via webinar to encourage attendance. While all facilities might not avail themselves of the efficiency tools, many will avail themselves and it will reduce overall document review times.

NMOGA encourages the agency to establish a willingness to hold meetings in advance of document preparation to allow the regulated entity to review the required contents and preferred organization of documents that it plans to prepare and submit. This would provide the opportunity to address questions and reach a mutual agreement in advance of preparing and submitting a document.

At the time of administrative completeness determination, the agency could provide the permittee with an initial assessment of the document. At that time, the permittee could withdraw the submittal and request an extension of time to revise the document, thus saving the considerable time of a more thorough agency review when the agency identifies the need for substantial changes to the document during its administrative completeness review.

Furthermore, a telephone discussion with the permittee prior to responding to a document unfavorably with a written notice of deficiency highlighting significant issues that preclude approval will help the permittee to better understand the agency's comments and position and will facilitate submitting improved responses to address the deficiencies.

NMOGA recommends that the agency establish a timeline for its administrative completeness determination for all documents similar to the timing identified in 20.4.2.201 B.(2)(b) for permit modifications. This could be addressed by adding language as follows to 20.4.2.201 B.(2)(a):

20.4.2.201 TYPES OF FEES

2) NMED will invoice the owner or operator for the applicable review fee.

(a) Within 60 days of receipt of submittal, in the case of interim status fees, corrective action submittal fees, and other fees assessed under tables 3, 5, 6, and 7 of 20.4.2.206 NMAC and 20.4.2.208 NMAC through 20.4.2.210 NMAC. Unless extended by the secretary, administrative completeness determination shall be made within 45 days of receipt of the submittal for all document submittals under tables 3, 4, 6, and 7 of 20.4.2.206 unless otherwise addressed in sub-paragraph (b) of this paragraph.

Alternatively, the agency could add columns to the various tables to provide administrative completeness timing for each individual type of document.

Any of these suggestions will, over time, yield more consistent document submittals that more closely match agency expectations. As a result, review times will shorten, and documents will have fewer deficiencies, and corrective actions programs move forward faster, as prescribed by EPA thus benefitting the environment for the facility and surrounding communities. Enhancing the efficiency of the work process should also help New Mexico to maintain its place as a state that promotes business and industry, benefiting the economy of the state over the long term.

2. The regulation should include a required review of fees every fifth year after adopting changes to the fees.

NMOGA recommends adding a requirement to the regulation for NMED HWB to review the fees based on recent years' review times for documents submitted. We understand the need for the Bureau to be self-funding. As the regulated community learns more about the requirements for each type of document and the agency becomes more experienced at reviews, we anticipate review times to decrease. Reviewing the fees in the regulation compared to actual review times on a regular frequency will ensure that the agency remains appropriately self-funded without collecting excess fees.

We recommend adding the following additional paragraph to the rule:

20.4.2.201 TYPES OF FEES

O. Five-year review and adjustment: Every fifth year after the effective date of the fee regulations, the fees listed in 20.4.2.204 through 20.4.2.210 shall be reviewed and compared to the average review hours for each type of report and rulemaking undertaken to adjust the fees accordingly when the review indicates that at least 20% of the fees differ from, either more than or less than, the current department hourly rate multiplied by the average review time.

- 3. When changes to NMED’s Risk Assessment Guidance result in the need to change a document of any kind, this required document revision should not count as a revision towards the third revision that requires an additional fee. Additionally, if NMED will provide advance notice of changes to the Guidance, it will reduce the need for associated document revisions.**

The agency updates its screening levels periodically, which we support as a necessity to remain current with the ongoing review of relevant scientific literature and associated understanding of risks to human health and the environment. The regulated community typically does not have advance notice that these screening levels may be updated and does not know in advance what the new levels will be, and submits documents based on the screening levels in place at the time of submittal. Regulated entities should not be penalized towards the count of a third revision based on changes needed primarily to update screening levels in the document. This could be addressed by changing the way Table 5 describes the third revision fee:

20.4.2.208 Table 5 – CORRECTIVE ACTION SUBMITTAL REVIEW FEES:

Submittal	Basic Review Fee	Additional Unit Fee	Review Time
<u>Third Revision/ Third Document Revision – excluding Revisions Due Primarily to Need to Incorporate Updated Risk Assessment Guidance</u>	50% Review Fee	NA	NA

NMOGA also requests that NMED provide advance notice of any planned changes to update NMED Risk Assessment Guidance. This would allow the regulated entity to ensure the document matches the new Guidance prior to submitting the document (and request an extension if needed to make the required document changes prior to document submittal). Thus, the number of document revisions associated with changes to the Guidance will be reduced or minimized.

- 4. When the agency requests a revised document to address editorial changes including format and grammar, this document revision also should not count as a revision towards the third revision that requires an additional fee.**

Some notices of deficiency have focused largely on editorial changes including changes to the way in which the report displays data. When the regulated entity submits a revised document to address these changes, it should also not count as a revision towards the third revision that requires an additional fee. This could also be addressed by changing the way that Table 5 describes the third revision fee. For convenience, the following provided NMOGA recommended changes to address both this recommendation and the recommendation above

regarding revisions to address changes to Risk Assessment Guidance:

20.4.2.208 Table 5 – CORRECTIVE ACTION SUBMITTAL REVIEW FEES:

Submittal	Basic Review Fee	Additional Unit Fee	Review Time
Third Revision/ Third Document Revision — <u>excluding Revisions Due Primarily to Need to Incorporate Updated Risk Assessment Guidance or Primarily to Address Editorial Changes Requested by the Agency</u>	50% Review Fee	NA	NA

5. **Change the word “well” to “disposal well” in the definitions in 20.4.2.7, items AAA, BBB, and CCC to properly differentiate between disposal wells and monitoring wells.**

NMOGA purports that the fees and review times for documents associated with monitoring wells should be differentiated from the fees and review times associated with disposal wells, due to the significant differences in the design, use, and potential environmental impacts of the two types of wells. The fees listed in 20.2.4.208 Table 5 – CORRECTIVE ACTION SUBMITTAL REVIEW FEES for reports and work plans associated with well completion and well abandonment fit better for disposal wells than for monitoring wells. We recommend changing the word “well” to “disposal well” in the definitions as follows to address this concern:

20.4.2.7 DEFINITIONS

AAA. “well completion report” means a report summarizing the activities related to the drilling and installation of disposal wells.

BBB. “well abandonment report” or “well replacement report” means a report summarizing the activities related to abandonment or replacement of a disposal well.

CCC. “well abandonment work plan” or “well replacement work plan” means a work plan that describes the proposed activities to abandon or replace a disposal well.

6. **Clarify the definition V. “frequent monitoring report” or “frequent progress report”.**

These definitions refer to reports of monitoring results and go beyond the scope of describing monitoring activities, which the definition in U. “frequent monitoring plan” addresses. We recommend the following wording change to clarify the contents of the reports and differentiate from the contents of the plan:

20.4.2.7 DEFINITIONS

V. “frequent monitoring report” or “frequent progress report” means a report that describes periodic monitoring activities and results for detection, compliance or corrective action monitoring, monitoring of a remediation system, or other corrective measure monitoring or progress related to a corrective measure for a single site or contiguous sites with shared boundaries;

7. Revise wording of several items in accordance with recommendations that NMOGA provided in its letter of April 11, 2019.

We noted that the latest draft of the rule that we have does not include several wording recommendations that we provided in our previous letter. For convenience, we reiterate them here. We apologize for duplicating our comments if these have been addressed.

20.4.2.7 DEFINITIONS

The definition for "certificate of completion" includes orders but should also include permits. We recommend the following change to this definition:

- I. "certification of completion" means completion of corrective action required at a unit, submitted to the NMED to demonstrate that corrective action requirements for the unit, specified ~~ana permit or~~ order, have been satisfied;

In the definition of "unit", quotation marks should be placed around each type of unit listed instead of placing them only around "hazardous waste management unit", as shown below:

- ZZ. "unit" means "hazardous waste management unit" as defined in 20.4.1.101 NMAC, incorporating 40 CFR 260.10, or "solid waste management unit", or "area of concern";

20.4.2.201 TYPES OF FEES

The paragraph regarding annual fees appears to be missing the word "fees" in one place. We recommend the following:

- A. Annual Fees: Every owner or operator engaged in hazardous waste management activities or engaged in corrective action shall pay to NMED an annual ~~fee~~ in an amount equal to the sum of the annual unit fees set forth in table 1 of 20.4.2.204 NMAC for each unit as identified in the facility permit, part A application, or enforceable document, or any combination thereof as applicable.

20.4.2.302 APPEAL OF FEE ASSESSMENT

Paragraph (3) in the administrative appeal portion of this section has a typo in the word "appealed" and should be replaced with "appeal" as follows:

- (3) NMED shall not seek collection of an appealed fee or take enforcement action on an ~~appealed~~ of the fee assessment until the secretary has issued a decision on the appeal. Late charges on the amount assessed shall continue to accrue and shall be payable if the assessment is upheld or upheld with modification. If the assessment is modified on appeal, late charges shall be calculated based on the assessment as modified.

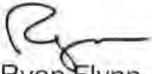
8. Seek additional funding from the New Mexico Legislature to fully fund the operation of the Hazardous Waste Bureau.

Finally, NMOGA recommends that the Hazardous Waste Bureau seek additional funding through annual appropriations from the New Mexico Legislature to fully fund the operation of the Bureau in lieu of funding the Bureau through fees which position New Mexico noncompetitively against other states. Legislative funding would not be subject to the ebbs and flows of workload within the Bureau and would allow for more stable Bureau operation.

NMOGA appreciates both the opportunity to provide these comments and the open dialogue that the agency provided at the recent stakeholder meeting. Furthermore, we appreciate the openness with which the agency has shared its database of review times for each type of report by regulated entity. This information provided us with the understanding that we needed for the draft increased fees. We reiterate our recommendation that NMED HWB implement various enhancements to make the work process more efficient, which will provide an environmental benefit by allowing corrective action to move forward more quickly. We look forward to engaging in additional discussions on each of our recommendations at the August 29 meeting.

In the meantime, if you have any questions on the information in this letter, please contact Marie Gutiérrez y Alarid at 505-982-2568 or marieg@NMOGA.org.

Yours truly,



Ryan Flynn
Executive Director

c: NMED Secretary James Kenney
NMED RPD Director Stephanie Stringer

Cobrain, Dave, NMENV

From: Cobrain, Dave, NMENV
Sent: Wednesday, October 16, 2019 2:20 PM
To: Kieling, John, NMENV
Cc: HOLTON, BRIAN, NMENV
Subject: NMED Hazardous Waste Bureau Fee Regulations Public Notice - EIB Hearing revised
Attachments: Public Notice Fee Regs HWB - English 09-15-2019.pdf

Please find attached the public notice for the hearing in front of the New Mexico Environmental Improvement Board for the proposed modifications to the Hazardous Waste fee regulations (20.4.2 NMAC and 20.4.3 NMAC). We discovered a problem with the weblinks that was corrected. Please call if you have questions.

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg 1
Santa Fe, NM 87505-6313
Main Office Phone 505-476-6000
Direct Line 505-476-6055
Fax 505-476-6030



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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Santa Fe, New Mexico 87505-6313
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www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO 20.4.2 NMAC -
HAZARDOUS WASTE PERMIT AND CORRECTIVE ACTION FEES AND 20.4.3 NMAC –
ANNUAL HAZARDOUS WASTE FEES
October 15, 2019**

The New Mexico Environmental Improvement Board (“Board” or “EIB”) will hold a public hearing beginning at 9:00 a.m. on December 20, 2019 and continuing thereafter as necessary at the New Mexico State Capitol Building, Room 307, 490 Old Santa Fe Trail, Santa Fe, New Mexico. The hearing location may change prior to the hearing date, and those interested in attending should check the EIB website: <https://www.env.nm.gov/environmental-improvement/main-2/> prior to the hearing. The purpose of the hearing is to consider proposed amendments to the Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC, and the Annual Hazardous Waste Fee Regulations, 20.4.3 NMAC (Fee Regulations). The New Mexico Environment Department (NMED) is the proponent of the proposed amendments.

The purpose of the amendments is to update the Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC and the Annual Hazardous Waste Fees, 20.4.3 NMAC, to incorporate changes in fees based on inflation since 2004 and staff document review time data compiled since 2007. The updates are necessary to support the Hazardous Waste Management Program. The current Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC, were last adopted in 2006 and the Annual Hazardous Waste Fee Regulations, 20.4.3 NMAC, were last adopted in 1995.

The proposed amendments also include additional definitions, minor changes, and clarifications to the regulations. Please note that formatting and minor technical changes in the regulations other than those proposed by NMED may be proposed at the hearing. In addition, the Board may make other changes as necessary to accomplish the purpose of providing public health and safety in response to public comments and evidence presented at the hearing.

The proposed amendments may be reviewed during regular business hours at the office of the Environmental Improvement Board located in the Harold Runnels Building, 1190 South St. Francis Drive, Room S-2102 Santa Fe, NM, 87505. In addition, a copy of the NMED proposed amendments is posted on the NMED website at: <https://www.env.nm.gov/hazardous-waste/proposed-hazardous-waste-regulations/>

The proposed rules are authorized pursuant to the Environmental Improvement Act, Sections 74-1-5 and 74-1-8 NMSA 1978. The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures - Environmental Improvement Board), the Environmental Improvement Act, Section 74-1-9 NMSA 1978, and the Hazardous Waste Act, Chapter 74, Article 4 NMSA 1978.

Pursuant to 20.1.1.304 NMAC, all interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the

record in lieu of providing oral testimony at the hearing, must file the written statement prior to the hearing or submit it at the hearing.

Pursuant to 20.1.1.302 NMAC, persons wishing to present technical testimony must file with the Board a written notice of intent to do so on or before 5:00 p.m. on Monday, December 2, 2019. The notice of intent shall:

- identify the person or entity for whom the witness(es) will testify;
- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background;
- include a copy of the direct testimony of each technical witness in narrative form;
- include the text of any recommended modifications to the proposed regulatory change; and
- list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of the rule language being proposed.

Notices of intent for the hearing must be received in the Office of the Environmental Improvement Board no later than 5:00 p.m. on Monday, December 2, 2019 and should reference the name of the regulations, the date of the hearing, and docket number EIB 19-35 (R). Notices of intent to present technical testimony should be submitted to:

Cody Barnes, Administrator for Boards and Commissions
Office of the Environmental Improvement Board
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

Any person who wishes to do so may offer non-technical public comment at the hearing, or submit a non-technical written statement in lieu of oral testimony at or before the hearing. Written comments regarding the proposed revisions may be addressed to Cody Barnes, Administrator of Boards and Commissions, at the above address, and should reference docket number EIB 19-35 (R).

If any person requires assistance, an interpreter, or auxiliary aid (e.g., disability accommodation) to participate in this process, please contact Cody Barnes, EIB Administrator as soon as possible, allowing at least 14 days before the hearing date, at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502, telephone (505) 827-2428 or e-mail cody.barnes@state.nm.us. (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users:1-800-659-8331).

The Board may make a decision on the proposed regulatory change at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

Notice of Non-Discrimination

The New Mexico Environment Department ("NMED") does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Yurdin, Non-Discrimination Coordinator New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/hazardous-waste/proposed-hazardous-waste-regulations/> to learn how and where to file a complaint of discrimination.

Attachment B4

**Petition to Amend
20.4.2 NMAC and 20.4.3 NMAC of the Hazardous Waste Regulations and
Request for Hearing
September 9, 2019**

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED
AMENDMENTS TO 20.4.2 NMAC –
Hazardous Waste Permit and Corrective Action Fees
AND 20.4.3 NMAC – *Annual Hazardous Waste Fees*

No. EIB 19-35(R)

Hazardous Waste Bureau,
Resource Protection Division,
New Mexico Environment Department,

Petitioner.

PETITION TO AMEND 20.4.2 NMAC AND 20.4.3 NMAC
OF THE HAZARDOUS WASTE REGULATIONS
AND REQUEST FOR HEARING

The Hazardous Waste Bureau (“Bureau”), within the Resource Protection Division of the New Mexico Environment Department (“Department”), submits this Petition to amend 20.4.2 NMAC, *Hazardous Waste Permit and Corrective Action Fees*, and 20.4.3 NMAC, *Annual Hazardous Waste Fees* and respectfully requests a hearing before the Environmental Improvement Board (“Board”) for the purpose of adoption of the proposed amendments. .

The purpose of the *Hazardous Waste Permit and Corrective Action Fees* (20.4.2 NMAC) and the *Annual Hazardous Waste Fees* (20.4.3 NMAC) is to support regulatory oversight of hazardous waste facilities by the New Mexico Environment Department (“NMED”), through the Hazardous Waste Bureau (“Bureau”). The Amendments to 20.4.2 NMAC are necessary to adjust the fees to reflect current operational costs and to more accurately represent document review times. The Amendments to 20.4.3 NMAC are necessary to revise and update the fees to reflect current operational costs and more adequately support the Compliance and Technical Assistance Management Program of the Bureau.



As support for this Petition, a Statement of Reasons is included as Attachment 1. The proposed amendments to 20.4.2 NMAC and 20.4.3 NMAC are included as Attachment 2 and Attachment 3, respectively.

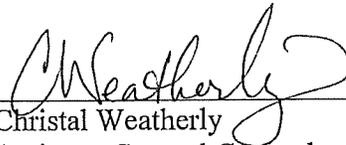
The Department has engaged in extensive stakeholder involvement prior to the filing of this Petition, and the response to the proposed amendments from the regulated community has been constructive and positive.

The EIB has the authority to adopt proposed regulations and amendments under NMSA 1978, Section 74-1-8(A)(13) and Section 74-4-4(A).

The Bureau respectfully requests that a hearing be scheduled on this matter in accordance with 20.1.1.300(C) NMAC for December 20, 2019. The Bureau anticipates that a hearing on this matter will take approximately four hours.

Respectfully submitted,

HAZARDOUS WASTE BUREAU
RESOURCE PROTECTION DIVISION
NEW MEXICO ENVIRONMENT DEPARTMENT



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**STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF PROPOSED
AMENDMENTS TO 20.4.2 NMAC –
Hazardous Waste Permit and Corrective Action Fees
AND 20.4.3 NMAC – *Annual Hazardous Waste Fees***

No. EIB 19-__ (R)

**Hazardous Waste Bureau,
Resource Protection Division,
New Mexico Environment Department,**

Petitioner.

STATEMENT OF REASONS

1. The Hazardous Waste Act (“Act”), NMSA 1978, Sections 74-4-1 to -14, provides authorization for the *Hazardous Waste Permit and Corrective Action Fees* at 20.4.2 NMAC and the *Annual Hazardous Waste Fees* at 20.4.3 NMAC.

2. Under Section 74-4-4.2(J) of the Act, the Environmental Improvement Board (“EIB”) “shall provide a schedule of fees for businesses generating hazardous waste, conducting permitted hazardous waste management activities or seeking a permit for the management of hazardous waste.” NMSA 1978, § 74-4-4.2(J).

3. The purpose of the *Hazardous Waste Permit and Corrective Action Fees* (20.4.2 NMAC) and the *Annual Hazardous Waste Fees* (20.4.3 NMAC) is to support regulatory oversight of hazardous waste facilities by the New Mexico Environment Department (“NMED”), through the Hazardous Waste Bureau (“Bureau”).

4. The EIB originally promulgated these rules as the Hazardous Waste Fee Regulations, EIB/HWFR-1, on October 28, 1988 and the Annual Hazardous Waste Fee Regulations, EIB/HWFR-1, on January 19, 1994.

5. The regulations were restructured to fit the NMAC format and became 20 NMAC 4.2, Hazardous Waste Fees and 20 NMAC 4.3, Annual Hazardous Waste Fees on November 30, 1995.

6. The Hazardous Waste Fees (20 NMAC 4.2) were amended on December 31, 1998 to incorporate fees associated with NMED's authorization from the Environmental Protection Agency ("EPA") for Resource Conservation and Recovery Act ("RCRA") corrective action processes for permitted and interim status facilities.

7. The Annual Hazardous Waste Fees (20 NMAC 4.3) were recompiled on November 27, 2001 to comply with the new NMAC format as the current *Annual Hazardous Waste Fees* at 20.4.3 NMAC.

8. The Hazardous Waste Fees (20 NMAC 4.2) were renumbered, reformatted, amended and replaced on August 18, 2006 to comply with the new NMAC format and to reflect the updated cost of operations and document review times for the HWB, becoming the current *Hazardous Waste Permit and Corrective Action Fees* at 20.4.2 NMAC.

9. Under the authority of NMSA 1978, Sections 74-4-4.2(J), the *Hazardous Waste Permit and Corrective Action Fees* (20.4.2 NMAC) provide for the assessment of fees for "all persons who own or operate a permitted facility at which the treatment, storage, or disposal of hazardous waste is occurring or has occurred, all persons seeking or required to obtain a permit for the treatment, storage, or disposal of hazardous waste, and all persons engaging in or required to engage in closure, post closure care and corrective action under the Hazardous Waste Act." 20.4.2.2 NMAC.

10. The Amendments to 20.4.2 NMAC are necessary to adjust the *Hazardous Waste Permit and Corrective Action Fees* to reflect current operational costs and to more accurately represent document review times based on data acquired since the regulations became effective in August 2006.

11. Current fee regulations are based on 2002 costs for conducting document reviews and estimated review timeframes. The current fees are inadequate to support the Permits Management Program.

12. The updated rules will be based on current hourly costs of operation in combination with an adjustment for inflation based on the 2018 value of a 2004 dollar (\$1.34 in 2018 dollars) and average review times based on staff time tracking for document reviews between Fiscal Year 2008 and Fiscal Year 2018.

13. Additionally, an annual adjustment of the fees for inflation using the Consumer Price Index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor is incorporated into the rule through the proposed amendments.

14. Under the authority of NMSA 1978, Sections 74-4-4.2, the *Annual Hazardous Waste Fees* (20.4.3 NMAC) provide for the assessment of fees “to generators of hazardous waste, and to owners and operators of hazardous waste treatment, storage and disposal facilities which receive imported hazardous waste.” 20.4.3.2 NMAC.

15. The Amendments to 20.4.3 NMAC are necessary to revise and update the *Annual Hazardous Waste Fees*, which have not been updated since 1995.

16. The current fees do not reflect current operational costs and are inadequate to support the Compliance and Technical Assistance Management Program of the Bureau.

17. The amendments will simplify the annual fee structure to flat fees, rather than assessing a 1 cent per pound fee, as well as increase the annual fees for generators and add very small quantity generators into the fee structure.

18. Business fees are being redefined as specific activities or events that occur at facilities or Bureau services that are requested by facilities. There are currently no fees for these activities.

19. Additionally, an annual adjustment of the fees for inflation using the Consumer Price Index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor is incorporated into the rule through the proposed amendments.

1 TITLE 20 ENVIRONMENTAL PROTECTION
2 CHAPTER 4 HAZARDOUS WASTE
3 PART 2 HAZARDOUS WASTE PERMIT AND CORRECTIVE ACTION FEES
4

5 20.4.2.1 ISSUING AGENCY: Environmental Improvement Board.
6 [12/31/98; 20.4.2.1 NMAC - Rn, 20 NMAC 4.2.I.101, 8/18/06]
7

8 20.4.2.2 SCOPE: This part applies to all persons who own or operate a permitted facility at which the
9 treatment, storage or disposal of hazardous waste is occurring or has occurred, all persons seeking or required to
10 obtain a permit for the treatment, storage or disposal of hazardous waste or corrective action, all persons subject to
11 an enforceable document under the New Mexico Hazardous Waste Act, and all persons engaging in or required to
12 engage in closure, post closure care and corrective action under the New Mexico Hazardous Waste Act, Sections 74-
13 4-1 through 74-4-14 NMSA 1978.
14 [12/31/98; 20.4.2.2 NMAC - Rn, 20 NMAC 4.2.I.102, 8/18/06]
15

16 20.4.2.3 STATUTORY AUTHORITY: Sections 74-1-8, 74-4-4, 74-4-4.2 and 74-4-4.5 NMSA 1978.
17 [12/31/98; 20.4.2.3 NMAC - Rn, 20 NMAC 4.2.I.103 & A, 8/18/06]
18

19 20.4.2.4 DURATION: Permanent.
20 [12/31/98; 20.4.2.4 NMAC - Rn, 20 NMAC 4.2.I.104, 8/18/06]
21

22 20.4.2.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.
23 [12/31/98; 20.4.2.5 NMAC - Rn, 20 NMAC 4.2.I.105 & A, 8/18/06]
24

25 20.4.2.6 OBJECTIVE: The objective of this part is to provide a schedule of fees for facilities seeking
26 permits, currently permitted, or undergoing corrective action for past or present hazardous waste management
27 activities. Fees paid are for deposit in the hazardous waste fund to meet necessary expenses in the administration and
28 operation of the state hazardous waste program.
29 [12/31/98; 20.4.2.6 NMAC - Rn, 20 NMAC 4.2.I.106, 8/18/06]
30

31 20.4.2.7 DEFINITIONS: Unless otherwise defined in this part, the words and phrases used in this part
32 have the same meanings as in 20.4.1 NMAC, Hazardous Waste Management regulations. As used in this part:

33 A. "accelerated corrective action completion report" or "accelerated corrective measures completion
34 report" means a report on implementation of presumptive remedies at small and relatively simple units where
35 groundwater contamination is not a component of the accelerated cleanup, where the remedy is considered to be the
36 final remedy for the unit, and where the field work will be accomplished within 180 days of commencement;

37 B. "accelerated corrective action work plan" or "accelerated corrective measures work plan" means a
38 work plan to implement presumptive remedies at small and relatively simple units where groundwater
39 contamination is not a component of the accelerated cleanup, where the remedy is considered to be the final remedy
40 for the unit, and where the field work will be accomplished within 180 days of commencement;

41 C. "act" means the New Mexico Hazardous Waste Act, Sections 74-4-1 through 74-4-14 NMSA
42 1978;

43 D. "administrative authority" means the secretary of the New Mexico environment department, or the
44 secretary's designee, or, in the case of provisions for which the state is not authorized, the United States
45 environmental protection agency (EPA);

46 E. "administratively complete" means a determination made by the secretary that an application
47 contains all the general information required in 40 CFR 270.13, applicable specific information in sections 40 CFR
48 270.14 through 270.28 and is complete as defined by the regulations of 20.4.1.900 NMAC incorporating 40 CFR
49 270.10 (c) and (d);

50 F. "area of concern" or "AOC" means any area having a known or suspected release of hazardous
51 waste or hazardous constituents that is not from a solid waste management unit and that the secretary has determined
52 may pose a current or potential threat to human health or the environment, pursuant to 20.4.1.500 NMAC
53 (incorporating 40 CFR 270.32 (b) (2)). An area of concern may include buildings, and structures at which releases
54 of hazardous waste or constituents were not remediated, including one-time and accidental events;

55 G. "~~certification of completion~~background study report" means a report documenting the results of a
56 study to determine background concentrations of naturally occurring inorganic compounds~~completion of corrective~~

1 ~~action required at a unit, submitted to the NMED to demonstrate that corrective action requirements for the unit,~~
2 ~~have been satisfied;~~

3 H. "background study work plan" means a plan proposing the methods to evaluate naturally
4 occurring concentrations of inorganic compounds in environmental media.

5 I. "certification of completion" means completion of corrective action required at a unit, submitted
6 to the NMED to demonstrate that corrective action requirements for the unit, specified an order, have been satisfied

7 HJ. "closure certification document" means all documentation certified by a New Mexico registered
8 professional engineer in a certification of closure that is submitted by an owner or operator;

9 IK. "corrective action" means any activity related to site assessment, investigation, remediation,
10 characterization or monitoring including reporting and document submittals at SWMUs or AOCs, including
11 activities related to off-site migration;

12 JL. "corrective action complete with controls" means that NMED has determined that no additional
13 remedial activity is required at a unit, but the unit requires continued performance of operation and maintenance, or
14 monitoring actions for engineering controls, or institutional controls;

15 KM. "corrective action complete without controls" means that NMED has determined that no additional
16 remedial activity is required at a unit;

17 LN. "corrective measures evaluation" or "CME" or "corrective measures study report" or "CMS report"
18 means a report or study that evaluates remedial alternatives for the purpose of remedy selection and includes
19 specifications to implement a proposed remedy;

20 MO. "corrective measures evaluation work plan" or "CME work plan" or "corrective measures study
21 work plan" or "CMS work plan" means a plan to identify, develop and evaluate potential corrective measures
22 (remedy) alternatives;

23 NP. "corrective measures implementation work plan" or "CMI work plan" means plans and
24 specifications to implement the approved remedy at a facility;

25 OQ. "corrective measures implementation report" or "CMI report" means a report signifying
26 completion of the remedy approved by NMED for termination of corrective action;

27 R. "emergency permit" means an emergency permit as defined at 40 CFR 270.61

28 PS. "enforceable document" means an order, a plan, or other document issued by EPA or the state
29 under an authority that meets the requirements of 40 CFR 271.16 (e);

30 T. "FFCO" means federal facility compliance order;

31 U. "frequent monitoring plan" means a plan that describes proposed periodic monitoring activities for
32 detection, compliance or corrective action monitoring, monitoring of a remediation system, or other corrective
33 measure monitoring for a single site or contiguous sites with shared boundaries;

34 V. "frequent monitoring report" or "frequent progress report" means a report that describes periodic
35 monitoring activities and results for detection, compliance or corrective action monitoring, monitoring of a
36 remediation system, or other corrective measure monitoring or progress related to a corrective measure for a single
37 site or contiguous sites with shared boundaries;

38 Q. "FFCO" means federal facility compliance order;

39 RW. "hazardous waste management activity" means the treatment, storage, or disposal of hazardous
40 waste within a hazardous waste management unit at a facility subject to a hazardous waste permit or operated under
41 interim status and subject to permit authorization, or any closure or post-closure care activity required at a hazardous
42 waste management unit;

43 SX. "HWMR" means the New Mexico Hazardous Waste Management regulations, Title 20, Chapter 4,
44 Part I of the New Mexico administrative code;

45 FY. "interim measure monitoring report" means a report which describes results of the monitoring
46 activities conducted during implementation of measures to abate, minimize, stabilize, mitigate, or eliminate a release
47 or threat of release, implemented prior to implementation of a final remedy;

48 UZ. "interim measures report" means a report that describes the results of interim corrective measures
49 conducted to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented prior to
50 implementation of a final remedy;

51 VAA. "interim measures work plan" means a work plan to implement proposed interim corrective
52 measures conducted to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented
53 prior to implementation of a final remedy;

54 WBB. "investigation report" or "RFI report" or "RCRA facility investigation report" or "phase report"
55 means a report that summarizes the results of investigation of the nature, rate, movement and extent of
56 contamination at a unit or facility;

1 **XCC.** "investigation work plan" or "RFI work plan" or "RCRA facility investigation work plan" means a
2 work plan that describes proposed investigation activities to evaluate the nature, rate, movement and extent of
3 contamination at a unit or facility;

4 **DD.** "letter report," or "supplemental report" or "report addendum" means a report summarizing the
5 results on the implementation of a work plan of limited scope where the field work was completed in seven working
6 days or less and that did not constitute the initial field investigation at a site. Must be submitted as a separate
7 document.

8 **EE.** "letter work plan," or "supplemental work plan" or "work plan addendum" means a work plan of
9 limited scope that describes proposed corrective action activities where the field work can be completed in seven
10 working days or less and does not constitute the initial field investigation at a site. Must be submitted as a separate
11 document.

12 **YFF.** "monitoring plan" means a plan that describes proposed periodic monitoring activities for
13 detection, compliance or corrective action ~~ground-water~~ monitoring, monitoring of a remediation system, or other
14 corrective measure monitoring;

15 **ZGG.** "notice of land transfer" means a notice that initiates NMED evaluation of the results of
16 investigation activities conducted to evaluate the nature, rate, movement and extent of contamination and corrective
17 measures at a property that is anticipated to be transferred to an owner other than the owner regulated by a permit or
18 enforceable document;

19 **AAHH.** "NMED" means the New Mexico environment department;

20 **II.** "notice of disapproval" or "disapproval" means NMED-issued correspondence requiring revision
21 and resubmittal of a deficient document.

22 **BBJJ.** "operation and maintenance plan" means a plan that describes operation, maintenance and
23 monitoring of a remediation system or other corrective measure or monitoring activity that requires continued
24 monitoring or upkeep during implementation;

25 **CEKK.** "periodic monitoring report" means a report that summarizes periodic detection, compliance or
26 corrective action ground water monitoring, monitoring of a remediation system, or other corrective measure
27 monitoring;

28 **DDLL.** "person" means any individual, trust, firm, joint stock company, federal agency, corporation
29 including a government corporation, partnership, association, state, municipality, commission, political subdivision
30 of a state or any interstate body; and shall include each department, agency and instrumentality of the United States;

31 **EEMM.** "~~petition for NFA review~~" or "petition for corrective action complete review" means a petition to
32 change the status of a unit from "subject to corrective action" to a different status (e.g., corrective action complete or
33 no further action required) based on the results of corrective action activities or other relevant information

34 **FFNN.** "pilot/aquifer test report" means a report summarizing the results of pilot or aquifer tests
35 conducted to evaluate hydrologic or other conditions for the purpose of site ~~investigation-characterization~~ or remedy
36 selection;

37 **GGOO.** "pilot/aquifer test work plan" means a work plan for conducting pilot or aquifer tests to evaluate
38 hydrologic or other conditions for the purpose of site ~~investigation-characterization~~ or remedy selection;

39 **HHPP.** "RCRA facility assessment" or "RFA" means the first stage in the corrective action process in
40 which information is compiled on conditions at the site, including releases, potential releases, exposure pathways,
41 solid waste management units, and areas of concern;

42 **QQ.** "rejected document" means a document deemed unreviewable due to deficiencies related to permit
43 or other enforceable document requirements, disorganization, or a substantial amount of missing information,
44 inaccuracies, or unrelated or redundant information.

45 **HRR.** "release assessment" or "SWMU assessment report" means an assessment of a solid waste
46 management unit or area of concern performed after the RCRA facility assessment but before ~~the initiation of any~~
47 ~~field investigation or~~ full site characterization to obtain information for use in focusing subsequent investigations or
48 eliminating certain units or areas from further consideration;

49 **JJSS.** "remedial action plan" or "RAP" means a special form of a RCRA permit as defined in 20.4.1.900
50 NMAC, incorporating 40 CFR 270.80;

51 **KKTT.** "remedy completion report" means a report summarizing the results of completion of the
52 implementation of corrective measures;

53 **UU.** "revision" or "document revision" means a document that is revised and resubmitted by a facility
54 in response to comments issued by the NMED in a Notice of Disapproval or Disapproval as distinct from revisions
55 submitted in response to an Approval with Modification(s).

1 **LLVY.** "risk evaluation/risk assessment report" means a report summarizing the results of a risk
2 evaluation or assessment for the purpose of evaluating the human health and ecological risks of exposure to
3 contaminants and determining appropriate cleanup levels at a site;

4 **MMWW.** "secretary" means the secretary of the New Mexico environment department;

5 **NNXX.** "solid waste management unit" or "SWMU" means any discernible unit at which solid wastes have
6 been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous
7 waste; such units include any area at a facility at which solid wastes have been routinely and systematically released;

8 **OQYY.** "submittal" means all applications, permit modification requests, plans, reports, studies, and other
9 documents listed in tables 2 through 7 in 20.4.2.205 NMAC through 20.4.2.210 NMAC;

10 **PPZZ.** "status report" means a report summarizing the progress of implementation of corrective actions or
11 corrective measures;

12 **QAAA.** "unit" means "hazardous waste management unit" as defined in 20.4.1.101 NMAC,
13 incorporating 40 CFR 260.10, or "solid waste management unit", or "area of concern";

14 **RRBBB.** "well completion report" means a report summarizing the activities related to the drilling
15 and installation of wells.

16 **CCC.** "well abandonment report" or "well replacement report" means a report summarizing the activities
17 related to abandonment or replacement of a well.

18 **DDD.** "well abandonment work plan" or "well replacement work plan" means a work plan that describes
19 the proposed activities to abandon or replace a well.

20
21 [12/31/98; 20.4.2.7 NMAC - Rn, 20 NMAC 4.2.I.107 & A, 8/18/06]

22
23 **20.4.2.8 - 20.4.2.107 [RESERVED]**

24
25 **20.4.2.108 GENERAL PROVISIONS:** Saving clause: Repeal and replacement of hazardous waste fees,
26 New Mexico environmental improvement board, 20.4.2 NMAC, shall not affect any administrative or judicial
27 enforcement action pending on the effective date of this part.

28 [12/31/98; 20.4.2.108 NMAC - Rn, 20 NMAC 4.2.I.108, 8/18/06]

29
30 **20.4.2.109 - 20.4.199 [RESERVED]**

31
32 **20.4.2.200 PERMIT APPLICATION, INTERIM STATUS, REMEDIAL ACTION PLAN, AND**
33 **CORRECTIVE ACTION FEES:**

34 [12/31/98; 20.4.2.200 NMAC - Rn, 20 NMAC 4.2.II.200 & A, 8/18/06]

35
36 **20.4.2.201 TYPES OF FEES:** Every owner or operator engaged in hazardous waste management activities
37 or engaged in corrective action shall pay to NMED fees in the amounts specified in Subsections A through L of
38 20.4.2.201 NMAC. However, if an owner or operator has paid a fee for any type of permit application, or for the
39 review of a submittal, prior to the effective date of these regulations, the owner or operator shall not be required to
40 pay the fee provided for by these regulations. An owner or operator who has paid a fee provided for in table 2 or
41 table 4 for permit applications or permit modification requests shall be required to pay the applicable fee again if the
42 application or document is resubmitted by the owner or operator after being denied under NMSA 1978, Section 74-
43 4-4.2, and 20.4.1.901 NMAC by NMED. The secretary may in his discretion, based on good cause shown,
44 determine that the fee on resubmission should be reduced or waived.

45 **A. Annual Fees:** Every owner or operator engaged in hazardous waste management activities or
46 engaged in corrective action shall pay to NMED an annual fee in an amount equal to the sum of the annual unit fees
47 set forth in table 1 of 20.4.2.204 NMAC for each unit as identified in the facility permit, part A application, or
48 enforceable document, or any combination thereof as applicable.

49 **B. Submittal review process:**

50 (1) For each submittal, the owner or operator shall pay the associated review fee as listed in
51 the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC. NMED will conduct the review within the time
52 specified in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC. The secretary may grant an extension of
53 time for good cause shown. NMED shall provide notice to the owner or operator of any requested time extension.

54 (2) NMED will invoice the owner or operator for the applicable review fee.

1 (a) Within 60 days of receipt of submittal, in the case of interim status fees,
2 corrective action submittal fees, and other fees assessed under tables 3, 5, 6, and 7 of 20.4.2.206 NMAC and
3 20.4.2.208 NMAC through 20.4.2.210 NMAC.

4 (b) After an application is deemed administratively complete, in the case of
5 application and permit modification fees under table 2 of 20.4.2.205 NMAC and table 4 of 20.4.207 NMAC. For
6 class 2 permit modification requests the invoice shall be issued within 30 days of receipt and the procedures of 40
7 CFR 270.42, as incorporated by 20.4.1.900 NMAC, shall apply. Unless extended by the secretary, administrative
8 completeness determination shall be made within ~~180-270~~ days of receipt of the submittal. If the application is
9 incomplete, NMED shall provide the owner or operator with written notice that shall list those parts of the
10 application that are missing and describe the specific information needed to process the permit application.

11 (3) The timeframe for NMED review begins after receipt of payment, except for class 2
12 permit modification requests, in which case the time frame for NMED's review begins upon receipt of the request.

13 (4) NMED will provide the owner or operator written notice of approval, approval with
14 modifications, disapproval, denial, or rejection of the submittal. If the submittal is disapproved, denied or rejected,
15 NMED shall provide the owner or operator with written notice providing the reasons for such action.

16 (5) The review times specified in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC
17 shall be tolled during all periods in which NMED is awaiting a response by the owner or operator to a notice under
18 Paragraph (1) of Subsection B of 20.4.2.201 NMAC and during all time periods in which further action cannot be
19 taken due to public comment and hearing requirements, except for class 2 permit modification requests, in which
20 case the time frame for NMED's review begins upon receipt of the request.

21 (6) If NMED fails to meet a notice date pursuant to 20.4.2.205 NMAC through 20.4.2.210
22 NMAC, including an administrative completeness notice date, the NMED shall, within 10 business days after the
23 deadline, notify the secretary and the owner or operator that the deadline was not met. The written notice shall state
24 the reasons that the deadline was not met and propose a new deadline by which the NMED will act. The owner or
25 operator may submit a written response to the secretary regarding its proposed remedy within 10 business days of its
26 receipt of the notification. The secretary, at his or her discretion, shall establish a new notice date and remedy
27 within 30 days after the secretary receives notice that the deadline was not met.

28 (7) In the event of a conflict, between review time and notice dates in these regulations and
29 in an enforceable document the time-periods and review process in the enforceable documents shall control.

30 **C. Permit application, remedial action plan, and corrective action section fees:** Every owner or
31 operator seeking a permit for the treatment, storage or disposal of hazardous waste or for post closure care shall pay
32 an application review and permit preparation fee set forth in table 2 of 20.4.2.205 NMAC. The fee for application
33 review and permit preparation shall be in an amount equal to the sum of the fees for each unit included in the permit
34 application. If a corrective action section is required, the owner or operator shall also pay the basic fee for corrective
35 action preparation set forth in table 2 of 20.4.2.205 NMAC plus the additional unit fee for each corrective action unit
36 in excess of one which is addressed by the corrective action section. NMED ~~shall will~~ perform the review of the
37 application and prepare the draft permit within the time specified in table 2 of 20.4.2.205 NMAC after receipt of the
38 fees.

39 **D. Permit renewals:** Every owner or operator seeking to renew a previously issued permit for the
40 treatment, storage or disposal of hazardous waste or for post-closure care shall pay an application review and permit
41 preparation fee, and if required, a corrective action section fee, in the amounts and in the manner set forth in table 2
42 in 20.4.2.205 NMAC.

43 **E. Interim status closure plan review fees:** Every owner or operator submitting an interim status
44 closure plan for review and approval shall pay a fee set forth in table 3 of 20.4.2.206 NMAC. The fee shall be in an
45 amount equal to the sum of the fees set forth in table 3 of 20.4.2.206 NMAC for each unit included in the closure
46 plan. An application to modify an approved interim status closure plan is subject to the following fees:

47 (1) Amendments of plans that are identified as equivalent to a class 1 or a class 2 permit
48 modifications are subject to the corresponding fee in table 4 in 20.4.2.207 NMAC;

49 (2) Amendments of plans identified as equivalent to class 3 permit modifications are subject
50 to the corresponding fee in table 3 in 20.4.2.206 NMAC.

51 **F. Permit modification fees:** Every owner or operator who requests a class 1, 2, or 3 modification
52 to a permit, and every owner or operator whose permit is to be modified as a result of a five (~~5~~) year land disposal
53 review shall pay the applicable class modification fee for each modification as set forth in table 4 of 20.4.2.207
54 NMAC. If the permit modification request is to add a new unit to the permit the applicable fee in table 2 of
55 20.4.2.205 NMAC ~~will shall~~ apply.

1 **G. Closure report review fees:** Every owner or operator who submits a closure report for review
2 shall pay a closure report review fee as set forth in table 3 of 20.4.2.206 NMAC.

3 **H. Corrective action submittal review fees:** Every owner or operator who submits a corrective
4 action submittal for review shall pay a corrective action submittal review fee as set forth in table 5 of 20.4.2.208
5 NMAC. An additional unit fee shall be paid for each additional unit for submittals that address multiple units.
6 Documents that contain attached documents or attached sections of other documents within the submittal will be
7 assessed a separate document review fee for the attached document or document section corresponding to the
8 document type listed in table 5 of 20.4.2.208 NMAC. Draft documents shall be considered initial submittals subject
9 to the corrective action submittal review fees as set forth in table 5 of 20.4.2.208 NMAC. Rejected documents shall
10 be subject to the corrective action submittal review fees as set forth in table 5 of 20.4.2.208 NMAC upon
11 resubmittal.

12 **I. Land disposal review fee:** Every owner or operator subject to a review under 20.4.1.900 NMAC
13 (incorporating 40 CFR 270.50 (d)) shall pay a review fee as set forth in table 6 of 20.4.2.209 NMAC. At the time of
14 invoicing, NMED shall notify the owner or operator in writing of any additional information required to process the
15 review.

16 **J. Audit review fee:** Every owner or operator subject to an audit review required under a facility
17 permit or enforceable document shall pay an audit fee for each audit as set forth in table 6 of 20.4.2.209 NMAC.

18 **K. FFCO fee:** Every owner or operator subject to a review of amendments, annual reports, and
19 revisions under an FFCO shall pay a fee as set forth in table 6 of 20.4.2.209 NMAC. In the event of a conflict
20 between the review times specified in table 6 and the FFCO, the FFCO shall control.

21 **L. Change during interim status fee:** Every owner or operator who requests a change during
22 interim status pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.72) shall pay the following fees:

23 (1) Modifications that are identified as being equivalent to class 1 or class 2 permit
24 modifications are subject to the corresponding fee in table 7 in 20.4.2.210 NMAC;

25 (2) Modifications identified as equivalent to class 3 permit modifications are subject to the
26 corresponding fee in table 7 in 20.4.2.210 NMAC.

27 **M. Emergency permit fee:** Every facility that requests an emergency permit as required by 40 CFR
28 270.61 shall pay a fee as set forth in table 6 of 20.4.2.209 NMAC.

29 **N. Adjustment for inflation:** Beginning January 1 following the effective date of these fee
30 regulations, the fees listed in 20.4.2.204 through 20.4.2.210 shall be adjusted annually to account for inflation. The
31 amounts shall be adjusted by the percentage of the preceding calendar year's change in the consumer price index for
32 All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States
33 Department of Labor. The amount of change in the fee shall be rounded to the nearest \$50.00.

34
35 [12/31/98; 20.4.2.201 NMAC - Rn, 20 NMAC 4.2.II.201 & A, 8/18/06]

36
37 **20.4.2.202 ANNUAL FEE REPORT:** On or before September 30 of every year, NMED shall review the
38 amount of fees collected and the amount of money expended administering the hazardous waste management
39 program for the prior state fiscal year and submit a report on its review to the board. The report shall include for
40 each facility the amount of fees collected, the number and types of permitting actions taken, submittals reviewed, a
41 summary of the time required to conduct each review or permitting action, and an analysis of the cost of regulatory
42 oversight. The report shall include a summary of funds received and expenses required to administer the state
43 hazardous waste program.

44 [12/31/98; 20.4.2.202 NMAC - Rn, 20 NMAC 4.2.II.202 & A, 8/18/06]

45
46 **20.4.2.203 HEARING FEES:**

47 **A.** An applicant for issuance, renewal, or modification of a permit, or remedy selection shall be
48 required to pay the following hearing fees if the secretary determines that a public hearing shall be held on the
49 application.

50 (1) **Hearing fee:** The applicant shall be invoiced a hearing fee of twenty-~~five~~ thousand
51 dollars (~~\$20~~25,000) within ~~thirty~~-(30) days of notification by the secretary that a hearing will be scheduled.

52 (2) **Administrative record preparation fee:** The applicant shall pay an administrative
53 record preparation fee equal to the actual cost of copying the administrative record for the public hearing process.

54 (3) **Facility fee:** The applicant shall pay a facility fee equal to the actual cost of providing
55 the public facility, including security and other ancillary costs, necessary to conduct the public hearing.

(4) **Recording and Transcription service fee:** The applicant shall pay a recording and transcription service fee equal to the actual cost of providing recording and transcription services for the public hearing and providing three copies of the hearing transcript to NMED.

(5) **Translation service fee:** If the secretary determines that translation services are required for the public hearing, the applicant shall pay a translation service fee equal to the actual cost of providing translation services necessary to conduct the public hearing.

(6) The applicant shall be invoiced for the total cost of the hearing within 90 days after the secretary's final decision under Subsection A of 20.4.2.203 NMAC. The hearing fee required under Paragraph (1) of Subsection A of 20.4.2.203 NMAC will be credited against the total cost of the hearing, or if the fee is more than the total cost of the hearing it shall be credited for future actions.

[12/31/98; 20.4.2.203 NMAC - Rn, 20 NMAC 4.2.II.201.8 & 203 & A, 8/18/06]

20.4.2.204 TABLE 1 - ANNUAL FEES:

Unit Type	Fee
Disposal	\$4,000 <u>\$5,500</u>
Treatment	\$3,000 <u>\$4,000</u>
Storage	\$2,000 <u>\$3,000</u>
Post Closure	\$4,000 <u>\$5,500</u>
Corrective Action Management (CAMU)	\$4,000 <u>\$5,500</u>
Temporary (TU)	\$3,000 <u>\$4,000</u>
Remedial Action Plan Unit	\$3,000 <u>\$4,000</u>
Corrective Action-Only	
SWMU/AOC per Unit:	<u>\$1,000</u>
— for the first 150 units (1 to 150)	<u>\$750</u>
— for the second 350 units (151 to 500)	<u>\$350</u>
— for each unit over 500 (501+)	<u>\$200</u>
Corrective Action Complete with Controls per Unit	\$2350

[12/31/98; 20.4.2.204 NMAC - Rn, 20 NMAC 4.2.II.204 & A, 8/18/06]

20.4.2.205 TABLE 2 - APPLICATION AND CORRECTIVE ACTION SECTION FEES:

Unit Type	Fee	Fee for Renewal or Modification to add a unit	Review Time
Land Disposal	\$90,000 <u>\$270,000</u>	\$60,000 <u>\$180,000</u>	360-1080 days
Post Closure	\$90,000 <u>\$120,000</u>	\$60,000 <u>\$80,000</u>	360-720 days
Land Treatment	\$90,000 <u>\$120,000</u>	\$60,000 <u>\$80,000</u>	360 days
Surface Impoundment	\$75,000 <u>\$100,000</u>	\$50,000 <u>\$65,000</u>	360 days
Incinerator	\$75,000 <u>\$100,000</u>	\$50,000 <u>\$65,000</u>	360-720 days
Boiler or Industrial Furnace	\$75,000 <u>\$100,000</u>	\$50,000 <u>\$65,000</u>	360 days
Subpart X	\$90,000 <u>\$120,000</u>	\$60,000 <u>\$80,000</u>	360-720 days
Waste Pile	\$36,000 <u>\$144,000</u>	\$24,000 <u>\$96,000</u>	360-720 days
Treatment in Tanks	\$36,000 <u>\$144,000</u>	\$24,000 <u>\$96,000</u>	360-720 days
Treatment in Containers	\$36,000 <u>\$144,000</u>	\$24,000 <u>\$96,000</u>	360-720 days
Storage in Tanks	\$36,000 <u>\$144,000</u>	\$24,000 <u>\$96,000</u>	360-720 days
Storage in Containers	\$36,000 <u>\$144,000</u>	\$24,000 <u>\$96,000</u>	360-720 days
Research Demonstration and Development	\$24,000 <u>\$32,000</u>	\$16,000 <u>\$21,500</u>	360 days
Remedial Action Plan	\$24,000 <u>\$32,000</u>	\$16,000 <u>\$21,500</u>	360 days
Permit for Corrective Action Only	\$16,000 <u>\$80,000</u>	\$10,000 <u>\$65,000</u>	360 days
Corrective Action Section	\$10,000	\$7,000	N/A
Additional SWMU/AOC Unit Fee	\$1,000 <u>\$1,300</u> for each additional unit	N/A	N/A

[12/31/98; 20.4.2.205 NMAC - Rn, 20 NMAC 4.2.II.205 & A, 8/18/06]

1 **20.4.2.206 TABLE 3 - INTERIM STATUS CLOSURE PLAN AND INTERIM STATUS AND**
 2 **PERMITTED UNIT CLOSURE REPORT REVIEW FEES:**

Unit Type	Fee	Amendment Fee (equivalent to Class 3 permit modification)	Review Time
Land Disposal or Land Treatment	\$20,000	\$10,000	360- 540 days
Surface Impoundment	\$10,000 <u>\$25,000</u>	\$5,000 <u>\$10,000</u>	360- 540 days
Incinerator	\$8,000	\$4,000	270 days
Boiler or Industrial Furnace	\$8,000	\$4,000	270 days
Subpart X	\$10,000 <u>\$30,000</u>	\$5,000 <u>\$15,000</u>	360- 540 days
Waste Pile	\$8,000	\$4,000	270 days
Storage	\$6,000 <u>\$12,000</u>	\$3,000 <u>\$6,000</u>	180-270 days
Treatment	\$8,000 <u>\$10,000</u>	\$4,000 <u>\$5,000</u>	270-360 days
Closure Report	\$6,000 <u>\$13,000</u>	NA	180 days

3 [12/31/98; 20.4.2.206 NMAC - Rn, 20 NMAC 4.2.II.206 & A, 8/18/06]

4
 5 **20.4.2.207 TABLE 4 - PERMIT MODIFICATION FEES:**

Modification	Fee	Review Time
Class 1 (without prior approval)	\$500 <u>\$1,800</u>	N/A
Class 1 (with prior approval)	\$2,500 <u>\$6,500</u>	120- 150 days
Class 2	\$6,000 <u>\$30,000</u>	Refer to 20.4.1.900 NMAC (incorporating 40 CFR 270.42 (b))
Class 3	\$40,000 <u>\$100,000</u>	360- 540 days
Class 3 - Petition for Corrective Action Complete Review/Petition for No Further Action Review	\$7,000 <u>\$30,000</u> plus \$250-500 for each additional unit <u>up to 20 units</u> <u>and plus \$750 for every unit</u> <u>over 20 units.</u>	270- 360 days (plus 30 days for every 10-3 units over 20)

6 [12/31/98; 20.4.2.207 NMAC - Rn, 20 NMAC 4.2.II.207 & A, 8/18/06]

7
 8 **20.4.2.208 TABLE 5 - CORRECTIVE ACTION SUBMITTAL REVIEW FEES:**

Submittal Type	Basic Review Fee	Additional Unit Fee	Review Time
Accelerated Corrective Action Completion Report/Accelerated Corrective Measures Completion Report	\$5,000 <u>\$11,000</u>	\$1,000	120 days
Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	\$5,000-9,000	\$1,000	120 days
Background Study Report	<u>\$5,000</u>	<u>\$1,000</u>	<u>210 days</u>
Background Study Work Plan	<u>\$4,000</u>	<u>\$1,000</u>	<u>210 days</u>
Certification of Completion per unit	\$500 <u>\$3,000</u>	NA	90 days
Corrective Measures Implementation Report	\$12,000 <u>\$10,000</u>	\$1,000	360 days
Corrective Measures Implementation Work Plan	\$6,500 <u>\$18,000</u>	\$1,000	270 days
Corrective Measures Study Report/ Corrective Measures Evaluation	\$15,000 <u>\$30,000</u>	\$1,000	480 days
Corrective Measures Study Report/ Corrective Measures Evaluation with Risk Assessment	\$20,000 <u>\$35,000</u>	\$1,000	480 days
Corrective Measures Study Workplan/ Corrective Measures Evaluation Workplan	\$7,500 <u>\$8,500</u>	\$1,000	360 days
Frequent Monitoring Plan	<u>\$3,500</u>	<u>\$1,000</u>	<u>120 days</u>

<u>Frequent Monitoring Report/Frequent Progress Report</u>	<u>\$3,000</u>	<u>\$1,000</u>	<u>N/A</u>
<u>Interim Measures Monitoring Report</u>	<u>\$500</u>	<u>\$1,000</u>	<u>N/A</u>
Interim Measures Report	\$3,500 <u>\$10,000</u>	\$1,000	120 days
Interim Measures Work Plan	\$5,000 <u>\$17,000</u>	\$1,000	90 days
Investigation Report (RFI Report)/Phase Report	\$7,500 <u>\$18,000</u>	\$1,000	270 days
Investigation Report with Risk Assessment	\$10,000 <u>\$20,000</u>	\$1,000	360 days
Investigation Work Plan (RFI Work Plan)	\$10,000 <u>\$15,000</u>	\$1,000	270 days
<u>Letter Report/Supplemental Report/Report Addendum</u>	<u>\$6,000</u>	<u>\$1,000</u>	<u>180 days</u>
<u>Letter Work Plan/Supplemental Work Plan/Work Plan Addendum</u>	<u>\$5,000</u>	<u>\$1,000</u>	<u>180 days</u>
Monitoring Plan	\$2,500 <u>\$10,000</u>	\$1,000	120 days
Notice of Land Transfer	\$5,000 <u>\$2,000</u>	\$1,000	120 days
Operation and Maintenance Plan	\$2,500 <u>\$9,000</u>	\$1,000	150 days
Periodic Monitoring Report	\$2,000 <u>\$5,000</u>	\$1,000	N/A
Pilot/Aquifer Test Report	\$1,500 <u>\$10,000</u>	\$1,000	120 <u>180</u> days
Pilot/Aquifer Test Work Plan	\$1,000 <u>\$7,000</u>	\$1,000	90 <u>150</u> days
RCRA Facility Assessment (RFA) Report	\$2,500 <u>\$14,500</u>	\$1,000	180 days
Release Assessment/SWMU Assessment Report	\$3,500 <u>\$8,500</u>	\$1,000	90 <u>180</u> days
Remedy Completion Report	\$4,500 <u>\$8,500</u>	\$1,000	180 days
<u>Third Revision/ Third Document Revision</u>	<u>50% Review Fee</u>	<u>NA</u>	<u>NA</u>
Risk Evaluation/Risk Assessment Report	\$6,000 <u>\$14,000</u>	\$1,000	180 days
Status Report	\$2,000 <u>\$8,000</u>	\$1,000	N/A
Well Completion Report <u>per well</u>	\$500 <u>\$3,000</u>	NA	90 days
<u>Well Abandonment Report/Well Replacement Report per well</u>	<u>\$2,000</u>	<u>NA</u>	<u>90 days</u>
<u>Well Abandonment Work Plan/Well Replacement Work Plan per well</u>	<u>\$2,000</u>	<u>NA</u>	<u>90 days</u>

1 [20.4.2.208 NMAC - N, 8/18/06]

2
3 **20.4.2.209 TABLE 6 - LAND DISPOSAL, AUDIT REVIEW AND OTHER FEES:**

Activity	Fee	Review Time
Land Disposal Permit Review	\$10,000	360 days
Audit Review	\$20,000 <u>\$30,000</u>	45 <u>60</u> days
FFCO Administration	\$500 <u>\$2,000</u>	90 days
<u>Emergency Permit</u>	<u>\$1,000</u>	<u>30 days</u>

4 [20.4.2.209 NMAC - N, 8/18/06]

5
6 **20.4.2.210 TABLE 7 - CHANGE DURING INTERIM STATUS FEES:**

Submittal Type	Fee	Review Time
Change without prior approval	\$500 <u>\$1,800</u>	30 <u>45</u> days
Change with prior approval (equivalent to Class 1 permit modification)	\$2,500 <u>\$6,500</u>	120 <u>150</u> days
Change with prior approval (equivalent to Class 2 permit modification)	\$6,000 <u>\$30,000</u>	120 days

Change with prior approval (equivalent to Class 3 permit modification)	\$10,000 <u>\$100,000</u>	360 <u>540</u> days
--	--------------------------------------	--------------------------------

1 [20.4.2.210 NMAC - N, 8/18/06]
2
3

4 **20.4.2.211 FEE CALCULATION:**

5 **A.** The annual fee shall be assessed for each unit identified in the facility permit, Part A application,
6 and enforceable document on January 1 of the assessed year. The annual fee shall be waived for hazardous waste
7 management units for which the owner or operator provides documentation to NMED that hazardous waste
8 management activities did not occur at the unit during the previous calendar year. To be considered for the waiver
9 the owner or operator shall submit the documentation to NMED on or before July 1 of each year.

10 **B.** The owner or operator of the facility is liable for payment of the undisputed part of the assessed
11 fee on the date the annual fee is due. Payments will not be refunded because of a transfer of ownership or operations
12 to a new owner or operator.

13 [20.4.2.211 NMAC - Rn, 20 NMAC 4.2.II.208 & A, 8/18/06]
14

15 **20.4.2.212 - 20.4.2.299 [RESERVED]**
16

17 **20.4.2.300 PAYMENT, DUE DATES, AND APPEALS:**

18 [12/31/98; 20.4.2.300 NMAC - Rn, 20 NMAC 4.2.III.300 & A, 8/18/06]
19

20 **20.4.2.301 MANNER OF PAYMENT AND DUE DATES:**

21 **A. Annual Fee Invoices:** NMED shall invoice every owner or operator for the annual fee by
22 October 1 of every year.

23 **B. Review Fees:** Any submittals listed in tables 2 through 7 of 20.4.2.205 NMAC through
24 20.4.2.210 NMAC submitted by an owner or operator for review shall be invoiced for the corresponding fee by
25 NMED.

26 **C. Due Date:** Payment of any fee shall be due within ~~sixty-(60)~~ days of receipt of the invoice unless
27 the owner or operator submits to NMED a written request seven ~~(7)~~ days prior to the end of the ~~sixty-(60)~~ day period
28 and receives written approval to extend the time for payment before the date payment is due. Failure to submit
29 payment within the ~~sixty-(60)~~ days, or approved extension, may result in the document being denied, and further
30 enforcement action.

31 **D.** All fees shall be paid to NMED by certified check or money order payable to the ~~New Mexico~~
32 ~~hazardous waste fund~~ New Mexico Environment Department or the hazardous waste bureau, by electronic funds
33 transfer (with prior notice to NMED), or by other methods deemed acceptable by NMED. Cash payments are not an
34 acceptable method of payment. All payments must include the invoice number and be addressed to the New Mexico
35 environment department - hazardous waste bureau.

36 [12/31/98; 20.4.2.301 NMAC - Rn, 20 NMAC 4.2.III.301 & A, 8/18/06]
37

38 **20.4.2.302 APPEAL OF FEE ASSESSMENT:**

39 **A. Mandatory Settlement Conference:**

40 Any owner or operator seeking to appeal an invoice for fees under this part must first notify the NMED in writing of
41 the intent to appeal the invoice within ~~thirty-(30)~~ calendar days of receipt of the invoice. The notice shall set forth
42 the specific matters in dispute, the basis for the dispute, and any matters considered necessary for NMED's
43 consideration. The parties shall have ~~thirty-(30)~~ calendar days from NMED's receipt of notification to meet or
44 confer with NMED to attempt to resolve the matters in the dispute. The secretary may extend deadlines under this
45 section upon a determination that good cause exists. If an agreement is reached resolving the dispute, NMED may
46 issue a revised invoice and the owner and operator shall comply with the terms of such agreement and revised
47 invoice. If an agreement is not reached, NMED shall issue a notification to all parties that an agreement has not been
48 reached. Failure to notify NMED of an appeal in the required timeframe shall prohibit the owner and operator from
49 appeal of the invoice.

50 **B. Administrative appeal:**

51 **(1)** An invoice for fees may be appealed by filing a written request for hearing with the
52 hearing clerk designated by the secretary of environment within thirty (30) days of the date of the notification that an
53 agreement has not been reached. The written request shall be accompanied by a copy of the invoice being contested
54 and shall set forth the grounds upon which the appellant disagrees with the assessment.

1 (2) Except as otherwise provided, the appeal shall be governed by 20.1.5 NMAC,
2 Adjudicatory Procedures - Environment Department. The hearing officer shall schedule the hearing for no later than
3 ~~ninety (90)~~ days after service of the notice of docketing.

4 (3) NMED shall not seek collection of an appealed fee or take enforcement action on an
5 appealed of the fee assessment until the secretary has issued a decision on the appeal. Late charges on the amount
6 assessed shall continue to accrue and shall be payable if the assessment is upheld or upheld with modification. If the
7 assessment is modified on appeal, late charges shall be calculated based on the assessment as modified.

8 (4) If an appeal is not timely filed pursuant to this subsection, the invoice shall constitute a
9 final action of the secretary of environment.

10 [12/31/98; 20.4.2.302 NMAC - Rn, 20 NMAC 4.2.III.302 & A, 8/18/06]

11
12 **20.4.2.303 - 20.4.2.399 [RESERVED]**

13
14 **20.4.2.400 LATE CHARGES AND ENFORCEMENT:**

15 [12/31/98; 20.4.2.400 NMAC - Rn, 20 NMAC 4.2.IV.400, 8/18/06]

16
17 **20.4.2.401 LATE CHARGES:** If any fee required by this part is not paid in full on the date due, which shall
18 be either ~~sixty (60)~~ days after receipt of the invoice or the end of an approved extension of the time for payment, the
19 person owing the fee shall pay a billing charge of \$100, plus late charges in the amount of an additional one percent
20 ~~(1%)~~ of all fees owed for every month or part of a month in which the fees remain unpaid beyond the due date.
21 Billing and late charges shall be credited to the Hazardous Waste Fund and are independent of any penalties
22 assessed under the act.

23 [12/31/98; 20.4.2.401 NMAC - Rn, 20 NMAC 4.2.IV.401, 8/18/06]

24
25 **20.4.2.402 FAILURE TO PAY FEES:**

26 A. Failure to pay any fee required by this part may result in enforcement proceedings under the act
27 including but not limited to the revocation or suspension of any permit issued by NMED pursuant to the act to the
28 person failing to pay the fees as required.

29 B. Fees are not refundable and do not guarantee that a permit will be issued or a submittal or action
30 will be approved by the NMED.

31 [12/31/98; 20.4.2.402 NMAC - Rn, 20 NMAC 4.2.IV.402 & A, 8/18/06]

32
33 **20.4.2.403 - 20.4.2.499 [RESERVED]**

34
35 **20.4.2.500 MISCELLANEOUS PROVISIONS:**

36 [12/31/98; 20.4.2.500 NMAC - Rn, 20 NMAC 4.2.V.500, 8/18/06]

37
38 **20.4.2.501 DEPOSIT IN THE HAZARDOUS WASTE FUND:** All fees collected pursuant to this part
39 shall be transmitted to the state treasurer for credit to the hazardous waste fund and used for the sole purpose of
40 meeting necessary expenses in the administration and operation of the hazardous waste program.

41 [12/31/98; 20.4.2.501 NMAC - Rn, 20 NMAC 4.2.V.501, 8/18/06]

42
43 **20.4.2.502 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part does not relieve
44 a person of the obligation to comply with other applicable local, state and federal regulations.

45 [12/31/98; 20.4.2.502 NMAC - Rn, 20 NMAC 4.2.V.502, 8/18/06]

46
47 **20.4.2.503 CONSTRUCTION:** This part shall be liberally construed to effectuate the purpose of the act.

48 [12/31/98; 20.4.2.503 NMAC - Rn, 20 NMAC 4.2.V.503, 8/18/06]

49
50 **20.4.2.504 SEVERABILITY:** If any provision or application of this part is held invalid, the remainder, or
51 its application to other situations or persons, shall not be affected.

52 [12/31/98; 20.4.2.504 NMAC - Rn, 20 NMAC 4.2.V.504, 8/18/06]

53
54 **20.4.2.505 - 20.4.2.599 [RESERVED]**

55
56 **HISTORY OF 20.4.2 NMAC:**

1 **Pre-NMAC History:** The provisions of this part were derived in part from material previously filed with the
2 commission of public records, state records center and archives under:
3 EIB/HWFR-1, Hazardous Waste Fee Regulations, filed October 28, 1988; and
4 EIB/HWFR-1, Annual Hazardous Waste Fee Regulations, filed January 19, 1994.
5

6 **History of Repealed Material:**

7 20 NMAC 4.2, Hazardous Waste Fees (filed 10/27/1995), repealed 12/31/1998.
8

9 **Other History:**

10 EIB/HWFR-1, Annual Hazardous Waste Fee Regulations (filed 01/19/1994) was renumbered, reformatted,
11 amended, and replaced by 20 NMAC 4.2, Hazardous Waste Fees, effective 11/30/1995.

12 20 NMAC 4.2, Hazardous Waste Fees (filed 10/27/1995) was replaced by 20 NMAC 4.2, Hazardous Waste Fees,
13 effective 12/31/1998.

14 20 NMAC 4.2, Hazardous Waste Fees (filed 11/30/1998) was renumbered, reformatted, amended, and replaced by
15 20.4.2 NMAC, Hazardous Waste Permit and Corrective Action Fees, effective 08/18/2006.
16

1 This rule was filed as 20 NMAC 4.3.

2
3 **TITLE 20 ENVIRONMENTAL PROTECTION**
4 **CHAPTER 4 HAZARDOUS WASTE**
5 **PART 3 ~~ANNUAL~~ HAZARDOUS WASTE FEES**

6
7 **20.4.3.1 ISSUING AGENCY:** Environmental Improvement Board.
8 [11/30/1995; 12/31/1998; Recompiled 11/27/2001]

9
10 **20.4.3.2 SCOPE:** This part applies to generators of hazardous waste, and to owners and operators of
11 hazardous waste treatment, storage and disposal facilities which receive imported hazardous waste.
12 [11/30/1995; 12/31/1998; Recompiled 11/27/2001]

13
14 **20.4.3.3 STATUTORY AUTHORITY:** Subsection J of Section 74-4-4.2, NMSA 1978, directs the
15 board to provide a schedule of business fees for businesses engaged in regulated hazardous waste activity and a
16 schedule of generation fees for businesses generating hazardous waste.
17 [11/30/1995; 12/31/1998; Recompiled 11/27/2001]

18
19 **20.4.3.4 DURATION:** Permanent.
20 [11/30/1995; 12/31/1998; Recompiled 11/27/2001]

21
22 **20.4.3.5 EFFECTIVE DATE:** November 30, 1995, unless a different date is cited at the end of a section
23 or paragraph
24 [Compiler's note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the
25 end of sections, in the history notes appearing in brackets.]
26 [11/30/1995; 12/31/1998; Recompiled 11/27/2001]

27
28 **20.4.3.6 OBJECTIVE:** The objective of ~~Part 3 of Chapter 4~~ this part is to provide a schedule of annual
29 fees for hazardous waste generators and treatment, storage and disposal facilities which receive imported hazardous
30 waste, as well as business fees for specific activities or events. The annual and business fees collected will be
31 deposited in the hazardous waste fund to meet necessary expenses in the administration and operation of the state
32 hazardous waste program.
33 [11/30/1995; 12/31/1998; Recompiled 11/27/2001]

34
35 **20.4.3.7 DEFINITIONS:** Unless otherwise defined in this part, the words and phrases used in this part
36 have the same meanings as in ~~20 NMAC 4.1~~ now 20.4.1 NMAC, Hazardous Waste Management. As used in this
37 part:

- 38 A. "Act" means the New Mexico Hazardous Waste Act, Sections 74-4-1 to 74-4-14 NMSA 1978;
39 ~~B. "Annual business fee" means the hazardous waste business fee in Subpart IV of this part~~ now
40 20.4.3.400 NMAC through 20.4.3.402 NMAC;
41 ~~CB.~~ "Annual **generation** fee" means the hazardous waste **generation** fee in ~~Subpart II of this part~~
42 now 20.4.3.200 NMAC through 20.4.3.203 NMAC;
43 ~~DC.~~ "Annual imported waste compensating fee" means the fee on imported hazardous waste in
44 ~~Subpart III of this part~~ now 20.4.3.300 NMAC through 20.4.3.302 NMAC;
45 ~~D.~~ "Business fee" means the fee designated for specific activities or events in 20.4.3.400 NMAC
46 through 20.4.3.402 NMAC;
47 E. "CFR" means the most recent Code of Federal Regulations adopted by reference at ~~20 NMAC 4.1~~
48 now 20.4.1 NMAC;
49 ~~F.~~ "Compliance assistance visit for salvage yards" means a pre-arranged inspection at a salvage
50 yard in order for the salvage yard to acquire a New Mexico Motor Vehicle Division Auto Recycler's license;
51 ~~FG.~~ "Cleanup" means any activities associated with the removal or remediation of hazardous waste at
52 a site, but does not include closure of a solid or hazardous waste management unit;
53 ~~GH.~~ "Department" means the New Mexico environment department;
54 ~~I.~~ "Episodic generator" means a generator that has a planned or unplanned event that does not
55 normally occur during generator operations, resulting in an increase in the generation of hazardous waste that
56 exceeds the calendar month quantity limits for the generator's usual category;

1 J. "Emergency Environmental Protection Agency ("EPA") identification number" means a
2 generator that meets the definition of a large quantity or small quantity generator due to an emergency and requires
3 an EPA identification number to dispose of the hazardous waste;

4 HK. "Generator" means a generator under 20 NMAC 4.1 [now 20.4.1 NMAC], Hazardous Waste
5 Management, who is also either a large quantity generator, or small quantity generator, or very small quantity
6 generator of hazardous waste under this part;

7 IL. "Hazardous waste" means all waste or material regulated as hazardous waste under 20 NMAC
8 4.1 [now 20.4.1 NMAC], Hazardous Waste Management;

9 JM. "Imported hazardous waste" means hazardous waste that was generated outside of the state of
10 New Mexico, including waste generated outside the United States, and that has been transported into the state for
11 treatment, storage for longer than 90 days, or disposal;

12 KN. "Large quantity generator" means a generator who generates more than 1,000 kilograms (or
13 more than 2,205 pounds) of hazardous waste during any month in the calendar year; or a generator who generates
14 more than 1 kilogram (or more than 2.2 pounds) of acutely toxic or "p-listed" hazardous waste in any month in the
15 calendar year; or a generator that accumulates more than 6,000 kilograms (or more than 13,228 pounds) of
16 hazardous waste on site in any month in the calendar year;

17 LO. "Person" means any individual, trust, firm, joint stock company, federal agency, corporation,
18 including a government corporation, partnership, association, state, municipality, commission, political subdivision
19 of a state or any interstate body;

20 MP. "Recycled" means "used or reused" or "reclaimed" as those terms are defined in 40 CFR, Part
21 261.1(c);

22 NQ. "Secretary" means the secretary of environment;

23 OR. "Site" means an "individual generation site" as defined in 40 CFR, Part 260.10;

24 PS. "Small quantity generator" means a generator who is not a large quantity generator and who
25 generates more than 100 kilograms (or more than 220 pounds) but less than 1,000 kilograms (or less than 2,205
26 pounds) of hazardous waste during any month in the calendar year; or a generator that accumulates more than 1,000
27 kilograms (or more than 2,205 pounds) of hazardous waste on site in any month in the calendar year;

28 T. "Very small quantity generator" means a generator who generates less than 100 kilograms (or
29 less than 220 pounds) in any month in the calendar year and never accumulates more than 1,000 kilograms (or more
30 than 2,205 pounds) of hazardous waste on site in any month in the calendar year.

31 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001]

32
33 **20.4.3.8 - 20.4.3.107 [RESERVED]**

34
35 **20.4.3.108 SAVING CLAUSE:** Amendment of these fee regulations shall not affect any administrative or
36 judicial enforcement action pending on the effective date of this part.

37 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001]

38
39 **20.4.3.109 FEES CUMULATIVE; SUBJECT TO LIMITS:**

40 ~~A. The fees provided for in this part are cumulative, subject to the limits set forth in Subsection B;~~

41 ~~B. The aggregate amount of the annual generation, imported waste compensating and business fees to~~
42 ~~be paid per person for any year based on this part shall be limited to:~~

43 ~~(1) in the case of persons for whom the cumulative total of the sites at which they generate~~
44 ~~hazardous waste, and the treatment, storage and disposal facilities they own or operate which receive imported~~
45 ~~hazardous waste located in the state, is one, \$35,000;~~

46 ~~(2) in the case of persons for whom the cumulative total of the sites at which they generate~~
47 ~~hazardous waste and the treatment, storage of disposal facilities they own or operate which receive imported~~
48 ~~hazardous waste located in the state, is two, \$50,000; and~~

49 ~~(3) in the case of persons for whom the cumulative total of the sites at which they generate~~
50 ~~hazardous waste and the treatment, storage or disposal facilities they own or operate which receive imported~~
51 ~~hazardous waste located in the state, is three or more, \$65,000.~~

52 ~~(4) These limits shall not apply to any late charges or penalties assessed under Section 600 of~~
53 ~~this part [now 20.4.3.600 NMAC] or otherwise under the act. These limits shall not apply to hazardous waste permit~~
54 ~~fees or any other fees which may be applicable to hazardous waste generators or facilities, other than the fees~~
55 ~~established pursuant to Subparts II, III and IV of this part [now 20.4.3.200 NMAC through 20.4.3.203 NMAC,~~
56 ~~20.4.3.300 NMAC through 20.4.3.302 NMAC and 20.4.3.400 NMAC through 20.4.3.402 NMAC].~~

1 C. For purposes of the limits set forth in Subsection B, only:
2 ~~(1) the term "facility" shall not include a site created solely as a result of a discharge or~~
3 ~~cleanup of a discharge described in Paragraph B.1 or B.2 of Section 201 [now Paragraphs (1) or (2) of Subsection B~~
4 ~~of 20.4.3.201 NMAC];~~

5 ~~(2) a parent corporation and its wholly owned subsidiary corporations shall be a single~~
6 ~~person.~~

7 D. If the owner and the operator of a facility are separate persons, only one person is required to pay
8 the fees due, but both are liable in the event of noncompliance. Regardless of which person pays fees, the limits set
9 forth in Subsection B, applicable to the owner and operator, shall be determined based on the characteristics of the
10 operator.

11 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001]

12
13 ~~20.4.3.110 QUANTITY CALCULATIONS: In computing fees under Subparts II and III of this part [now~~
14 ~~20.4.3.200 NMAC through 20.4.3.203 NMAC and 20.4.3.300 NMAC through 20.4.3.302 NMAC], all quantities of~~
15 ~~hazardous waste exceeding a quantity specified therein shall be rounded to the next highest whole number.~~
16 ~~[2/18/1994; 11/30/1995; Recompiled 11/27/2001]~~

17
18 ~~20.4.3.111~~ **ORPHAN WASTE:** Nothing in this part is intended to require the payment of annual hazardous
19 waste fees on orphan hazardous waste or waste generated as a result of the cleanup of orphan hazardous waste.
20 "Orphan hazardous waste" means hazardous waste for which a responsible party cannot be identified. The
21 department may collect any fees otherwise owed from the person responsible for the creation of the orphan
22 hazardous waste, if later identified.

23 [2/18/1994; Recompiled 11/27/2001]

24
25 ~~20.4.3.112-110~~ - 20.4.3.199 [RESERVED]

26
27 ~~20.4.3.200 GENERATION ANNUAL FEES: ANNUAL GENERATION FEES: Every generator shall~~
28 ~~pay hazardous waste generation Based on activities as defined in 20.4.3.7 NMAC, facilities shall pay~~ fees to the
29 department annually, in accordance with the provisions of this part.
30 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

31
32 **20.4.3.201 FEE SCHEDULE:**

33 A. Annual ~~generation~~ fees are set forth in the schedules below:

34 (1) ~~Very small quantity generator: \$100;~~

35 (2) ~~Small quantity generator: \$500;~~

36 (3) ~~Large quantity generators that generate 5,000 pounds or less of hazardous waste~~
37 ~~annually: \$5,000;~~

38 (4) ~~Large quantity generators that generate more than 5,000 pounds but less than 10,000~~
39 ~~pounds of hazardous waste annually: \$10,000;~~

40 (5) ~~Large quantity generators that generate 10,000 pounds or more of hazardous waste:~~
41 ~~\$20,000~~

42 (1) A large quantity generator at a site shall pay:

43 (a) ~~\$.01 per pound of hazardous waste generated at the site, except waste specified~~
44 ~~in Paragraph 1.b of this Subsection A [now Subparagraph (b) of Paragraph (1) of Subsection A of 20.4.3.201~~
45 ~~NMAC], or in Subsection B of this section, during the previous calendar year; and~~

46 (b) ~~\$.01 per ton for:~~

47 (i) ~~wastewater generated by an oil refinery if it is designated as hazardous~~
48 ~~waste solely because it exhibits a hazardous characteristic as defined in 40 CFR, Part 261, Subpart C;~~

49 (ii) ~~any other waste water if it is designated as hazardous waste solely~~
50 ~~because it exhibits a hazardous characteristic as defined in 40 CFR, Part 261, Subpart C;~~

51 (iii) ~~generated at the site during the previous calendar year and subsequently~~
52 ~~rendered non-hazardous.~~

53 (2) A small quantity generator at a site shall pay the following fee based upon the average
54 monthly amount of hazardous waste generated at the site, not including waste specified in Subsection B of this
55 section, during the previous calendar year:

56 ~~lbs/month fee (per year)~~

1 ~~1,001-2,205~~ ~~\$250~~

2 ~~501-1,000~~ ~~\$100~~

3 ~~1-500~~ ~~\$ 35~~

4 ~~B.~~ The annual generation fee shall not apply to the following:

5 ~~(1)~~ waste generated as a result of, or in connection with, an accidental discharge of a
6 hazardous waste or of a material that, when discharged, becomes a hazardous waste, and any waste generated by the
7 cleanup of such a discharge; the annual generation fee, however, must be paid by a person who accidentally
8 discharges a hazardous waste, or a material that, when discharged, becomes a hazardous waste if the person has not
9 taken all actions reasonably necessary to prevent the discharge, or has not taken all actions reasonably necessary to
10 discontinue a discharge after they became aware of the discharge; and the department may also collect the fee that,
11 but for this paragraph, would be owed on waste generated by the cleanup of such discharge from such person;

12 ~~(2)~~ waste generated by the cleanup of any discharge of hazardous waste or a material that,
13 when discharged, became a hazardous waste, if the discharge occurred prior to January 1, 1993, or if the waste was
14 not discharged by the generator; the department, however, may collect the fee that otherwise would be owed on
15 waste that was not discharged by the generator from the person responsible for the discharge;

16 ~~(3)~~ waste generated as a result of, or in connection with, the closure of a solid or hazardous
17 waste management unit that stopped receiving waste prior to January 1, 1993;

18 ~~(4)~~ waste that has been recycled (generators excluding recycled waste from their fee
19 calculations shall document and demonstrate to the satisfaction of the department that their waste was recycled); and

20 ~~(5)~~ waste upon which an annual generation fee has already been paid; in the event media or
21 debris becomes a hazardous waste as a result of contamination by waste on which an annual generation fee has
22 already been paid, the generator shall pay the fee due only on the newly generated waste.

23 ~~C.~~ Any generator that was a large quantity generator at a site during the calendar year prior to the
24 year in which the fee is to be paid, must compute its annual generation fee for the site in accordance with Paragraph
25 A.1 [now Paragraph (1) of Subsection A of 20.4.3.201 NMAC]. Any generator that was a small quantity generator
26 at a site during the calendar year prior to the year in which the fee is to be paid must calculate the average waste
27 generated per month to determine the fee due under Paragraph A.2 [now Paragraph (2) of Subsection A of
28 20.4.3.201 NMAC].

29 [2/18/1994; Recompiled 11/27/2001]

30 31 20.4.3.202 **FEE CALCULATION:**

32 ~~A.~~ The annual generation fee shall be determined based on the amount of hazardous waste generated
33 at a site during the calendar year prior to the year in which the fee is to be paid.

34 ~~B.~~ Where no records of the amount of waste generated exist, the generator may estimate the amount,
35 using reasonable efforts to estimate the amount accurately based on the best available information.

36 ~~CA.~~ Nothing herein is intended to affect the generator's obligations with respect to reporting or record
37 keeping under other applicable laws and regulations.

38 ~~DB.~~ The total annual generation fees due are the cumulative total of the fees for all sites at which the
39 person paying the fees generated hazardous waste engaged in activities as defined in 20.4.3.7 NMAC during the
40 calendar year prior to the year in which the fee is to be paid, subject to the limits set forth in Section 109 of this part
41 [now 20.4.3.109 NMAC].

42 ~~C.~~ Beginning January 1 following the effective date of these fee regulations, the fees listed in
43 20.4.3.401 NMAC shall be adjusted annually to account for inflation. The amounts shall be adjusted by the
44 percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U),
45 United States City Average for All Items, published by the United States Department of Labor. The amount of
46 change in the fee shall be rounded to the nearest \$1.00.

47 [2/18/1994; 12/31/1998; Recompiled 11/27/2001]

48 49 20.4.3.203 **TRANSFER OF OWNERSHIP/OPERATIONS:**

50 ~~A.~~ If there is a transfer of ownership or operations, the generator at the site on the date the annual
51 generation fee is due under Section 500 [now 20.4.3.500 NMAC] is liable for payment of the entire fee due in full.

52 ~~BA.~~ The transferor must report the waste generated during the calendar year in which the transfer takes
53 place but, prior to transfer to the department, on a form obtained from the department. This report and payment
54 shall be submitted to the department at the time of transfer.

55 ~~C.~~ At the time of transfer, the transferor must also provide a copy of the above report to the person
56 who will be liable for the fees based on the waste reported. In addition to the report, the transferor must provide to

1 that person any manifests prepared for shipments of the waste reported, or copies thereof, and any other information
2 used to prepare the report. Manifests and other information need not be sent to the department under this section,
3 unless requested by the department.

4 [2/18/1994; Recompiled 11/27/2001]

5
6 20.4.3.204 - 20.4.3.299 [RESERVED]

7
8 20.4.3.300 IMPORTED WASTE COMPENSATING FEES: ANNUAL IMPORTED WASTE
9 COMPENSATING FEES: For waste that is generated out-of-state, but treated, stored, including at transfer
10 facilities, or disposed of in New Mexico, an annual imported waste compensating fee shall be paid in lieu of the
11 generation fee provided for in Subpart H of this part [now 20.4.3.200 NMAC through 20.4.3.203 NMAC]. The
12 owner or operator of the ~~treatment, storage or disposal~~ facility first receiving the imported hazardous waste shall pay
13 the fee to the department annually \$0.01 per pound of hazardous waste managed in New Mexico, in accordance with
14 the provisions of this part.

15 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

16
17 20.4.3.301 FEE SCHEDULE: The annual ~~generation~~ fee and the exclusions applicable thereto shall apply
18 to imported hazardous waste to the same extent as if the waste had been generated within the state. For purposes of
19 determining the volume of waste and the fees due, all imported hazardous waste received by ~~a treatment, storage or~~
20 ~~disposal~~ facility, during the calendar year prior to the year in which the fee is to be paid, shall be considered to have
21 been received from a single source.

22 [2/18/1994; Recompiled 11/27/2001]

23
24 20.4.3.302 TRANSFER OF OWNERSHIP/OPERATIONS:

25 A. If there is a transfer of ownership or operations, the owner or operator of the facility on the date an
26 imported waste compensating fee is due under ~~Section 500 [now 20.4.3.500 NMAC]~~ is liable for payment of that fee
27 in full.

28 B. The transferor must report the imported waste received during the calendar year in which the
29 transfer takes place to the department, on a form obtained from the department. This report shall be submitted to the
30 department at the time of transfer.

31 C. At the time of transfer, the transferor must also provide a copy of the above report to the person
32 who will be liable for the fee based on the waste reported. In addition to the report, the transferor must provide to
33 that person any manifests prepared on the waste reported, or copies thereof, and any other information used to
34 prepare the report. Manifests and other information need not be sent to the department under this section, unless
35 requested by the department.

36 [2/18/1994; Recompiled 11/27/2001]

37
38 20.4.3.303 - 2.4.3.399 [RESERVED]

39
40 20.4.3.400 BUSINESS FEES: ~~ANNUAL BUSINESS FEES: Every generator shall pay hazardous waste~~
41 ~~business fees to the department annually, in accordance with the provisions of this part. Business fees shall be paid~~
42 ~~for each of the events outlined in 20.4.3.401 NMAC.~~

43 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001]

44
45 20.4.3.401 FEE SCHEDULE: ~~Annual business~~ Business fees are set forth in the schedules below and due at
46 time of request. Generation at individual generation site (per site):

47 ~~A. small quantity generator: \$200;~~

48 ~~B. large quantity generator: \$2,500;~~

49 ~~A. Episodic generators, for each planned or unplanned event: \$500;~~

50 ~~B. Generators or co-generators requesting temporary or emergency EPA identification number~~
51 ~~requests: \$100;~~

52 ~~C. Salvage yards, for each compliance assistance visit requested: \$100;~~

53 ~~D. Generators notifying of 40 CFR 262 Subpart K activities: \$100;~~

54 ~~E. Generators notifying of 40 CFR 250.10 (hazardous secondary materials activities): \$100;~~

55 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001]

1 **20.4.3.402 FEE CALCULATION:**

2 ~~A. The annual business fee shall be the cumulative total of the fees for all sites at which the person~~
3 ~~generated hazardous waste during the calendar year, prior to the year in which the fee is to be paid, subject to the~~
4 ~~limits set forth in Section 109 of this part [now 20.4.3.109 NMAC].~~

5 ~~B. A site created solely as a result of a discharge or cleanup of a discharge described in Paragraph~~
6 ~~B.1 or B.2 of Section 201 [now Paragraphs (1) or (2) of Subsection B of 20.4.3.201 NMAC] shall not be considered~~
7 ~~a site for purposes of the annual business fee.~~

8 ~~C.A. The annual business fee shall be paid in full if the person generated hazardous waste at the~~
9 ~~site applicable during any part of the calendar year.~~

10 ~~D. A generator shall pay the fee for large quantity generators, unless it can demonstrate that it was a~~
11 ~~small quantity generator.~~

12 ~~E. The generator at the site on the date the annual business fee is due under Section 500 [now~~
13 ~~20.4.3.500 NMAC] is liable for payment of that fee in full. Payments will not be refunded because of a transfer of~~
14 ~~ownership or operations to a new owner or operator.~~

15 ~~B. The business fees are due for all sites engaged in activities as defined in 20.4.3.7 NMAC during~~
16 ~~the calendar year prior to the year in which the fees are to be paid, subject to the limits set forth in 20.4.3.109~~
17 ~~NMAC.~~

18 ~~C. Beginning January 1 following the effective date of these fee regulations, the fees listed in~~
19 ~~20.4.3.401 NMAC shall be adjusted annually to account for inflation. The amounts shall be adjusted by the~~
20 ~~percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U),~~
21 ~~United States City Average for All Items, published by the United States Department of Labor. The amount of~~
22 ~~change in the fee shall be rounded to the nearest \$1.00.~~

23 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001]

24
25 **20.4.3.403 - 20.4.3.499 [RESERVED]**

26
27 **20.4.3.500 DUE DATES:** The annual fees for which this part provides are due and payable on August 1 of
28 each year.

29 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

30
31 **20.4.3.501 MANNER OF PAYMENT:** The person paying fees under this part shall complete a fee report
32 form obtained from the department, and submit the report to the department, together with any documentation
33 requested by the department, ~~and a check, cashier's check or money order for the fees owed, to the department in~~
34 ~~accordance with the instructions set forth on the report form.~~ The report shall include a certification of the
35 truthfulness of all of the matters and facts contained in the report, as provided in ~~Section 502 [now 20.4.3.502~~
36 ~~NMAC]. All fees shall be paid to NMED by certified check or money order payable to the New Mexico~~
37 ~~Environment Department or the Hazardous Waste Bureau, by electronic funds transfer (with prior notice to NMED),~~
38 ~~or by other methods deemed acceptable by NMED. Cash payments are not an acceptable method of payment. All~~
39 ~~payments must include the name, address, and contact information for the facility and must be addressed to the New~~
40 ~~Mexico environment department - hazardous waste bureau.~~

41 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

42
43 **20.4.3.502 CERTIFICATE:** The certification required ~~by Section 501 [now of 20.4.3.501 NMAC]~~ shall be
44 made on oath or affirmation in accordance with Sections 14-13-1 and 14-13-2 NMSA 1978, by the chief executive
45 officer or his designee in the case of a corporation, the managing partner in the case of a partnership, the proprietor
46 in the case of a sole proprietorship, or the official with authority to execute the certification in the case of a
47 government entity.

48 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

49
50 **20.4.3.503 - 20.4.3.599 [RESERVED]**

51
52 **20.4.3.600 LATE CHARGES; ENFORCEMENT: LATE CHARGES:** If any fee for which this part
53 provides is not paid in full when due, the person owing the fee shall pay a billing charge of \$100, plus late charges in
54 the amount of an additional one percent (1%) of all fees owed for every month or part of a month in which the fees
55 remain unpaid beyond the due date. Billing and late charges shall be considered hazardous waste fees for deposit in

1 the hazardous waste fund, pursuant to Section 74-4-4.5 NMSA 1978, and are independent of any penalties assessed
2 under the act.
3 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

4
5 **20.4.3.601 VERIFICATION BY THE DEPARTMENT:**

6 **A.** The department may at any time verify the accuracy of reports submitted and amounts paid
7 pursuant to this part. It may use any relevant information for verification purposes, including, but not limited to, the
8 biennial reports submitted pursuant to the ~~20-NMAC-4.1~~ [now 20.4.1 NMAC], Hazardous Waste Management, or
9 40 CFR, Parts 262.41, 264.75 or 265.75, and any manifests prepared for waste shipments. Persons who are subject
10 to this part shall make these and other records relating to the waste generated, manifested or managed available to
11 the department upon request.

12 **B.** If the department determines that a fee report submitted pursuant to ~~Section 501~~ [now 20.4.3.501
13 NMAC] does not accurately state the quantity of waste generated, the quantity of imported hazardous waste treated,
14 stored or disposed of, or the fees owed, it shall notify the person submitting the report of the discrepancy and may
15 recalculate the annual fee based on the department's determination.

16 **C.** Before assessing a recalculated fee, the department shall send notice of its determination and its
17 intent to reassess the fee to the person who had submitted the report. That person shall have ~~thirty~~ (30) days from
18 the date of the notice to provide the department with any documentation to rebut the determination. Once the
19 department has reviewed any documentation submitted, it will send notice of fee assessment to the person owing a
20 fee. Any amounts that the department determines were due, together with the billing and late charges on the
21 amounts due and unpaid, shall be paid within ~~sixty~~ (60) days of the date of the notice of fee assessment.
22 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001]

23
24 **20.4.3.602 ADMINISTRATIVE APPEAL:**

25 **A.** A notice of fee assessment issued under ~~Section 601.C~~ [now Subsection C of 20.4.3.601 NMAC]
26 may be appealed by filing a written request for hearing with the hearing clerk designated by the secretary within
27 ~~thirty~~ 30 days of the date of the notice. The written request shall be accompanied by a copy of the fee assessment
28 being contested and shall set forth the grounds upon which the appellant disagrees with the assessment.

29 **B.** Except as otherwise provided, notice of docketing and hearing officer assignment, motions, pre-
30 hearing procedures and discovery, and hearing and post-hearing procedures shall be governed by 20 ~~NMAC-1.5~~
31 [now 20.1.5 NMAC], Adjudicatory Procedures - Environment Department. The hearing officer shall schedule the
32 hearing for no later than ~~ninety~~ (90) days after service of the notice of docketing.

33 **C.** The department shall not seek collection of the fee or take enforcement action on the fee
34 assessment until the secretary has issued a decision on the appeal. Late charges on the amount assessed shall
35 continue to accrue and shall be payable if the assessment is upheld or upheld with modifications. If the assessment
36 is modified on appeal, late charges shall be calculated based on the assessment as modified.
37 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

38
39 **20.4.3.603 FAILURE TO SUBMIT REPORTS OR PAY FEES:**

40 **A.** Failure to complete or submit a report in the manner required by ~~Section 501~~ [now 20.4.3.501
41 NMAC], or to pay fees in full when due, may result in enforcement proceedings under the act. Enforcement actions
42 may include, but are not limited to, the revocation or suspension of any permit issued by the department pursuant to
43 the act to the person failing to complete or submit the fee report or pay the fees as required.

44 **B.** Any person who knowingly omits material information from or makes any false statement or
45 representation in a fee report may be subject to criminal penalties under the act.
46 [2/18/1994; Recompiled 11/27/2001]

47
48 **20.4.3.604 - 20.4.3.699 [RESERVED]**

49
50 **20.4.3.700 RECORDS AND RECORD KEEPING: RECORDKEEPING REQUIRED:** All persons
51 subject to this part are required to retain the documentation necessary to support their fee calculations, including all
52 records used as a basis for the calculations.
53 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

54
55 **20.4.3.701 RETENTION RECORDS:** The records required by ~~Section 700~~ [now 20.4.3.700 NMAC],
56 together with copies of any fee reports submitted under these regulations, shall be retained for three (3) years from

1 the date of payment of the fees to which the records and reports apply. The periods of record retention required by
2 this section are automatically extended during the course of any unresolved enforcement action regarding the
3 regulated activity.

4 [2/18/1994; Recompiled 11/27/2001]

5
6 **20.4.3.702 - 20.4.3.799 [RESERVED]**

7
8 **20.4.3.800 MISCELLANEOUS PROVISIONS: DEPOSIT IN THE HAZARDOUS WASTE FUND:**

9 All fees collected pursuant to this part shall be transmitted to the state treasurer for credit to the hazardous waste
10 fund, and used for the sole purpose of meeting necessary expenses in the administration and operation of the
11 hazardous waste program.

12 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

13
14 **20.4.3.801 ANNUAL REPORT:** Within ~~ninety~~ (90) days of the end of each state fiscal year, the department
15 shall prepare and submit to the environmental improvement board a report describing the funds received pursuant to
16 these regulations and the activities performed with the use of these funds. This report shall be made available to
17 members of the public upon request. The department may charge a fee for copies to cover its costs in printing or
18 duplicating the report.

19 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

20
21 **20.4.3.802 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part does not relieve
22 a person of the obligation to comply with other applicable state and federal regulations.

23 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

24
25 **20.4.3.803 CONSTRUCTION:** This part shall be liberally construed to effectuate the purpose of the act.

26 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

27
28 **20.4.3.804 SEVERABILITY:** If any provision or application of this part is held invalid, the remainder, or
29 its application to other situations or persons, shall not be affected.

30 [2/18/1994; 11/30/1995; Recompiled 11/27/2001]

31
32 **20.4.3.805 - 20.4.3.899 [RESERVED]**

33
34 **HISTORY OF 20.4.3 NMAC:**

35 Pre-NMAC Regulatory Filing History: This part is derived in part from material previously filed with the State
36 Records Center and Archives under Annual Hazardous Waste Fee Regulations, EIB/AHWFR-1, filed January 19,
37 1994.

38
39 **History of Repealed Material: [RESERVED]**

Attachment B5

**October 15, 2019 Hearing Notices and Affidavits
State Register
Albuquerque Journal**



NM Commission of Public Records
 1205 Camino Carlos Rey
 Santa Fe, NM 87507 US
 (505) 476-7902

Invoice

BILL TO

NM Environment Department -
 Resource Protection Division
 1190 St. Francis Dr. STE N4050
 Santa Fe, NM 87505

INVOICE #	DATE	TOTAL DUE	DUE DATE	ENCLOSED
4427	10/15/2019	\$234.00	10/15/2019	

VOLUME	ISSUE	P.O. NUMBER
XXX	19	66700-0000034421

DATE	DESCRIPTION	QTY	RATE	AMOUNT
10/15/2019	NM Register - 431902 Notice of Public Hearing (English Version) to Consider Amendment to 20.4.2 NMAC - Hazardouse Waste Permit and Corrective Action Fees and 20.4.3 NMAC - Annual Hazardous Waste Fees (Hearing Date 12/20/2019).	37	3.00	111.00
10/15/2019	NM Register - 431902 Notice of Public Hearing (Spanish Version) to Consider Amendment to 20.4.2 NMAC - Hazardouse Waste Permit and Corrective Action Fees and 20.4.3 NMAC - Annual Hazardous Waste Fees (Hearing Date 12/20/2019).	41	3.00	123.00

Thank you for your business!

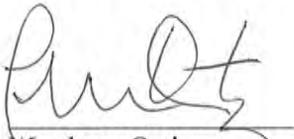
BALANCE DUE

\$234.00

Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 4427 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXX, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 4427, and that Invoice # 4427 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

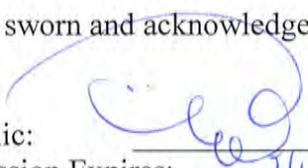
Affiant:

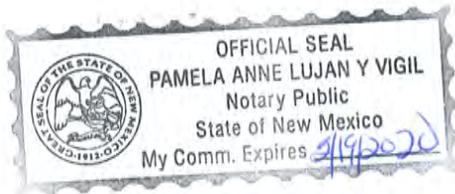

Matthew Ortiz

Subscribed, sworn and acknowledged before me this 15th day of October, 2019.

Notary Public:

My Commission Expires:


2/19/2020



1205 Camino Carlos Rey | Santa Fe, NM 87507 | nmcpr.state.nm.us

Hon. Hector Balderas
Attorney General

Hon. Brian S. Colón
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Debra Garcia y Griego
Department of Cultural Affairs

Kenneth Ortiz
General Services Department

Daniel Cordova
Interim Director, NM State Law Library



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 P.O. Drawer J-T Albuquerque, New Mexico 87103
 (505) 823-7777

Account Number
 1010591

Ad Order Number
 0001465375

Ad Proof/Order Confirmation

N M DEPT OF ENVIRONMENT
 HAZARD/RADIOACTIVE WASTE-CATHY
 2905 RODEO PARK DR E BLDG 1
 SANTA FE, NM 875056303 USA

Ordered By Vanessa Baros
Customer EMAIL
Ad Cost \$435.72
Tax Amount \$34.31
Total Amount \$470.03
Amount Due \$470.03
Affidavits 0

Customer Phone 5054282510
PO Number 0000033974
Sales Rep cwhite
Order Taker cwhite
Payment Method Credit Card
Payment Amount \$0.00

Joint Ad #

Pick Up #

Product Albuquerque Journal
Ad Number 0001465375-01
Ad Type 0 Legals Multi Col
Ad Size 2 X 16.20"
Color

Placement 0Legal Notices
Classification 0Government
Sort Text NEWMEXICOENVIRONMENTALIMPROVEMENTBOARDNOTICEOFPUBLICHEARINGTOCONSIDERAMENDMENTSTO2042NMACHAZARDOUSWASTEPE RMITANDCORRECTIVEACTIONFEES

Run Date
 10/15/2019
 10/15/2019
 10/15/2019

WYSIWYG Content



**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF PUBLIC HEARING TO CONSIDER
AMENDMENTS TO 20.4.2 NMAC -
HAZARDOUS WASTE PERMIT AND CORRECTIVE
ACTION FEES AND 20.4.3 NMAC -
ANNUAL HAZARDOUS WASTE FEES**

The New Mexico Environmental Improvement Board ("Board" or "EIB") will hold a public hearing beginning at 9:00 a.m. on December 20, 2019 and continuing thereafter as necessary at the New Mexico State Capitol Building, Room 307, 490 Old Santa Fe Trail, Santa Fe, New Mexico. The hearing location may change prior to the hearing date, and those interested in attending should check the EIB website: <http://www.env.nm.gov/eib> prior to the hearing. The purpose of the hearing is to consider proposed amendments to the Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC, and the Annual Hazardous Waste Fee Regulations, 20.4.3 NMAC (Fee Regulations). The New Mexico Environment Department (NMED) is the proponent of the proposed amendments.

The purpose of the amendments is to update the Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC and the Annual Hazardous Waste Fees, 20.4.3 NMAC, to incorporate changes in fees based on inflation since 2004 and staff document review time data compiled since 2007. The updates are necessary to support the Hazardous Waste Management Program. The current Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC, were last adopted in 2006 and the Annual Hazardous Waste Fee Regulations, 20.4.3 NMAC, were last adopted in 1995.

The proposed amendments also include additional definitions, minor changes, and clarifications to the regulations. Please note that formatting and minor technical changes in the regulations other than those proposed by NMED may be proposed at the hearing. In addition, the Board may make other changes as necessary to accomplish the purpose of providing public health and safety in response to public comments and evidence presented at the hearing.

The proposed amendments may be reviewed during regular business hours at the office of the Environmental Improvement Board located in the Harold Runnels Building, 1190 South St. Francis Drive, Room S-2102 Santa Fe, NM, 87505. In addition, a copy of the NMED proposed amendments is posted on the NMED website at: <https://www.env.nm.gov/hazardous-waste/proposed-hazardous-waste-regulations/>

The proposed rules are authorized pursuant to the Environmental Improvement Act, Sections 74-1-5 and 74-1-8 NMSA 1978. The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures - Environmental Improvement Board), the Environmental Improvement Act, Section 74-1-9 NMSA 1978, and the Hazardous Waste Act, Chapter 74, Article 4 NMSA 1978.

Pursuant to 20.1.1.304 NMAC, all interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of providing oral testimony at the hearing, must file the written statement prior to the hearing or submit it at the hearing.

Pursuant to 20.1.1.302 NMAC, persons wishing to present technical testimony must file with the Board a written notice of intent to do so on or before 5:00 p.m. on Monday, December 2, 2019. The notice of intent shall:

- identify the person or entity for whom the witness(es) will testify;
- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background;
- include a copy of the direct testimony of each technical witness in narrative form;
- include the text of any recommended modifications to the proposed regulatory change; and
- list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of the rule language being proposed.

Notices of intent for the hearing must be received in the Office of the Environmental Improvement Board no later than 5:00 p.m. on Monday, December 2, 2019 and should reference the

the testimony, subsections 2, 3, 4, and 5. Notices of intent to present technical testimony should be submitted to:

Cody Barnes, Administrator for Boards and Commissions
Office of the Environmental Improvement Board
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

Any person who wishes to do so may offer non-technical public comment at the hearing, or submit a non-technical written statement in lieu of oral testimony at or before the hearing. Written comments regarding the proposed revisions may be addressed to Cody Barnes, Administrator of Boards and Commissions, at the above address, and should reference docket number EIB 19-35 (R).

If any person requires assistance, an interpreter, or auxiliary aid (e.g., disability accommodation) to participate in this process, please contact Cody Barnes, EIB Administrator as soon as possible, allowing at least 14 days before the hearing date, at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502, telephone (505) 827-2428 or e-mail cody.barnes@state.nm.us. (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users:1-800-659-8331).

The Board may make a decision on the proposed regulatory change at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

Notice of Non-Discrimination

The New Mexico Environment Department ("NMED") does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Yurdin, Non-Discrimination Coordinator New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

Journal: October 15, 2019



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 HAZARD/RADIOACTIVE WASTE-CATHY
 2905 RODEO PARK DR E BLDG 1
 SANTA FE, NM 875056303 USA

Ordered By Vanessa Baros

Customer Phone 5054282510

Joint Ad #

Customer Email

PO Number 0000033974

Ad Cost \$489.76

Sales Rep cwhite

Tax Amount \$38.57

Order Taker cwhite

Total Amount \$528.33

Payment Method Credit Card

Amount Due \$528.33

Payment Amount \$0.00

Affidavits 0

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Product Albuquerque Journal

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Run Date

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WYSIWYG Content



**JUNTA DE MEJORAMIENTO
AMBIENTAL DE NUEVO MÉXICO
AVISO DE AUDIENCIA PÚBLICA PARA CONSIDERAR
ENMIENDAS A 20.4.2 NMAC –
PERMISO DE RESIDUOS PELIGROSOS
Y TARIFAS DE ACCIONES CORRECTIVAS
Y 20.4.3 NMAC – TARIFAS ANUALES DE RESIDUOS
PELIGROSOS**

La Junta de Mejoramiento Ambiental de Nuevo México ("Junta" o "EIB, por sus siglas en inglés") celebrará una audiencia pública a partir de las 9:00 de la mañana el 20 de diciembre de 2019 y continuará según sea necesario en el Edificio del Capitolio del Estado de Nuevo México, Sala 307, 490 Old Santa Fe Trail, Santa Fe, Nuevo México. La ubicación de la audiencia puede cambiar antes de la fecha de la audiencia, y aquellos interesados en asistir deben consultar el sitio web de la EIB: <http://www.env.nm.gov/eib> antes de la audiencia. El propósito de la audiencia es considerar las enmiendas propuestas al Reglamento de Permisos de Residuos Peligrosos y Tarifas de Acciones Correctivas, 20.4.2 NMAC, y al Reglamento de Tarifas Anuales de Residuos Peligrosos, 20.4.3 NMAC (Regulaciones de Tarifas). El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) es el proponente de las enmiendas propuestas.

El propósito de las enmiendas es actualizar el Reglamento de Permisos de Residuos Peligrosos y Tarifas de Acciones Correctivas, 20.4.2 NMAC y el Reglamento de Tarifas Anuales de Residuos Peligrosos, 20.4.3 NMAC, para incorporar cambios en las tarifas basados en la inflación desde 2004 y el tiempo de revisión de datos de documentos recopilados por el personal desde 2007. Las actualizaciones son necesarias para apoyar el Programa de Gestión de Residuos Peligrosos. El actual Reglamento de Permisos de Residuos Peligrosos y Tarifas de Acciones Correctivas, 20.4.2 NMAC, fue adoptado por última vez en 2006 y el Reglamento de Tarifas Anuales de Residuos Peligrosos, 20.4.3 NMAC, fue adoptado por última vez en 1995.

Las enmiendas propuestas también incluyen definiciones adicionales, cambios menores y aclaraciones a los reglamentos. Tenga en cuenta que el formato y cambios técnicos menores en los reglamentos que no sean los propuestos por NMED pueden proponerse en la audiencia. Además, la Junta puede hacer otros cambios según sea necesario para lograr el propósito de proporcionar seguridad y salud pública en respuesta a los comentarios públicos y la evidencia presentada en la audiencia.

Las enmiendas propuestas pueden revisarse durante las horas hábiles regulares en la oficina de la Junta de Mejoramiento Ambiental ubicada en el Edificio Harold Runnels, 1190 South St. Francis Drive, Sala S-2102, Santa Fe, NM, 87505. Además, una copia de las enmiendas propuestas de NMED se encuentra en el sitio web de NMED en: <https://www.env.nm.gov/hazardous-waste/proposed-hazardous-waste-regulations/>.

Las reglas propuestas están autorizadas de conformidad con la Ley de Mejoramiento Ambiental, Secciones 74-1-5 y 74-1-8 NMSA 1978. La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC (Procedimientos de Reglamentación - Junta de Mejoramiento Ambiental), la Ley de Mejoramiento Ambiental, Sección 74-1-9 NMSA 1978, y la Ley de Residuos Peligrosos, Capítulo 74, Artículo 4 NMSA 1978.

De conformidad con 20.1.1.304 NMAC, todas las personas interesadas tendrán una oportunidad razonable durante la audiencia para presentar evidencias, datos, puntos de vista y argumentos pertinentes, oralmente o por escrito, para presentar documentos u objetos de pruebas y examinar testigos. Cualquier persona que desee presentar una declaración escrita no técnica para que conste en el registro en lugar de proporcionar testimonio oral en la audiencia, debe presentar la declaración escrita antes de la audiencia o durante la audiencia.

De conformidad con 20.1.1.302 NMAC, las personas que deseen presentar un testimonio de carácter técnico deben presentar a la Junta un aviso por escrito de su intención de presentar dicho testimonio a más tardar a las 5:00 de la tarde del lunes 2 de diciembre de 2019. El aviso de intención deberá:

- identificar a la persona o entidad para la cual testificará el testigo o testigos;
- identificar a cada testigo técnico que la persona tiene la intención de presentar y declarar las calificaciones del testigo, incluyendo una descripción de su historial educativo y laboral;

- incluir una copia del testimonio directo de cada testigo técnico en forma narrativa;
- incluir el texto de cualquier modificación recomendada al cambio reglamentario propuesto; y
- Hacer una lista y adjuntar todos los documentos y objetos de prueba que se anticipa que esa persona presentará en la audiencia, incluida cualquier declaración propuesta sobre los motivos para la adopción del lenguaje de la regla que se propone.

Los avisos de intención para la audiencia deben recibirse en la Oficina de la Junta de Mejoramiento Ambiental a más tardar a las 5:00 de la tarde del lunes 2 de diciembre de 2019 y debe incluir como referencia el nombre de los reglamentos, la fecha de la audiencia y el número de expediente EIB 19-35 (R). Los avisos de la intención de presentar testimonios de carácter técnico deben enviarse a:

Cody Barnes, Administrator for Boards and Commissions
Office of the Environmental Improvement Board
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

Cualquier persona que desee hacerlo puede ofrecer un comentario público de carácter no técnico en la audiencia, o presentar una declaración escrita de carácter no técnico en lugar de un testimonio oral en la audiencia o antes. Los comentarios escritos sobre las revisiones propuestas pueden dirigirse a Cody Barnes, Administrador de Juntas y Comisiones, a la dirección anterior, y deben hacer referencia al número de expediente EIB 19-35 (R).

Si alguna persona requiere asistencia, un intérprete o ayuda auxiliar (por ejemplo, acomodación para discapacitados) para participar en este proceso, comuníquese con Cody Barnes, Administrador de EIB lo antes posible, permitiendo al menos 14 días antes de la fecha de la audiencia, en P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, Nuevo México 87502, teléfono (505) 827-2428 o correo electrónico cody.barnes@state.nm.us. (Los usuarios de TDD o TTY pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

La Junta puede tomar una decisión sobre el cambio reglamentario propuesto al finalizar la audiencia, o puede convocar una reunión después de la audiencia para considerar que acción con respecto a la propuesta.

Aviso de no discriminación

NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de consultas sobre los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas de la Ley de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o alguno de los programas, políticas o procedimientos de no discriminación de NMED o si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede comunicarse con: Kristine Yurdin, coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 827-2855, correo electrónico nd.coordinator@state.nm.us. También puede visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja de discriminación.

Journal: October 15, 2019

Attachment B6

Basis for Hourly Rate Determination

Hourly Rate Costs Basis

		Sum of Expense					
	Row Labels	Grand Total	Cost Estimates	Hrs (1840/yr)	FTE's (19)		
EXEMPT PERM	520100	\$ 33,443.76					
TERM	520200	\$ 7,354,853.39					
PERM/FULL	520300	\$ 6,780,763.48	\$ 14,250,535.60	\$ 774.49	\$ 40.76		
PD SICK LEAVE	520600	\$ 36,893.15	\$ 5,120,835.17	\$ 278.31	\$ 14.65		
OVERTIME	520700	\$ 617.96		Indirect	\$ 13.71		
ANNL/COMP PD	520800	\$ 43,963.86					
GROUP INS	521100	\$ 1,576,588.79					
RETIREMENT	521200	\$ 2,267,613.86					
FICA	521300	\$ 1,027,877.28					
WORKERS' COMP	521400	\$ 4,286.55	\$ 234.42	\$ 12.34	\$ 0.01		
GSD WC PREMIUM	521410	\$ 59,972.75	\$ 13,309.18	\$ 700.48	\$ 0.38		
UNEMPL COMP	521500	\$ 25,458.89	\$ 6,947.60	\$ 365.66	\$ 0.20		
EMPL LBLTY	521600	\$ 132,283.66	\$ 20,443.22	\$ 1,075.96	\$ 0.58		
RETIREE HEALTHCARE	521700	\$ 248,755.24					
OTHER EMPL BNFT	521900	\$ 2,253.38	\$ 1,198.13	\$ 63.06	\$ 0.03		
PROF SERVICES	535200	\$ 2,627,750.01	Contracts				
OTHER CNTRCL	535300	\$ 652,159.79	Contracts				
ATTORNEY FEES	535500	\$ 181,618.91	Contracts				
IT SERVICES	535600	\$ 1,865.95	Contracts				
INSTATE M & F	542100	\$ 1,924.01	\$ 414.40	\$ 21.81	\$ 0.01		
INSTATE M & L	542200	\$ 75,468.87	\$ 17,826.43	\$ 938.23	\$ 0.51		
TRANS FUEL & OIL	542500	\$ 44,371.71	\$ 7,098.99	\$ 373.63	\$ 0.20		
TRANS PARTS	542600	\$ 2,563.66	\$ 1,038.92	\$ 54.68	\$ 0.03		
TRANS POOL	542800	\$ 95,390.00	\$ 16,776.00	\$ 882.95	\$ 0.48		
FURN/FIX/EQUMP	543200	\$ 22,391.31	\$ 3,431.87	\$ 180.62	\$ 0.10		
PROPERTY INS	543400	\$ 6,994.10	\$ 2,430.71	\$ 127.93	\$ 0.07		
MAINT SUPPLIES	543500	\$ 313.18	\$ 283.00	\$ 14.89	\$ 0.01		
IT MAINTENANCE	543820	\$ 15,814.94	\$ 5,555.36	\$ 292.39	\$ 0.16		
SUPPL-INV EXEMPT IT	544000	\$ 168,626.49	\$ 41,166.78	\$ 2,166.67	\$ 1.18		
OFFICE SUPPLIES	544100	\$ 32,874.76	\$ 4,296.38	\$ 226.13	\$ 0.12		
MED/LAB/PRSNL SP	544200	\$ 176.00	\$ 176.00	\$ 9.26	\$ 0.01		
FIELD SUPPLIES	544400	\$ 8,129.75	\$ 5,201.94	\$ 273.79	\$ 0.15		
CLOTHING/UNFRM	544700	\$ 2,682.26	\$ 719.24	\$ 37.85	\$ 0.02		
INVENTORY EXEMPT	544900	\$ 29,853.15	\$ 16,362.68	\$ 861.19	\$ 0.47		
REP/RECORDING	545600	\$ 90,178.02	\$ 61,250.01	\$ 3,223.68	\$ 1.75		
DOIT ISD SERVICES	545700	\$ 44,387.17	\$ 4,816.08	\$ 253.48	\$ 0.14		
DOIT HCM ASSESS	545710	\$ 97,790.00	\$ 16,450.00	\$ 865.79	\$ 0.47		
PRNTNG/PHOTO	545900	\$ 5,604.71	\$ 1,805.45	\$ 95.02	\$ 0.05		
POSTAGE/MSGR	546100	\$ 63,389.74	\$ 13,147.80	\$ 691.99	\$ 0.38		
UTILITIES-SEWER	546310	\$ 216.29	\$ 192.14	\$ 10.11	\$ 0.01		
RENT/BLDG/LAND	546400	\$ 2,477,573.57	\$ 344,809.02	\$ 18,147.84	\$ 9.86		
RENT OF EQUIP	546500	\$ 98,331.62	\$ 13,799.13	\$ 726.27	\$ 0.39		
DOIT TELECOMM	546610	\$ 144,651.81	\$ 24,420.89	\$ 1,285.31	\$ 0.70		
SUBS AND DUES	546700	\$ 53,464.00	\$ 10,705.00	\$ 563.42	\$ 0.31		
EMPL TRNG/EDUC	546800	\$ 80,451.25	\$ 15,250.33	\$ 802.65	\$ 0.44		
ADVERTISING	546900	\$ 100,985.24	\$ 15,373.19	\$ 809.12	\$ 0.44		
MISC OTHER EXP	547900	\$ 30,441.29	\$ 24,354.57	\$ 1,281.82	\$ 0.70		
PRIOR YEAR EXPENSE	547999	\$ 36,692.51	\$ 21,297.26	\$ 1,120.91	\$ 0.61		
IT EQUIP	548300	\$ 23,648.38	\$ 14,290.08	\$ 752.11	\$ 0.41		
LBRY/MUSEUM ACQ	548700	\$ 5,498.40	\$ 5,498.40	\$ 289.39	\$ 0.16		
AUTO/AIRCRAFT/REC W	548800	\$ 60,430.00	\$ 60,430.00	\$ 3,180.53	\$ 1.73		
O/S M & F	549600	\$ 93,763.44	\$ 12,892.94	\$ 678.58	\$ 0.37		
O/S M & L	549700	\$ 65,565.63	\$ 12,002.66	\$ 631.72	\$ 0.34		
Grand Total		\$ 27,268,241.16		Hourly Rate Based on Costs to FY18	\$ 93.09		

Current Hourly Rate 2006 - 20.4.2 NMAC \$ 70.48

Current Hourly multiplied by Inflation Rate 2004 -2018 1.34% \$ 94.44

Attachment B7

Basis for Determination of Average Document Review Times

Count	Facility	Total Hrs	Document Type	Permit	Amount Paid	Hourly
1	ACT/RNCM	2780.00	Permit - Container Storage including CA Section	Table 2	\$ 31,000.00	\$ 11.15
1	SKAL	1984.00	Permit - Storage	Table 2	\$ 24,000.00	\$ 12.10
1	SKFA	1940.00	Permit - Storage	Table 2	\$ 24,000.00	\$ 12.37
1	LANL	1918.75	Permit - Container Storage	Table 2	\$ 24,000.00	\$ 12.51
1	FWDA	707.25	Permit - Post Closure, Subpart X and Corrective Action Section	Table 2	\$ 127,000.00	\$ 179.57
1	NRC	1262.75	Permit - Post Closure and Corrective Action Section	Table 2	\$ 187,000.00	\$ 148.09
1	PNM	1257.00	Permit - Post Closure	Table 2	\$ 67,000.00	\$ 53.30
1	ST	1049.00	Permit - Post Closure	Table 2	\$ 68,000.00	\$ 64.82
1	CAFB	998.50	Permit - Corrective Action Section	Table 2	\$ 10,000.00	\$ 10.02
1	HAFB	705.50	Permit - Subpart X and Corrective Action	Table 2	\$ 67,000.00	\$ 94.97
1	TPDF	4378.92	Permit - Land Disposal and Corrective Action Section	Table 2	\$ 67,000.00	\$ 15.30
1	WIPP	2323.75	Permit - Disposal and Container Storage	Table 2	\$ 565,000.00	\$ 243.14
1	WRG	2369.50	Permit - PCCP Land Treatment	Table 2	\$ 81,000.00	\$ 34.18
13		23674.92			\$ 1,342,000.00	\$ 56.68
					\$ 2,235,859.13	Total Hours x \$94.44
					\$ 171,989.16	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	WSMR	35.50	Closure Plan - Land Disposal	Table 3	\$ 20,000.00	\$ 563.38
1	WSMR	186.25	Closure Plan - Land Disposal	Table 3	\$ 20,000.00	\$ 107.38
1	WSMR	133.00	Closure Plan - Land Disposal	Table 3	\$ 40,000.00	\$ 300.75
3		354.75			\$ 80,000.00	\$ 225.51
					\$ 33,502.59	Total Hours x \$94.44
					\$ 11,167.53	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	GRCB	166.50	Closure Plan - Surface Impoundment	Table 3	\$ 10,000.00	\$ 60.06
1	NRC	251.50	Closure Plan - Surface Impoundment	Table 3	\$ 10,000.00	\$ 39.76
1	WSMR	436.50	Closure Plan - Surface Impoundment	Table 3	\$ 10,000.00	\$ 22.91
1	WRB	139.75	Closure Plan - Surface Impoundment	Table 3	\$ 5,000.00	\$ 35.78
4		994.25			\$ 35,000.00	\$ 35.20

\$ 93,896.97 Total Hours x \$94.44
 \$ 23,474.24 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	LANL	139.50	Closure Plan - Subpart X	Table 3	\$ 10,000.00	\$ 71.68
1	LANL	142.00	Closure Plan - Subpart X	Table 3	\$ 10,000.00	\$ 70.42
1	LANL	874.00	Closure Plan - Subpart X	Table 3	\$ 10,000.00	\$ 11.44
1	WSMR	971.00	Closure Plan - Subpart X	Table 3	\$ 10,000.00	\$ 10.30
4		2126.50			\$ 40,000.00	\$ 18.81
					\$ 200,826.66	Total Hours x \$94.44
					\$ 50,206.67	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	WSMR	137.25	Closure Plan - Storage	Table 3	\$ 6,000.00	\$ 43.72
		137.25			\$ 6,000.00	\$ 43.72
					\$ 12,961.89	Total Hours x \$94.44
					\$ 12,961.89	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	GRCB	32.50	Closure Report	Table 3	\$ 6,000.00	\$ 184.62
1	HAFB	121.75	Closure Report	Table 3	\$ 6,000.00	\$ 49.28
1	SNL	149.00	Closure Report	Table 3	\$ 6,000.00	\$ 40.27
1	SNL	347.00	Closure Report	Table 3	\$ 6,000.00	\$ 17.29
1	WSMR	33.25	Closure Report	Table 3	\$ 6,000.00	\$ 180.45
1	WSMR	145.00	Closure Report	Table 3	\$ 6,000.00	\$ 41.38
1	WSMR	102.75	Closure Report	Table 3	\$ 6,000.00	\$ 58.39
7		931.25			\$ 42,000.00	\$ 45.10

\$ 87,947.25 Total Hours x \$94.44

\$ 12,563.89 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	NASA	1.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 500.00
1	WIPP	1.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 500.00
1	WIPP	1.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 500.00
1	WIPP	1.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 500.00
1	WIPP	1.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 500.00
1	WIPP	1.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 500.00
1	WIPP	1.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 500.00
1	WIPP	1.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 500.00
1	SKFA	1.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 333.33
1	NASA	2.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 250.00
1	SKAL	2.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 250.00
1	SNL	2.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 250.00
1	WIPP	2.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 250.00
1	WIPP	3.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 166.67
1	WIPP	3.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 166.67
1	WIPP	3.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 166.67
1	WIPP	3.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 166.67
1	ACT/RNCM	3.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 142.86
1	LANL	3.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 142.86
1	LANL	3.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 142.86
1	ACT/RNCM	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	LANL	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	LANL	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	NASA	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	WIPP	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	WIPP	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	WIPP	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	WIPP	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	WIPP	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	WIPP	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	WIPP	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	WIPP	4.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 125.00
1	SKAL	4.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 111.11
1	WIPP	5.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 100.00
1	WIPP	5.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 100.00

1	LANL	6.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 83.33
1	SKAL	6.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 83.33
1	WIPP	6.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 83.33
1	WIPP	6.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 83.33
1	WSMR	6.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 83.33
1	NASA	7.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 71.43
1	WIPP	7.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 71.43
1	NASA	7.25	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 68.97
1	SKAL	7.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 66.67
1	NASA	8.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 62.50
1	WIPP	8.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 62.50
1	NASA	9.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 55.56
1	ST	9.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 55.56
1	NASA	9.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 52.63
1	WIPP	10.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 50.00
1	LANL	10.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 47.62
1	ACT/RNCM	10.75	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 46.51
1	LANL	11.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 45.45
1	WIPP	11.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 45.45
1	ACT/RNCM	11.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 43.48
1	LANL	11.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 43.48
1	WSMR	11.75	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 42.55
1	LANL	12.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 41.67
1	ACT/RNCM	12.75	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 39.22
1	NASA	13.00	Class 1 (without prior approval)	Table 4	\$ 1,000.00	\$ 76.92
1	LANL	14.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 35.71
1	LANL	14.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 34.48
1	LANL	14.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 34.48
1	LANL	15.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 33.33
1	WIPP	15.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 33.33
1	WIPP	15.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 33.33
1	WIPP	15.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 33.33
1	LANL	15.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 32.26
1	LANL	15.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 32.26
1	FWDA	15.75	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 31.75

1	WIPP	16.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 30.30
1	SNL	17.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 28.57
1	WIPP	17.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 28.57
1	SKFA	21.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 23.81
1	LANL	21.25	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 23.53
1	SNL	22.75	Class 1 (without prior approval)	Table 4	\$ 1,000.00	\$ 43.96
1	LANL	23.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 21.74
1	LANL	23.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 21.74
1	SNL	23.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 21.74
1	SKAL	23.25	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 21.51
1	LANL	23.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 21.28
1	LANL	23.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 21.28
1	SKAL	24.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 20.83
1	SNL	24.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 20.83
1	GRCC	24.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 20.41
1	WIPP	25.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 20.00
1	WIPP	25.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 20.00
1	SKAL	25.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 19.61
1	WIPP	26.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 19.23
1	NASA	27.75	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 18.02
1	FWDA	29.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 17.24
1	LANL	29.25	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 17.09
1	LANL	30.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 16.67
1	SNL	30.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 16.67
1	SKAL	31.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 15.87
1	LANL	32.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 15.63
1	LANL	33.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 14.93
1	SNL	37.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 13.51
1	WIPP	39.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 12.82
1	ACT/RNCM	40.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 12.35
1	FWDA	40.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 12.35
1	KAFB	43.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 11.63
1	HAFB	46.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 10.87
1	SKFA	48.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 10.42
1	LANL	49.25	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 10.15

1	LANL	52.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 9.62
1	WIPP	54.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 9.17
1	SNL	55.75	Class 1 (without prior approval)	Table 4	\$ 1,000.00	\$ 17.94
1	LANL	57.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 8.77
1	WIPP	59.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 8.40
1	SNL	63.25	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 7.91
1	SNL	68.75	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 7.27
1	WIPP	86.00	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 5.81
1	PNM	129.50	Class 1 (without prior approval)	Table 4	\$ 500.00	\$ 3.86
111		2110.50			\$ 57,000.00	\$ 27.01

\$ 199,315.62 Total Hours x \$94.44

\$ 1,795.64 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	WIPP	2.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 1,250.00
1	NASA	3.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 833.33
1	LANL	3.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 714.29
1	NASA	3.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 714.29
1	LANL	4.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 625.00
1	HAFB	10.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 238.10
1	LANL	11.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 227.27
1	LANL	13.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 192.31
1	LANL	14.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 178.57
1	LANL	14.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 172.41
1	LANL	15.25	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 163.93
1	LANL	15.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 161.29
1	LANL	16.25	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 153.85
1	LANL	17.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 147.06
1	LANL	19.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 131.58
1	FWDA	21.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 119.05
1	LANL	27.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 90.91
1	LANL	29.25	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 85.47
1	WIPP	30.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 83.33
1	LANL	30.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 83.33
1	LANL	34.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 73.53
1	LANL	34.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 72.46
1	FWDA	35.25	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 70.92
1	NASA	36.25	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 68.97
1	LANL	39.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 64.10
1	SKFA	44.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 56.18
1	LANL	45.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 55.56
1	LANL	53.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 47.17
1	LANL	57.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 43.48
1	LANL	60.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 41.67
1	LANL	62.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 40.00
1	LANL	71.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 34.97

1	SNL	74.75	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 33.44
1	NASA	78.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 32.05
1	SNL	79.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 31.65
1	SNL	80.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 31.06
1	SNL	88.75	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 28.17
1	SNL	102.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 24.51
1	LANL	111.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 22.42
1	LANL	114.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 21.93
1	LANL	145.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 17.24
1	SKAL	158.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 15.77
1	WIPP	221.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 11.31
1	SNL	246.75	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 10.13
1	WIPP	251.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 9.96
1	SKFA	265.50	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 9.42
1	LANL	276.00	Class 1 (with prior approval)	Table 4	\$ 2,500.00	\$ 9.06
		3165.00			\$ 117,500.00	\$ 37.12

47

\$ 298,902.60 Total Hours x \$94.44
 \$ 6,359.63 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	LANL	162.75	Class 2	Table 4	\$ 6,000.00	\$ 36.87
1	LANL	158.50	Class 2	Table 4	\$ 6,000.00	\$ 37.85
1	LANL	544.00	Class 2	Table 4	\$ 6,000.00	\$ 11.03
1	PNM	172.00	Class 2	Table 4	\$ 6,000.00	\$ 34.88
1	SNL	115.50	Class 2	Table 4	\$ 6,000.00	\$ 51.95
1	WIPP	22.00	Class 2	Table 4	\$ 6,000.00	\$ 272.73
1	WIPP	30.00	Class 2	Table 4	\$ 6,000.00	\$ 200.00
1	WIPP	41.00	Class 2	Table 4	\$ 6,000.00	\$ 146.34
1	WIPP	63.00	Class 2	Table 4	\$ 6,000.00	\$ 95.24
1	WIPP	90.00	Class 2	Table 4	\$ 6,000.00	\$ 66.67
1	WIPP	15.50	Class 2	Table 4	\$ 6,000.00	\$ 387.10
1	WIPP	799.75	Class 2	Table 4	\$ 6,000.00	\$ 7.50
1	WIPP	929.50	Class 2	Table 4	\$ 6,000.00	\$ 6.46
1	WIPP	461.25	Class 2	Table 4	\$ 6,000.00	\$ 13.01
1	WIPP	409.75	Class 2	Table 4	\$ 6,000.00	\$ 14.64
1	WIPP	765.75	Class 2	Table 4	\$ 6,000.00	\$ 7.84
1	WIPP	304.00	Class 2	Table 4	\$ 6,000.00	\$ 19.74
1	WIPP	644.50	Class 2	Table 4	\$ 6,000.00	\$ 9.31
1	WIPP	873.50	Class 2	Table 4	\$ 6,000.00	\$ 6.87
19		6602.25			\$ 114,000.00	\$ 17.27

\$ 623,516.49 Total Hours x \$94.44
 \$ 32,816.66 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	FWDA	1003.50	Class 3	Table 4	\$ 40,000.00	\$ 39.86
1	KAFB	696.75	Class 3	Table 4	\$ 40,000.00	\$ 57.41
1	KAFB	1381.25	Class 3	Table 4	\$ 40,000.00	\$ 28.96
1	LANL	1180.08	Class 3	Table 4	\$ 40,000.00	\$ 33.90
1	NRC	487.25	Class 3	Table 4	\$ 40,000.00	\$ 82.09
1	WIPP	2497.25	Class 3	Table 4	\$ 40,000.00	\$ 16.02
1	WRG	237.75	Class 3	Table 4	\$ 40,000.00	\$ 168.24
7		7483.83			\$ 280,000.00	\$ 37.41

\$ 706,773.22 Total Hours x \$94.44

\$ 100,967.60 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	CAFB	148.75	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,000.00	\$ 47.06
1	PNM	137.50	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,000.00	\$ 50.91
1	SNL	487.25	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,000.00	\$ 14.37
1	SNL	1920.75	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,000.00	\$ 3.64
1	WSMR	183.00	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,000.00	\$ 38.25
1	WSMR	171.00	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,000.00	\$ 40.94
1	CAFB	80.25	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,250.00	\$ 90.34
1	FWDA	76.00	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,250.00	\$ 95.39
1	HAFB	44.00	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,250.00	\$ 164.77
1	WSMR	455.75	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,250.00	\$ 15.91
1	CAFB	142.00	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,500.00	\$ 52.82
1	CAFB	128.75	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,500.00	\$ 58.25
1	WSMR	343.25	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,500.00	\$ 21.85
1	CAFB	213.25	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,750.00	\$ 36.34
1	KAFB	1243.25	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 7,750.00	\$ 6.23
1	FWDA	215.75	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 8,000.00	\$ 37.08

1	HAFB	357.50	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 8,000.00	\$ 22.38
1	SNL	962.00	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 8,250.00	\$ 8.58
1	WSMR	382.25	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 8,250.00	\$ 21.58
1	HAFB	349.75	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 8,500.00	\$ 24.30
1	HAFB	342.50	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 8,500.00	\$ 24.82
1	CAFB	486.00	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 8,750.00	\$ 18.00
1	WSMR	653.75	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 9,500.00	\$ 14.53
1	CAFB	417.50	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 10,250.00	\$ 24.55
1	CAFB	457.25	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 10,250.00	\$ 22.42
1	WIPP	289.00	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 12,500.00	\$ 43.25
1	HAFB	606.75	Class 3 Petition for Corrective Action Complete Review/Petition for No Further Action	Table 4	\$ 14,750.00	\$ 24.31
27		11294.75			\$ 224,500.00	\$ 19.88

\$ 1,066,676.19 Total Hours x \$94.44
 \$ 39,506.53 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	HAFB	93.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 53.48
1	KAFB	17.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 285.71
1	HAFB	382.25	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 13.08
1	WSMR	19.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 256.41
1	CAFB	12.00	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 416.67
1	KAFB	20.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 243.90
1	HAFB	146.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 34.13
1	HAFB	129.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 38.61
1	HAFB	43.75	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 114.29
1	HAFB	55.25	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 90.50
1	HAFB	58.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 85.47
1	WSMR	160.00	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 31.25
1	HAFB	112.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 44.44
1	HAFB	54.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 91.74
1	WRB	133.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 37.45
1	HAFB	158.00	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 31.65

1	CAFB	98.00	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 51.02
1	WSMR	14.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 5,000.00	\$ 344.83
1	WSMR	16.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 6,000.00	\$ 363.64
1	HAFB	57.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 6,000.00	\$ 104.35
1	HAFB	94.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 6,000.00	\$ 63.49
1	HAFB	149.75	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 6,000.00	\$ 40.07
1	LANL	176.00	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 7,000.00	\$ 39.77
1	LANL	134.50	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 8,000.00	\$ 59.48
1	WSMR	571.25	Completion Report/Accelerated Corrective Measures Completion	Table 5	\$ 21,000.00	\$ 36.76
25		2909.75			\$ 150,000.00	\$ 51.55

\$ 274,796.79 Total Hours x \$94.44
 \$ 10,991.87 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	CAFB	57.25	Accelerated Corrective Action Work Plan/ Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 87.34
1	CAFB	63.50	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 78.74
1	CAFB	164.25	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 30.44
1	FWDA	11.50	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 434.78
1	HAFB	178.50	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 28.01
1	HAFB	94.00	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 53.19
1	HAFB	363.25	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 13.76
1	HAFB	187.75	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 26.63
1	HAFB	140.50	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 35.59
1	HAFB	43.50	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 114.94
1	HAFB	88.00	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 56.82
1	HAFB	133.00	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 37.59
1	HAFB	144.75	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 34.54
1	HAFB	40.00	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 125.00
1	HAFB	43.25	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 115.61
1	KAFB	22.50	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 222.22
1	KAFB	25.50	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 196.08

1	WSMR	115.50	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 43.29
1	WSMR	69.25	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 5,000.00	\$ 72.20
1	LANL	31.00	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 8,000.00	\$ 258.06
1	HAFB	18.00	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 9,000.00	\$ 500.00
1	HAFB	42.00	Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	Table 5	\$ 13,000.00	\$ 309.52
22		2076.75			\$ 125,000.00	\$ 60.19
					\$ 196,128.27	Total Hours x \$94.44
					\$ 8,914.92	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	LANL	8.50	Certification of Completion	Table 5	\$ 500.00	\$ 58.82
1	LANL	5.50	Certification of Completion	Table 5	\$ 500.00	\$ 90.91
1	LANL	6.50	Certification of Completion	Table 5	\$ 500.00	\$ 76.92
1	LANL	5.50	Certification of Completion	Table 5	\$ 500.00	\$ 90.91
1	LANL	5.50	Certification of Completion	Table 5	\$ 500.00	\$ 90.91
1	LANL	5.50	Certification of Completion	Table 5	\$ 500.00	\$ 90.91
1	LANL	6.50	Certification of Completion	Table 5	\$ 500.00	\$ 76.92
1	LANL	6.50	Certification of Completion	Table 5	\$ 500.00	\$ 76.92
1	LANL	6.50	Certification of Completion	Table 5	\$ 500.00	\$ 76.92
1	LANL	6.00	Certification of Completion	Table 5	\$ 500.00	\$ 83.33
1	LANL	8.00	Certification of Completion	Table 5	\$ 500.00	\$ 62.50
1	LANL	4.00	Certification of Completion	Table 5	\$ 500.00	\$ 125.00
1	LANL	56.50	Certification of Completion	Table 5	\$ 500.00	\$ 8.85
1	LANL	11.50	Certification of Completion	Table 5	\$ 500.00	\$ 43.48
1	LANL	14.50	Certification of Completion	Table 5	\$ 500.00	\$ 34.48
1	LANL	20.00	Certification of Completion	Table 5	\$ 500.00	\$ 25.00
1	LANL	31.50	Certification of Completion	Table 5	\$ 500.00	\$ 15.87
1	LANL	66.50	Certification of Completion	Table 5	\$ 500.00	\$ 7.52
1	LANL	6.50	Certification of Completion	Table 5	\$ 1,000.00	\$ 153.85
1	LANL	4.00	Certification of Completion	Table 5	\$ 1,000.00	\$ 250.00
1	LANL	18.50	Certification of Completion	Table 5	\$ 1,000.00	\$ 54.05
1	LANL	21.00	Certification of Completion	Table 5	\$ 1,500.00	\$ 71.43
1	LANL	11.50	Certification of Completion	Table 5	\$ 1,500.00	\$ 130.43
1	LANL	19.00	Certification of Completion	Table 5	\$ 1,500.00	\$ 78.95
1	LANL	12.00	Certification of Completion	Table 5	\$ 2,000.00	\$ 166.67
1	LANL	8.00	Certification of Completion	Table 5	\$ 2,000.00	\$ 250.00
1	LANL	50.00	Certification of Completion	Table 5	\$ 2,500.00	\$ 50.00
1	LANL	8.00	Certification of Completion	Table 5	\$ 2,500.00	\$ 312.50
1	SNL	42.25	Certification of Completion	Table 5	\$ 2,500.00	\$ 59.17
1	LANL	12.00	Certification of Completion	Table 5	\$ 3,000.00	\$ 250.00
1	LANL	15.00	Certification of Completion	Table 5	\$ 3,500.00	\$ 233.33
1	LANL	17.00	Certification of Completion	Table 5	\$ 4,000.00	\$ 235.29

1	LANL	86.00	Certification of Completion	Table 5	\$ 5,000.00	\$ 58.14
1	LANL	88.50	Certification of Completion	Table 5	\$ 7,000.00	\$ 79.10
1	LANL	52.00	Certification of Completion	Table 5	\$ 10,500.00	\$ 201.92
1	LANL	27.50	Certification of Completion	Table 5	\$ 12,000.00	\$ 436.36
1	LANL	50.00	Certification of Completion	Table 5	\$ 12,500.00	\$ 250.00
1	LANL	204.50	Certification of Completion	Table 5	\$ 13,500.00	\$ 66.01
1	LANL	118.00	Certification of Completion	Table 5	\$ 14,500.00	\$ 122.88
1	LANL	81.00	Certification of Completion	Table 5	\$ 18,500.00	\$ 228.40
1	LANL	106.50	Certification of Completion	Table 5	\$ 41,000.00	\$ 384.98
41		1333.75			\$ 173,000.00	\$ 129.71

\$ 125,959.35 Total Hours x \$94.44

\$ 3,072.18 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or C	Amount Paid	Hourly
1	SNL	141.00	Corrective Measures Implementation Report	Table 5	\$ 12,000.00	\$ 85.11
1	CAFB	37.25	Corrective Measures Implementation Report	Table 5	\$ 16,000.00	\$ 429.53
2		178.25			\$ 28,000.00	\$ 157.08
					\$ 16,833.93	Total Hours x \$94.44
					\$ 8,416.97	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	FB	173.50	Corrective Measures Implementation Work Plan	Table 5	\$ 6,500.00	\$ 37.46
1	GRCC	318.75	Corrective Measures Implementation Work Plan	Table 5	\$ 6,500.00	\$ 20.39
1	WSMR	67.00	Corrective Measures Implementation Work Plan	Table 5	\$ 6,500.00	\$ 97.01
3		559.25			\$ 19,500.00	\$ 34.87
					\$ 52,815.57	Total Hours x \$94.44
					\$ 17,605.19	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	LANL	159.50	Corrective Measures Study Report/Corrective Measures Evaluation	Table 5	\$ 15,000.00	\$ 94.04
1	LANL	531.50	Corrective Measures Study Report/Corrective Measures Evaluation	Table 5	\$ 15,000.00	\$ 28.22
1	LANL	1616.50	Corrective Measures Study Report/Corrective Measures Evaluation	Table 5	\$ 15,000.00	\$ 9.28
1	LANL	756.50	Corrective Measures Study Report/Corrective Measures Evaluation	Table 5	\$ 15,000.00	\$ 19.83
1	LANL	403.00	Corrective Measures Study Report/Corrective Measures Evaluation	Table 5	\$ 15,000.00	\$ 37.22
1	WRG	195.50	Corrective Measures Study Report/Corrective Measures Evaluation	Table 5	\$ 15,000.00	\$ 76.73
6		3662.50			\$ 90,000.00	\$ 24.57

\$ 345,886.50 Total Hours x \$94.44

\$ 57,647.75 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or C.	Amount Paid	Hourly
1	KAFB	6.00	Corrective Measures Study Workplan/Corrective Measures Evaluation Workplan	Table 5	\$ 7,500.00	\$ 1,250.00
1	LANL	171.25	Corrective Measures Study Workplan/Corrective Measures Evaluation Workplan	Table 5	\$ 7,500.00	\$ 43.80
2		177.25			\$ 15,000.00	\$ 84.63
					\$ 16,739.49	Total Hours x \$94.44
					\$ 8,369.75	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	GRCB	28.50	Interim Measures Report	Table 5	\$ 3,500.00	\$ 122.81
1	HAFB	105.75	Interim Measures Report	Table 5	\$ 3,500.00	\$ 33.10
1	HAFB	35.25	Interim Measures Report	Table 5	\$ 3,500.00	\$ 99.29
1	HAFB	116.25	Interim Measures Report	Table 5	\$ 3,500.00	\$ 30.11
1	HAFB	33.75	Interim Measures Report	Table 5	\$ 3,500.00	\$ 103.70
1	HAFB	83.00	Interim Measures Report	Table 5	\$ 3,500.00	\$ 42.17
1	HAFB	65.25	Interim Measures Report	Table 5	\$ 3,500.00	\$ 53.64
1	HAFB	36.75	Interim Measures Report	Table 5	\$ 3,500.00	\$ 95.24
1	HAFB	59.75	Interim Measures Report	Table 5	\$ 3,500.00	\$ 58.58
1	HAFB	68.75	Interim Measures Report	Table 5	\$ 3,500.00	\$ 50.91
1	KAFB	11.00	Interim Measures Report	Table 5	\$ 3,500.00	\$ 318.18
1	KAFB	31.00	Interim Measures Report	Table 5	\$ 3,500.00	\$ 112.90
1	KAFB	6.00	Interim Measures Report	Table 5	\$ 3,500.00	\$ 583.33
1	KAFB	177.75	Interim Measures Report	Table 5	\$ 3,500.00	\$ 19.69
1	LANL	193.50	Interim Measures Report	Table 5	\$ 3,500.00	\$ 18.09
1	LANL	133.50	Interim Measures Report	Table 5	\$ 3,500.00	\$ 26.22
1	LANL	248.50	Interim Measures Report	Table 5	\$ 3,500.00	\$ 14.08
1	LANL	313.75	Interim Measures Report	Table 5	\$ 3,500.00	\$ 11.16
1	NASA	139.50	Interim Measures Report	Table 5	\$ 3,500.00	\$ 25.09
1	WRB	49.50	Interim Measures Report	Table 5	\$ 3,500.00	\$ 70.71
1	WRG	514.00	Interim Measures Report	Table 5	\$ 3,500.00	\$ 6.81
1	WRG	12.75	Interim Measures Report	Table 5	\$ 3,500.00	\$ 274.51
1	FWDA	104.50	Interim Measures Report	Table 5	\$ 4,500.00	\$ 43.06
1	FWDA	129.75	Interim Measures Report	Table 5	\$ 4,500.00	\$ 34.68
1	FWDA	114.25	Interim Measures Report	Table 5	\$ 5,500.00	\$ 48.14
1	HAFB	45.25	Interim Measures Report	Table 5	\$ 5,500.00	\$ 121.55
1	NRC	29.00	Interim Measures Report	Table 5	\$ 5,500.00	\$ 189.66
27		2886.50			\$ 102,500.00	\$ 35.51

\$ 272,601.06 Total Hours x \$94.44
\$ 10,096.34 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	CAFB	9.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 526.32
1	CAFB	102.75	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 48.66
1	CAFB	61.75	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 80.97
1	FWDA	225.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 22.22
1	FWDA	60.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 83.33
1	FWDA	115.25	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 43.38
1	FWDA	319.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 15.67
1	FWDA	35.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 140.85
1	GRCC	189.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 26.46
1	GRCC	60.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 83.33
1	HAFB	71.25	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 70.18
1	HAFB	38.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 129.87
1	HAFB	46.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 108.70
1	HAFB	28.25	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 176.99
1	HAFB	237.75	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 21.03
1	HAFB	8.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 625.00
1	HAFB	98.75	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 50.63
1	HAFB	34.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 147.06
1	HAFB	41.75	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 119.76
1	HAFB	14.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 357.14
1	KAFB	7.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 714.29
1	KAFB	421.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 11.86
1	KAFB	369.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 13.55
1	KAFB	1692.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 2.96
1	KAFB	40.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 123.46
1	KAFB	45.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 111.11
1	KAFB	202.25	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 24.72
1	KAFB	247.25	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 20.22
1	KAFB	446.25	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 11.20
1	KAFB	329.75	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 15.16
1	KAFB	164.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 30.49

1	KAFB	168.25	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 29.72
1	LANL	152.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 32.79
1	LANL	65.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 76.34
1	LANL	21.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 238.10
1	LANL	39.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 126.58
1	LANL	56.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 89.29
1	LANL	28.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 178.57
1	LANL	1393.75	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 3.59
1	LANL	50.75	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 98.52
1	LANL	117.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 42.55
1	LANL	1233.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 4.05
1	LANL	240.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 20.83
1	NASA	156.25	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 32.00
1	NASA	94.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 52.91
1	NRC	161.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 31.06
1	NRC	18.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 277.78
1	SNL	109.00	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 45.87
1	WRG	240.50	Interim Measures Work Plan	Table 5	\$ 5,000.00	\$ 20.79
1	FWDA	68.50	Interim Measures Work Plan	Table 5	\$ 6,000.00	\$ 87.59
1	HAFB	36.50	Interim Measures Work Plan	Table 5	\$ 6,000.00	\$ 164.38
1	NASA	72.00	Interim Measures Work Plan	Table 5	\$ 6,000.00	\$ 83.33
1	FWDA	76.50	Interim Measures Work Plan	Table 5	\$ 7,000.00	\$ 91.50
1	FWDA	95.00	Interim Measures Work Plan	Table 5	\$ 7,000.00	\$ 73.68
1	NRC	121.00	Interim Measures Work Plan	Table 5	\$ 7,000.00	\$ 57.85
1	HAFB	35.00	Interim Measures Work Plan	Table 5	\$ 8,000.00	\$ 228.57
1	HAFB	33.75	Interim Measures Work Plan	Table 5	\$ 9,000.00	\$ 266.67
1	FWDA	164.75	Interim Measures Work Plan	Table 5	\$ 10,000.00	\$ 60.70
1	WRG	31.00	Interim Measures Work Plan	Table 5	\$ 10,000.00	\$ 322.58
1	FWDA	112.75	Interim Measures Work Plan	Table 5	\$ 13,000.00	\$ 115.30

60

10952.75 **\$ 149,000.00** **\$ 13.60**

\$ 1,034,377.71 Total Hours x \$94.44

\$ 17,239.63 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	KAFB	11.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 652.17
1	WSMR	12.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 625.00
1	HAFB	13.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 555.56
1	LANL	14.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 517.24
1	KAFB	15.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 500.00
1	SNL	18.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 416.67
1	LANL	18.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 405.41
1	HAFB	20.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 365.85
1	NRC	21.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 357.14
1	KAFB	21.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 344.83
1	KAFB	22.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 333.33
1	HAFB	23.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 326.09
1	FB	25.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 300.00
1	HAFB	25.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 294.12
1	HAFB	26.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 280.37
1	HAFB	30.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 247.93
1	LANL	31.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 238.10
1	KAFB	36.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 208.33
1	NASA	36.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 205.48
1	TWP	37.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 198.68
1	SNL	40.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 185.19
1	WSMR	42.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 178.57
1	HAFB	43.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 174.42
1	HAFB	46.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 163.04
1	HAFB	49.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 150.75
1	NRC	50.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 147.78
1	NRC	57.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 130.43
1	HAFB	57.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 129.87
1	LANL	58.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 128.21
1	HAFB	61.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 121.95
1	WSMR	64.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 117.19
1	LANL	70.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 106.38

1	KAFB	78.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 96.15
1	WSMR	80.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 93.17
1	KAFB	86.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 87.21
1	WRB	96.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 77.92
1	NASA	103.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 72.82
1	HAFB	106.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 70.75
1	WRB	113.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 66.08
1	NRC	116.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 64.38
1	HAFB	120.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 62.24
1	LANL	120.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 62.11
1	HAFB	124.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 60.24
1	HAFB	124.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 60.12
1	HAFB	129.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 58.14
1	LANL	131.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 57.03
1	NASA	135.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 55.25
1	LANL	159.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 47.17
1	KAFB	161.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 46.44
1	KAFB	164.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 45.52
1	KAFB	165.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 45.39
1	WSMR	171.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 43.80
1	KAFB	175.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 42.74
1	WSMR	175.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 42.67
1	WRG	179.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 41.72
1	KAFB	186.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 40.27
1	KAFB	189.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 39.53
1	NASA	190.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 39.47
1	NASA	190.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 39.47
1	LANL	205.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 36.50
1	WSMR	211.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 35.55
1	NRC	223.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 33.52
1	KAFB	226.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 33.15
1	CAFB	248.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 30.18
1	WSMR	252.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 29.73
1	NASA	271.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 27.65
1	WSMR	275.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 27.27

1	NASA	290.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 25.80
1	LANL	293.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 25.60
1	HAFB	312.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 23.98
1	LANL	347.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 21.57
1	LANL	363.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 20.63
1	LANL	367.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 20.44
1	HAFB	422.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 17.74
1	NRC	460.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 16.30
1	WSMR	522.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 14.35
1	NRC	578.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 12.96
1	WRG	602.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 12.44
1	KAFB	921.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 8.14
1	KAFB	1470.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 5.10
1	NRC	2033.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 7,500.00	\$ 3.69
1	WSMR	10.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 850.00
1	HAFB	29.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 288.14
1	WSMR	30.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 283.33
1	CAFB	49.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 171.72
1	CAFB	59.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 144.07
1	HAFB	59.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 143.46
1	WSMR	63.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 134.92
1	CAFB	75.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 112.58
1	HAFB	82.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 103.03
1	NRC	82.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 102.72
1	WRG	100.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 84.58
1	WRB	117.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 72.49
1	FWDA	122.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 69.25
1	WSMR	126.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 67.19
1	FWDA	135.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 62.85
1	FWDA	147.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 57.72
1	LANL	156.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 54.49
1	NRC	251.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 8,500.00	\$ 33.86
1	WSMR	12.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 9,500.00	\$ 745.10
1	CAFB	21.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 9,500.00	\$ 436.78
1	WRB	54.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 9,500.00	\$ 174.31

1	CAFB	56.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 9,500.00	\$ 168.89
1	WRB	74.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 9,500.00	\$ 127.09
1	NASA	119.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 9,500.00	\$ 79.66
1	HAFB	178.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 9,500.00	\$ 53.37
1	HAFB	14.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 10,500.00	\$ 724.14
1	LANL	30.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 10,500.00	\$ 350.00
1	LANL	36.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 10,500.00	\$ 287.67
1	HAFB	124.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 10,500.00	\$ 84.51
1	GRCB	186.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 10,500.00	\$ 56.22
1	NRC	215.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 10,500.00	\$ 48.84
1	NRC	297.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 10,500.00	\$ 35.26
1	NRC	146.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 11,500.00	\$ 78.77
1	HAFB	52.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 12,500.00	\$ 240.38
1	LANL	63.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 12,500.00	\$ 196.85
1	FB	31.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 13,500.00	\$ 432.00
1	LANL	86.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 13,500.00	\$ 156.52
1	WRB	332.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 13,500.00	\$ 40.63
1	FWDA	564.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 13,500.00	\$ 23.90
1	LANL	145.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 17,500.00	\$ 120.27
1	LANL	157.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 17,500.00	\$ 111.46
1	NASA	98.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 18,500.00	\$ 188.78
1	FWDA	198.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 18,500.00	\$ 93.32
1	FWDA	1538.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 20,500.00	\$ 13.32
1	HAFB	405.25	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 21,500.00	\$ 53.05
1	LANL	69.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 22,500.00	\$ 323.74
1	LANL	404.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 22,500.00	\$ 55.62
1	FWDA	600.00	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 23,500.00	\$ 39.17
1	LANL	84.75	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 33,500.00	\$ 395.28
1	WSMR	1401.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 36,500.00	\$ 26.04
1	LANL	94.50	Investigation Report (RFI Report)/Phase Report	Table 5	\$ 43,500.00	\$ 460.32
132		25371.75			\$ 1,287,000.00	\$ 50.73

\$ 2,396,108.07 Total Hours x \$94.44

\$ 18,152.33 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	LANL	38.00	Investigation Report with Risk Assessment	Table 5	\$ 13,000.00	\$ 342.11
1	FB	44.00	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 227.27
1	CAFB	59.50	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 168.07
1	LANL	61.00	Investigation Report with Risk Assessment	Table 5	\$ 17,000.00	\$ 278.69
1	LANL	64.00	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 156.25
1	CAFB	73.25	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 136.52
1	CAFB	74.75	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 133.78
1	FWDA	80.75	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 123.84
1	LANL	81.00	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 123.46
1	CAFB	93.50	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 106.95
1	CAFB	93.75	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 106.67
1	WSMR	95.00	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 105.26
1	CAFB	119.50	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 83.68
1	LANL	119.50	Investigation Report with Risk Assessment	Table 5	\$ 39,000.00	\$ 326.36
1	LANL	120.00	Investigation Report with Risk Assessment	Table 5	\$ 13,000.00	\$ 108.33
1	LANL	130.50	Investigation Report with Risk Assessment	Table 5	\$ 37,000.00	\$ 283.52
1	LANL	133.50	Investigation Report with Risk Assessment	Table 5	\$ 27,000.00	\$ 202.25
1	FWDA	134.75	Investigation Report with Risk Assessment	Table 5	\$ 13,000.00	\$ 96.47
1	CAFB	136.25	Investigation Report with Risk Assessment	Table 5	\$ 12,000.00	\$ 88.07
1	CAFB	137.75	Investigation Report with Risk Assessment	Table 5	\$ 13,000.00	\$ 94.37
1	LANL	140.00	Investigation Report with Risk Assessment	Table 5	\$ 36,000.00	\$ 257.14
1	LANL	151.00	Investigation Report with Risk Assessment	Table 5	\$ 31,000.00	\$ 205.30
1	LANL	153.00	Investigation Report with Risk Assessment	Table 5	\$ 11,000.00	\$ 71.90
1	WSMR	155.00	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 64.52
1	LANL	158.00	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 63.29
1	LANL	181.75	Investigation Report with Risk Assessment	Table 5	\$ 36,000.00	\$ 198.07
1	LANL	189.75	Investigation Report with Risk Assessment	Table 5	\$ 19,000.00	\$ 100.13
1	LANL	202.75	Investigation Report with Risk Assessment	Table 5	\$ 12,000.00	\$ 59.19
1	LANL	219.00	Investigation Report with Risk Assessment	Table 5	\$ 77,000.00	\$ 351.60
1	HAFB	267.75	Investigation Report with Risk Assessment	Table 5	\$ 13,000.00	\$ 48.55
1	LANL	302.00	Investigation Report with Risk Assessment	Table 5	\$ 19,000.00	\$ 62.91
1	LANL	307.75	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 32.49

1	LANL	350.25	Investigation Report with Risk Assessment	Table 5	\$ 58,000.00	\$ 165.60
1	LANL	354.75	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 28.19
1	LANL	363.00	Investigation Report with Risk Assessment	Table 5	\$ 56,000.00	\$ 154.27
1	LANL	406.00	Investigation Report with Risk Assessment	Table 5	\$ 74,000.00	\$ 182.27
1	LANL	428.00	Investigation Report with Risk Assessment	Table 5	\$ 25,000.00	\$ 58.41
1	LANL	469.00	Investigation Report with Risk Assessment	Table 5	\$ 26,000.00	\$ 55.44
1	LANL	491.00	Investigation Report with Risk Assessment	Table 5	\$ 72,000.00	\$ 146.64
1	WSMR	494.50	Investigation Report with Risk Assessment	Table 5	\$ 12,000.00	\$ 24.27
1	LANL	621.00	Investigation Report with Risk Assessment	Table 5	\$ 34,000.00	\$ 54.75
1	LANL	657.75	Investigation Report with Risk Assessment	Table 5	\$ 10,000.00	\$ 15.20
		8953.25			\$ 955,000.00	\$ 106.67

42

\$ 845,544.93 Total Hours x \$94.44

\$ 20,132.02 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	HAFB	1190.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 8.40
1	LANL	654.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 15.28
1	KAFB	541.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 18.48
1	NRC	516.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 19.38
1	KAFB	477.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 20.95
1	LANL	457.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 21.88
1	FWDA	441.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 22.66
1	FWDA	526.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 12,000.00	\$ 22.79
1	NASA	423.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 23.64
1	LANL	421.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 23.72
1	SNL	380.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 26.28
1	WSMR	342.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 29.20
1	WSMR	395.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 12,000.00	\$ 30.38
1	FWDA	319.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 31.30
1	FWDA	526.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 17,000.00	\$ 32.32
1	FWDA	397.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 14,000.00	\$ 35.26
1	FWDA	697.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 26,000.00	\$ 37.29
1	FWDA	266.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 37.56
1	FWDA	602.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 23,000.00	\$ 38.16
1	NASA	239.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 41.84
1	NASA	226.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 44.20
1	FWDA	247.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 44.53
1	FWDA	246.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 44.62
1	WRG	223.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 44.74
1	FWDA	203.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 49.08
1	NASA	200.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 49.88
1	WSMR	192.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 52.08
1	FWDA	188.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 53.12
1	NRC	178.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 55.94
1	CAFB	373.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 21,000.00	\$ 56.19
1	HAFB	176.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 56.66
1	WRG	167.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 59.88

1	HAFB	165.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 60.42
1	HAFB	182.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 60.44
1	NASA	161.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 61.92
1	HAFB	175.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 62.68
1	WSMR	158.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 63.29
1	NASA	153.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 65.36
1	NASA	152.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 65.68
1	WSMR	148.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 67.34
1	WSMR	410.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 28,000.00	\$ 68.25
1	HAFB	159.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 69.07
1	WSMR	158.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 69.51
1	FWDA	180.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 13,000.00	\$ 72.22
1	WRG	152.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 72.37
1	NRC	137.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 72.99
1	WRG	129.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 77.22
1	NRC	178.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 14,000.00	\$ 78.32
1	FWDA	139.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 78.71
1	HAFB	123.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 81.30
1	FWDA	117.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 85.47
1	GRCB	140.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 12,000.00	\$ 85.56
1	LANL	116.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 86.21
1	FWDA	172.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 15,000.00	\$ 87.21
1	HAFB	110.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 90.91
1	FWDA	154.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 14,000.00	\$ 90.91
1	LANL	153.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 14,000.00	\$ 91.50
1	WSMR	107.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 93.24
1	FWDA	103.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 96.62
1	WSMR	112.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 98.00
1	WRG	102.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 98.04
1	LANL	339.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 34,000.00	\$ 100.29
1	WSMR	99.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 100.50
1	WSMR	107.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 102.56
1	WSMR	106.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 103.53
1	FWDA	164.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 17,000.00	\$ 103.66
1	HAFB	104.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 105.77

1	HAFB	92.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 108.70
1	FWDA	90.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 110.19
1	HAFB	108.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 12,000.00	\$ 110.34
1	LANL	225.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 25,000.00	\$ 111.11
1	GRCB	123.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 14,000.00	\$ 113.36
1	WSMR	87.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 114.29
1	NASA	85.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 116.62
1	LANL	81.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 122.32
1	NASA	81.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 123.08
1	LANL	77.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 129.87
1	NASA	75.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 132.45
1	LANL	112.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 15,000.00	\$ 133.33
1	WSMR	81.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 134.56
1	LANL	74.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 135.14
1	HAFB	70.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 142.86
1	LANL	139.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 20,000.00	\$ 143.63
1	LANL	69.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 144.93
1	WRB	67.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 148.15
1	NASA	65.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 153.85
1	CAFB	71.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 154.93
1	KAFB	63.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 156.86
1	LANL	76.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 12,000.00	\$ 157.89
1	LANL	63.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 158.10
1	NRC	62.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 161.29
1	LANL	123.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 20,000.00	\$ 162.60
1	HAFB	60.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 166.67
1	FWDA	66.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 166.67
1	NASA	85.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 15,000.00	\$ 175.95
1	NRC	55.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 179.37
1	WRG	61.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 180.33
1	FWDA	75.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 14,000.00	\$ 186.67
1	LANL	90.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 17,000.00	\$ 188.89
1	NRC	52.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 190.48
1	LANL	73.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 14,000.00	\$ 190.48
1	FWDA	52.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 191.39

1	CAFB	51.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 195.12
1	NASA	50.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 200.00
1	CAFB	54.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 200.91
1	LANL	99.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 20,000.00	\$ 201.01
1	HAFB	47.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 210.53
1	NRC	47.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 210.53
1	HAFB	52.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 210.53
1	LANL	156.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 34,000.00	\$ 217.25
1	CAFB	45.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 218.58
1	GRCB	77.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 17,000.00	\$ 218.65
1	WSMR	45.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 219.78
1	NRC	50.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 220.00
1	CAFB	44.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 224.72
1	FWDA	48.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 229.17
1	WSMR	43.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 229.89
1	HAFB	47.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 231.58
1	WRB	56.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 13,000.00	\$ 232.14
1	CAFB	42.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 235.29
1	LANL	142.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 34,000.00	\$ 238.18
1	GRCB	40.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 245.40
1	CAFB	60.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 15,000.00	\$ 250.00
1	WSMR	47.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 12,000.00	\$ 252.63
1	NRC	38.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 259.74
1	HAFB	36.75	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 272.11
1	WSMR	36.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 273.97
1	LANL	131.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 37,000.00	\$ 282.44
1	NRC	48.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 14,000.00	\$ 288.66
1	WRB	41.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 12,000.00	\$ 290.91
1	LANL	62.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 19,000.00	\$ 304.00
1	HAFB	32.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 312.50
1	LANL	130.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 41,000.00	\$ 314.18
1	WRG	31.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 317.46
1	HAFB	30.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 327.87
1	WSMR	50.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 17,000.00	\$ 336.63
1	LANL	32.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 11,000.00	\$ 343.75

1	HAFB	27.25	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 366.97
1	WRG	26.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 377.36
1	LANL	26.00	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 10,000.00	\$ 384.62
1	LANL	92.50	Investigation Work Plan (RFI Work Plan)	Table 5	\$ 37,000.00	\$ 400.00
141		22972.50			\$ 1,808,000.00	\$ 78.70

\$ 2,169,522.90 Total Hours x \$94.44

\$ 15,386.69 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	LANL	10.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 250.00
1	WRB	10.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 238.10
1	WSMR	10.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 232.56
1	WRB	12.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 200.00
1	NASA	13.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 192.31
1	LANL	16.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 156.25
1	NRC	16.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 156.25
1	NASA	17.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 147.06
1	MELR	18.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 136.99
1	KAFB	19.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 131.58
1	KAFB	20.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 125.00
1	NASA	20.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 125.00
1	WRB	21.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 117.65
1	KAFB	22.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 113.64
1	WRG	23.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 107.53
1	LANL	23.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 106.38
1	NASA	24.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 104.17
1	HAFB	25.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 97.09
1	NASA	27.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 92.59
1	LANL	27.50	Monitoring Plan	Table 5	\$ 3,500.00	\$ 127.27
1	LANL	27.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 90.09
1	CAFB	28.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 89.29
1	LANL	29.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 84.75
1	LANL	29.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 84.75
1	LANL	30.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 83.33
1	KAFB	30.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 81.97
1	LANL	31.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 79.37
1	NASA	32.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 76.92
1	WRB	32.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 76.92
1	NRC	32.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 76.34
1	SNL	33.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 74.63
1	HAFB	34.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 73.53

1	HAFB	35.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 71.43
1	HAFB	35.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 70.92
1	NRC	37.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 67.57
1	CAFB	37.50	Monitoring Plan	Table 5	\$ 5,500.00	\$ 146.67
1	WRG	37.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 66.23
1	MELR	38.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 65.79
1	CAFB	38.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 65.36
1	HAFB	40.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 62.50
1	LANL	43.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 57.80
1	WRG	44.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 56.82
1	SNL	44.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 56.18
1	NASA	45.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 54.95
1	NRC	55.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 45.45
1	WRG	55.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 44.84
1	NRC	57.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 43.48
1	WRG	57.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 43.48
1	NASA	58.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 43.10
1	NASA	59.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 42.37
1	LANL	59.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 42.02
1	CAFB	63.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 39.53
1	KAFB	63.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 39.37
1	NASA	71.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 35.21
1	WRG	72.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 34.36
1	FWDA	77.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 32.47
1	WRB	78.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 31.95
1	NRC	80.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 31.15
1	HAFB	83.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 29.85
1	NASA	85.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 29.41
1	LANL	87.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 28.65
1	LANL	87.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 28.57
1	LANL	89.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 27.86
1	KAFB	90.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 27.78
1	NASA	92.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 27.17
1	GRCB	97.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 25.77
1	LANL	98.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 25.45

1	LANL	102.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 24.45
1	NASA	102.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 24.45
1	NASA	106.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 23.47
1	FWDA	116.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 21.51
1	LANL	117.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 21.37
1	MELR	140.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 17.86
1	FWDA	146.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 17.12
1	KAFB	160.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 15.58
1	KAFB	161.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 15.53
1	KAFB	161.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 15.50
1	KAFB	163.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 15.34
1	NRC	168.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 14.84
1	KAFB	168.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 14.81
1	KAFB	169.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 14.77
1	NRC	174.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 14.35
1	LANL	186.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 13.44
1	WRG	208.50	Monitoring Plan	Table 5	\$ 2,500.00	\$ 11.99
1	GRCC	222.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 11.25
1	LANL	280.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 8.92
1	FWDA	310.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 8.06
1	LANL	334.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 7.48
1	LANL	357.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 7.00
1	LANL	409.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 6.11
1	LANL	421.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 5.93
1	SNL	476.00	Monitoring Plan	Table 5	\$ 2,500.00	\$ 5.25
1	LANL	593.75	Monitoring Plan	Table 5	\$ 2,500.00	\$ 4.21
1	LANL	746.25	Monitoring Plan	Table 5	\$ 2,500.00	\$ 3.35
94		9645.75			\$ 239,000.00	\$ 24.78

\$ 910,944.63 Total Hours x \$94.44

\$ 9,690.90 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	LANL	19.00	Notice of Land Transfer	Table 5	\$ 5,000.00	\$ 263.16
1	LANL	22.00	Notice of Land Transfer	Table 5	\$ 5,000.00	\$ 227.27
1	LANL	31.00	Notice of Land Transfer	Table 5	\$ 5,000.00	\$ 161.29
1	LANL	26.00	Notice of Land Transfer	Table 5	\$ 7,000.00	\$ 269.23
4		98.00			\$ 22,000.00	\$ 224.49

\$ 9,255.12 Total Hours x \$94.44

\$ 2,313.78 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	KAFB	46.00	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 54.35
1	KAFB	168.00	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 14.88
1	KAFB	92.75	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 26.95
1	KAFB	123.75	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 20.20
1	KAFB	174.00	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 14.37
1	KAFB	48.75	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 51.28
1	KAFB	60.00	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 41.67
1	KAFB	162.00	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 15.43
1	LANL	16.00	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 156.25
1	TWP	71.00	Operation and Maintenance Plan	Table 5	\$ 2,500.00	\$ 35.21
10		962.25			\$ 25,000.00	\$ 25.98

\$ 90,874.89 Total Hours x \$94.44
 \$ 9,087.49 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	CAFB	116.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 17.17
1	CAFB	22.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 88.89
1	CAFB	22.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 89.89
1	CAFB	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67
1	CAFB	16.00	Periodic Monitoring Report	Table 5	\$ 4,000.00	\$ 250.00
1	FB	189.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 10.57
1	FB	159.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 12.58
1	FB	112.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 17.82
1	FB	70.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 28.37
1	FB	59.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 33.90
1	FB	49.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 40.20
1	FB	27.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 74.07
1	FB	20.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 100.00
1	FB	19.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 102.56
1	FB	19.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 102.56
1	FB	18.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 108.11
1	FB	18.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 111.11
1	FB	17.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 114.29
1	FB	17.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 117.65
1	FB	16.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 119.40
1	FB	16.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 121.21
1	FB	15.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 129.03
1	FB	15.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 131.15
1	FB	14.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 137.93
1	FB	14.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 142.86
1	FB	13.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 148.15
1	FB	11.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 173.91
1	FB	10.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 200.00
1	FB	10.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 200.00
1	FB	8.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 228.57
1	FB	8.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 228.57
1	FB	7.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 258.06

1	FB	7.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 285.71
1	FB	6.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 307.69
1	FB	6.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 320.00
1	FB	5.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 380.95
1	FB	7.00	Periodic Monitoring Report	Table 5	\$ 4,000.00	\$ 571.43
1	FWDA	222.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 9.01
1	FWDA	162.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 12.29
1	FWDA	125.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 15.97
1	FWDA	109.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 18.35
1	FWDA	90.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 22.10
1	FWDA	83.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 23.88
1	FWDA	80.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 25.00
1	FWDA	79.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 25.16
1	FWDA	69.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 28.88
1	FWDA	54.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 36.53
1	FWDA	46.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 42.78
1	FWDA	46.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 43.01
1	FWDA	150.25	Periodic Monitoring Report	Table 5	\$ 7,000.00	\$ 46.59
1	FWDA	37.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 53.33
1	FWDA	33.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 59.26
1	FWDA	29.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 67.80
1	FWDA	21.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 93.02
1	FWDA	16.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 123.08
1	FWDA	11.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 170.21
1	FWDA	10.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 200.00
1	FWDA	9.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 216.22
1	FWDA	5.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 363.64
1	GRCB	72.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 27.78
1	GRCB	37.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 54.05
1	GRCB	22.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 88.89
1	GRCB	9.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 205.13
1	GRCB	9.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 216.22
1	GRCC	70.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 28.37
1	GRCC	24.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 80.81
1	GRCC	8.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 235.29

1	HAFB	130.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 15.38
1	HAFB	97.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 20.62
1	HAFB	75.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 26.49
1	HAFB	67.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 29.63
1	HAFB	63.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 31.50
1	HAFB	61.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 32.65
1	HAFB	56.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 35.71
1	HAFB	56.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 35.71
1	HAFB	51.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 38.83
1	HAFB	49.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 40.61
1	HAFB	46.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 43.01
1	HAFB	42.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 46.78
1	HAFB	42.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 47.06
1	HAFB	41.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 48.78
1	HAFB	38.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 51.95
1	HAFB	37.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 54.05
1	HAFB	36.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 55.17
1	HAFB	36.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 55.56
1	HAFB	25.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 77.67
1	HAFB	24.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 83.33
1	HAFB	23.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 85.11
1	HAFB	23.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 86.96
1	HAFB	18.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 109.59
1	HAFB	18.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 109.59
1	HAFB	21.50	Periodic Monitoring Report	Table 5	\$ 4,000.00	\$ 186.05
1	HAFB	9.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 210.53
1	HAFB	9.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 216.22
1	HAFB	27.50	Periodic Monitoring Report	Table 5	\$ 8,000.00	\$ 290.91
1	HAFB	9.00	Periodic Monitoring Report	Table 5	\$ 4,000.00	\$ 444.44
1	HAFB	10.00	Periodic Monitoring Report	Table 5	\$ 7,000.00	\$ 700.00
1	KAFB	372.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 5.37
1	KAFB	336.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 5.95
1	KAFB	334.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 5.99
1	KAFB	301.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 6.63
1	KAFB	263.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 7.60

1	KAFB	190.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 10.50
1	KAFB	185.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 10.81
1	KAFB	184.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 10.87
1	KAFB	181.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.02
1	KAFB	179.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.17
1	KAFB	178.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.20
1	KAFB	167.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.98
1	KAFB	166.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 12.05
1	KAFB	166.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 12.05
1	KAFB	165.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 12.12
1	KAFB	164.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 12.16
1	KAFB	163.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 12.25
1	KAFB	161.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 12.36
1	KAFB	125.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 15.97
1	KAFB	102.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 19.46
1	KAFB	60.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 33.33
1	KAFB	59.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 33.61
1	KAFB	58.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 34.04
1	KAFB	58.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 34.48
1	KAFB	55.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 35.87
1	KAFB	53.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 37.74
1	KAFB	50.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 40.00
1	KAFB	49.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 40.61
1	KAFB	48.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 41.24
1	KAFB	46.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 42.78
1	KAFB	45.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 44.20
1	KAFB	44.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 44.69
1	KAFB	42.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 47.06
1	KAFB	41.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 48.78
1	KAFB	36.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 54.42
1	KAFB	34.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 58.39
1	KAFB	33.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 59.26
1	KAFB	29.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 67.23
1	KAFB	29.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 68.38
1	KAFB	29.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 68.97

1	KAFB	28.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 70.18
1	KAFB	21.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 91.95
1	KAFB	21.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 91.95
1	KAFB	20.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 100.00
1	KAFB	17.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 114.29
1	KAFB	17.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 114.29
1	KAFB	17.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 117.65
1	KAFB	17.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 117.65
1	KAFB	15.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 129.03
1	KAFB	13.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 153.85
1	KAFB	13.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 153.85
1	KAFB	12.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 160.00
1	KAFB	10.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 190.48
1	KAFB	10.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 190.48
1	KAFB	10.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 200.00
1	KAFB	9.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 210.53
1	KAFB	9.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 222.22
1	KAFB	9.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 222.22
1	KAFB	9.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 222.22
1	KAFB	8.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 235.29
1	KAFB	8.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 250.00
1	KAFB	8.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 250.00
1	KAFB	8.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 250.00
1	KAFB	8.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 250.00
1	KAFB	7.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 285.71
1	KAFB	6.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 296.30
1	KAFB	6.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 307.69
1	KAFB	6.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 320.00
1	KAFB	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	KAFB	5.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 363.64
1	LANL	203.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 9.85
1	LANL	201.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 9.95
1	LANL	177.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.30
1	LANL	144.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 13.84

1	LANL	144.08	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 13.88
1	LANL	142.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 14.04
1	LANL	114.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 17.47
1	LANL	106.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 18.74
1	LANL	104.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 19.23
1	LANL	100.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 19.90
1	LANL	99.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 20.20
1	LANL	98.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 20.30
1	LANL	95.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 21.05
1	LANL	95.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 21.05
1	LANL	91.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 21.80
1	LANL	84.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 23.81
1	LANL	82.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 24.24
1	LANL	82.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 24.24
1	LANL	81.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 24.69
1	LANL	73.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 27.21
1	LANL	65.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 30.53
1	LANL	65.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 30.77
1	LANL	63.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 31.75
1	LANL	61.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 32.79
1	LANL	54.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 37.04
1	LANL	53.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 37.38
1	LANL	52.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 38.10
1	LANL	52.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 38.46
1	LANL	50.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 39.60
1	LANL	49.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 40.82
1	LANL	48.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 41.24
1	LANL	48.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 41.45
1	LANL	43.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 45.98
1	LANL	42.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 47.62
1	LANL	42.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 47.62
1	LANL	41.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 48.19
1	LANL	39.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 50.63
1	LANL	39.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 51.28
1	LANL	38.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 52.63

1	LANL	37.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 53.33
1	LANL	36.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 54.79
1	LANL	36.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 55.56
1	LANL	34.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 58.82
1	LANL	34.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 58.82
1	LANL	34.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 58.82
1	LANL	33.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 59.70
1	LANL	31.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 63.49
1	LANL	31.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 63.49
1	LANL	31.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 64.52
1	LANL	31.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 64.52
1	LANL	31.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 64.52
1	LANL	30.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 66.67
1	LANL	29.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 67.80
1	LANL	29.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 68.97
1	LANL	28.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 69.57
1	LANL	28.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 70.18
1	LANL	28.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 70.18
1	LANL	28.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 71.43
1	LANL	28.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 71.43
1	LANL	28.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 71.43
1	LANL	27.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 72.73
1	LANL	27.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 74.07
1	LANL	27.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 74.07
1	LANL	27.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 74.07
1	LANL	26.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 76.92
1	LANL	25.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 80.00
1	LANL	25.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 80.00
1	LANL	25.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 80.00
1	LANL	25.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 80.00
1	LANL	24.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 83.33
1	LANL	23.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 85.11
1	LANL	22.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 88.89
1	LANL	22.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 88.89
1	LANL	22.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 90.91

1	LANL	22.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 90.91
1	LANL	21.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 93.02
1	LANL	21.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 95.24
1	LANL	20.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 100.00
1	LANL	20.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 100.00
1	LANL	20.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 100.00
1	LANL	19.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 102.56
1	LANL	19.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 102.56
1	LANL	19.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 102.56
1	LANL	19.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 105.26
1	LANL	19.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 105.26
1	LANL	18.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 108.11
1	LANL	18.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 108.11
1	LANL	18.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 108.11
1	LANL	18.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 108.11
1	LANL	18.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 111.11
1	LANL	18.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 111.11
1	LANL	17.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 117.65
1	LANL	17.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 117.65
1	LANL	17.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 117.65
1	LANL	17.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 117.65
1	LANL	16.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 121.21
1	LANL	16.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 125.00
1	LANL	15.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 129.03
1	LANL	15.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 133.33
1	LANL	14.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 137.93
1	LANL	14.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 137.93
1	LANL	14.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 137.93
1	LANL	14.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 137.93
1	LANL	14.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 142.86
1	LANL	14.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 142.86
1	LANL	14.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 142.86
1	LANL	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67
1	LANL	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67
1	LANL	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67

1	LANL	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67
1	LANL	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67
1	LANL	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67
1	LANL	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67
1	LANL	11.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 173.91
1	LANL	11.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 173.91
1	LANL	11.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 181.82
1	LANL	11.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 181.82
1	LANL	10.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 190.48
1	LANL	10.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 190.48
1	LANL	10.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 190.48
1	LANL	10.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 200.00
1	LANL	9.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 210.53
1	LANL	9.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 210.53
1	LANL	9.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 222.22
1	LANL	9.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 222.22
1	LANL	9.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 222.22
1	LANL	9.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 222.22
1	LANL	8.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 235.29
1	LANL	8.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 235.29
1	LANL	8.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 235.29
1	LANL	8.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 250.00
1	LANL	8.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 250.00
1	LANL	8.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 250.00
1	LANL	8.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 250.00
1	LANL	7.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 266.67
1	LANL	7.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 266.67
1	LANL	7.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 275.86
1	LANL	7.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 275.86
1	LANL	7.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 285.71
1	LANL	7.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 285.71
1	LANL	7.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 285.71
1	LANL	6.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 307.69
1	LANL	6.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 307.69
1	LANL	6.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 307.69

1	LANL	6.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 307.69
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	LANL	5.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 363.64
1	LANL	5.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 363.64
1	LANL	7.50	Periodic Monitoring Report	Table 5	\$ 4,000.00	\$ 533.33
1	MELR	243.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 8.21
1	MELR	137.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 14.52
1	MELR	128.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 15.59
1	MELR	91.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 21.80
1	MELR	78.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 25.48
1	MELR	56.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 35.40
1	NASA	149.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 13.42
1	NASA	108.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 18.43
1	NASA	104.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 19.14
1	NASA	89.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 22.41
1	NASA	87.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 22.86
1	NASA	86.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 23.12
1	NASA	80.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 25.00
1	NASA	67.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 29.85
1	NASA	66.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 30.19
1	NASA	63.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 31.62
1	NASA	55.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 36.36
1	NASA	53.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 37.38
1	NASA	52.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 38.46
1	NASA	49.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 40.20
1	NASA	45.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 44.44

1	NASA	42.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 47.06
1	NASA	41.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 48.19
1	NASA	41.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 48.19
1	NASA	39.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 50.63
1	NASA	39.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 51.28
1	NASA	38.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 51.95
1	NASA	30.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 66.67
1	NASA	29.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 67.23
1	NASA	29.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 67.23
1	NASA	28.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 71.43
1	NASA	25.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 80.00
1	NASA	24.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 83.33
1	NASA	24.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 83.33
1	NASA	21.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 95.24
1	NASA	20.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 96.39
1	NASA	20.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 98.77
1	NASA	20.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 100.00
1	NASA	15.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 131.15
1	NASA	14.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 142.86
1	NASA	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67
1	NASA	10.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 195.12
1	NASA	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	NRC	206.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 9.71
1	NRC	180.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.07
1	NRC	171.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.70
1	NRC	135.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 14.76
1	NRC	111.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 18.02
1	NRC	78.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 25.40
1	NRC	27.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 72.73
1	NRC	19.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 102.56
1	NRC	11.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 177.78
1	PNM	68.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 29.20
1	PNM	52.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 38.10
1	PNM	50.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 39.80
1	PNM	38.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 52.29

1	PNM	24.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 80.81
1	PNM	24.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 83.33
1	PNM	19.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 103.90
1	PNM	15.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 133.33
1	SNL	172.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.58
1	SNL	85.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 23.53
1	SNL	72.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 27.78
1	SNL	58.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 34.19
1	SNL	56.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 35.71
1	SNL	56.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 35.71
1	SNL	46.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 42.78
1	SNL	46.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 43.24
1	SNL	41.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 48.19
1	SNL	41.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 48.19
1	SNL	41.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 48.48
1	SNL	36.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 55.56
1	SNL	35.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 56.34
1	SNL	33.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 59.26
1	SNL	33.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 59.70
1	SNL	33.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 59.70
1	SNL	33.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 60.15
1	SNL	32.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 62.02
1	SNL	32.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 62.50
1	SNL	32.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 62.50
1	SNL	31.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 62.99
1	SNL	31.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 63.49
1	SNL	31.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 64.00
1	SNL	30.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 65.57
1	SNL	30.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 66.12
1	SNL	30.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 66.67
1	SNL	28.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 70.18
1	SNL	28.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 70.80
1	SNL	27.5	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 72.73
1	SNL	27.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 74.07
1	SNL	26.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 76.92

1	SNL	25.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 78.43
1	SNL	24.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 81.63
1	SNL	23.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 86.96
1	SNL	23.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 86.96
1	SNL	23.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 86.96
1	SNL	23.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 86.96
1	SNL	22.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 87.91
1	SNL	22.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 88.89
1	SNL	22.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 90.91
1	SNL	22.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 90.91
1	SNL	22.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 90.91
1	SNL	21.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 94.12
1	SNL	20.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 97.56
1	SNL	20.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 97.56
1	SNL	20.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 100.00
1	SNL	19.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 102.56
1	SNL	19.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 103.90
1	SNL	19.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 105.26
1	SNL	19.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 105.26
1	SNL	18.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 108.11
1	SNL	18.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 108.11
1	SNL	18.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 108.11
1	SNL	18.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 111.11
1	SNL	18.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 111.11
1	SNL	17.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 114.29
1	SNL	17.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 115.94
1	SNL	15.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 133.33
1	SNL	15.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 133.33
1	SNL	14.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 142.86
1	SNL	13.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 148.15
1	SNL	13.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 153.85
1	SNL	12.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 160.00
1	SNL	12.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 163.27
1	SNL	12.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 166.67
1	SNL	11.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 177.78

1	SNL	10.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 195.12
1	SNL	9.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 210.53
1	SNL	9.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 222.22
1	SNL	9.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 222.22
1	SNL	8.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 250.00
1	SNL	7.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 258.06
1	SNL	7.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 266.67
1	SNL	7.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 275.86
1	SNL	6.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 307.69
1	SNL	6.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 333.33
1	SNL	5.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 380.95
1	TWP	113.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 17.58
1	TWP	61.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 32.79
1	TWP	57.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 34.78
1	TWP	40.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 50.00
1	TWP	34.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 58.39
1	WRB	361.42	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 5.53
1	WRB	246.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 8.13
1	WRB	204.42	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 9.78
1	WRB	145.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 13.79
1	WRB	134.17	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 14.91
1	WRB	124.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 16.06
1	WRB	98.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 20.36
1	WRB	91.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 21.98
1	WRB	50.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 40.00
1	WRB	49.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 40.82
1	WRB	27.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 72.07
1	WRB	24.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 81.63
1	WRB	20.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 96.39
1	WRB	20.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 98.77
1	WRB	15.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 126.98
1	WRB	13.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 153.85
1	WRB	13.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 153.85
1	WRB	6.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 296.30
1	WRG	258.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 7.74

1	WRG	190.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 10.50
1	WRG	170.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.75
1	WRG	167.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 11.96
1	WRG	143.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 13.99
1	WRG	116.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 17.17
1	WRG	100.25	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 19.95
1	WRG	90.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 22.10
1	WRG	89.75	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 22.28
1	WSMR	84.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 23.81
1	WSMR	76.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 26.14
1	WSMR	69.00	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 28.99
1	WSMR	333.75	Periodic Monitoring Report	Table 5	\$ 10,000.00	\$ 29.96
1	WSMR	17.50	Periodic Monitoring Report	Table 5	\$ 2,000.00	\$ 114.29
1	WSMR	65.50	Periodic Monitoring Report	Table 5	\$ 8,000.00	\$ 122.14
1	WSMR	55.50	Periodic Monitoring Report	Table 5	\$ 8,000.00	\$ 144.14
1	WSMR	46.00	Periodic Monitoring Report	Table 5	\$ 8,000.00	\$ 173.91
1	WSMR	33.75	Periodic Monitoring Report	Table 5	\$ 8,000.00	\$ 237.04
1	WSMR	31.00	Periodic Monitoring Report	Table 5	\$ 8,000.00	\$ 258.06
505		24693.58			\$ 1,074,000.00	\$ 43.49

\$ 2,332,062.01 Total Hours x \$94.44

\$ 4,617.94 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	KAFB	371.50	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 4.04
1	LANL	20.00	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 75.00
1	LANL	531.50	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 2.82
1	LANL	57.50	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 26.09
1	LANL	105.00	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 14.29
1	LANL	32.50	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 46.15
1	LANL	25.00	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 60.00
1	LANL	48.00	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 31.25
1	NASA	164.75	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 9.10
1	NASA	113.00	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 13.27
1	SNL	60.50	Pilot/Aquifer Test Report	Table 5	\$ 1,500.00	\$ 24.79
11		1529.25			\$ 16,500.00	\$ 10.79
					\$ 144,422.37	Total Hours x \$94.44
					\$ 13,129.31	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	FWDA	37.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 26.67
1	KAFB	75.75	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 13.20
1	KAFB	39.00	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 25.64
1	KAFB	181.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 5.51
1	KAFB	37.75	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 26.49
1	KAFB	53.25	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 18.78
1	KAFB	47.25	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 21.16
1	KAFB	39.25	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 25.48
1	KAFB	136.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 7.33
1	KAFB	275.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 3.63
1	KAFB	163.25	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 6.13
1	LANL	57.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 17.39
1	LANL	6.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 153.85
1	LANL	50.00	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 20.00
1	LANL	23.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 42.55
1	LANL	35.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 28.17
1	LANL	46.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 21.51
1	LANL	100.00	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 10.00
1	LANL	58.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 17.09
1	NASA	27.00	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 37.04
1	NASA	16.00	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 62.50
1	NASA	16.75	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 59.70
1	NASA	4.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 222.22
1	NASA	26.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 37.74
1	NASA	69.25	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 14.44
1	NASA	53.00	Pilot/Aquifer Test Work Plan	Table 5	\$ 5,000.00	\$ 94.34
1	NRC	246.75	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 4.05
1	SNL	68.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 14.60
1	WSMR	46.75	Pilot/Aquifer Test Work Plan	Table 5	\$ 1,000.00	\$ 21.39
1	WSMR	120.50	Pilot/Aquifer Test Work Plan	Table 5	\$ 3,000.00	\$ 24.90
30		2160.00			\$ 36,000.00	\$ 16.67

\$ 203,990.40 Total Hours x \$94.44

\$ 6,799.68 Avg Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	CAFB	21.00	RCRA Facility Assessment (RFA) Report	Table 5	\$ 2,500.00	\$ 119.05
1	CAFB	199.00	RCRA Facility Assessment (RFA) Report	Table 5	\$ 9,500.00	\$ 47.74
1	HAFB	52.75	RCRA Facility Assessment (RFA) Report	Table 5	\$ 4,500.00	\$ 85.31
1	WSMR	347.25	RCRA Facility Assessment (RFA) Report	Table 5	\$ 5,500.00	\$ 15.84
4		620.00			\$ 22,000.00	\$ 35.48
					\$ 58,552.80	Total Hours x \$94.44
					\$ 14,638.20	Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	WRG	1029.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 3.40
1	FWDA	357.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 6,500.00	\$ 18.21
1	KAFB	164.25	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 21.31
1	FWDA	144.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 24.22
1	HAFB	109.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 32.11
1	FWDA	102.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 34.15
1	CAFB	274.25	Release Assessment/SWMU Assessment Report	Table 5	\$ 10,500.00	\$ 38.29
1	NASA	76.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 45.75
1	SNL	75.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 46.36
1	SNL	54.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 64.22
1	LANL	52.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 67.31
1	WSMR	136.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 9,500.00	\$ 69.85
1	SNL	47.25	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 74.07
1	FWDA	59.25	Release Assessment/SWMU Assessment Report	Table 5	\$ 4,500.00	\$ 75.95
1	CAFB	44.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 79.55

1	FWDA	91.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 7,500.00	\$ 81.97
1	LANL	41.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 85.37
1	HAFB	39.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 89.74
1	CAFB	47.25	Release Assessment/SWMU Assessment Report	Table 5	\$ 4,500.00	\$ 95.24
1	WSMR	78.25	Release Assessment/SWMU Assessment Report	Table 5	\$ 7,500.00	\$ 95.85
1	NRC	36.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 97.22
1	LANL	54.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 5,500.00	\$ 100.92
1	WRG	33.25	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 105.26
1	HAFB	68.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 7,500.00	\$ 110.29
1	FWDA	40.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 4,500.00	\$ 112.50
1	LANL	27.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 129.63
1	LANL	26.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 132.08
1	WRG	24.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 142.86
1	FWDA	48.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 7,000.00	\$ 145.83
1	SNL	20.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 170.73
1	SNL	20.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 170.73
1	KAFB	19.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 184.21

1	NRC	18.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 189.19
1	WRG	18.25	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 191.78
1	GRCC	17.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 200.00
1	WSMR	57.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 12,500.00	\$ 217.39
1	NRC	14.75	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 237.29
1	WRG	14.50	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 241.38
1	WSMR	11.25	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 311.11
1	LANL	11.00	Release Assessment/SWMU Assessment Report	Table 5	\$ 3,500.00	\$ 318.18
40		3603.50			\$ 185,500.00	\$ 51.48

\$ 340,314.54 Total Hours x \$94.44

\$ 8,507.86 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	CAFB	66.00	Remedy Completion Report	Table 5	\$ 4,500.00	\$ 68.18
1	LANL	83.50	Remedy Completion Report	Table 5	\$ 5,500.00	\$ 65.87
1	LANL	68.00	Remedy Completion Report	Table 5	\$ 4,500.00	\$ 66.18
1	NASA	122.50	Remedy Completion Report	Table 5	\$ 6,500.00	\$ 53.06
1	WRG	105.25	Remedy Completion Report	Table 5	\$ 4,500.00	\$ 42.76
1	WSMR	94.75	Remedy Completion Report	Table 5	\$ 4,500.00	\$ 47.49
6		540.00			\$ 30,000.00	\$ 55.56

\$ 50,997.60 Total Hours x \$94.44

\$ 8,499.60 Avg. Cost Review

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Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	CAFB	160.50	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 37.38
1	FWDA	164.50	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 36.47
1	FWDA	74.00	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 81.08
1	HAFB	916.50	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 6.55
1	HAFB	113.25	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 52.98
1	HAFB	46.75	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 128.34
1	KAFB	44.00	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 136.36
1	LANL	43.00	Risk Evaluation/Risk Assessment Report	Table 5	\$ 8,000.00	\$ 186.05
1	LANL	294.25	Risk Evaluation/Risk Assessment Report	Table 5	\$ 47,000.00	\$ 159.73
1	LANL	102.25	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 58.68
1	LANL	21.00	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 285.71
1	LANL	49.00	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 122.45
1	NASA	30.50	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 196.72
1	NASA	17.50	Risk Evaluation/Risk Assessment Report	Table 5	\$ 6,000.00	\$ 342.86
14		2077.00			\$ 127,000.00	\$ 61.15

\$ 196,151.88 Total Hours x \$94.44
 \$ 14,010.85 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	CAFB	11.00	Status Report	Table 5	\$ 2,000.00	\$ 181.82
1	FB	11.00	Status Report	Table 5	\$ 3,000.00	\$ 272.73
1	LANL	11.00	Status Report	Table 5	\$ 2,000.00	\$ 181.82
1	NASA	11.00	Status Report	Table 5	\$ 2,000.00	\$ 181.82
1	NASA	11.00	Status Report	Table 5	\$ 2,000.00	\$ 181.82
1	NASA	11.25	Status Report	Table 5	\$ 2,000.00	\$ 177.78
1	NRC	11.25	Status Report	Table 5	\$ 2,000.00	\$ 177.78
1	LANL	11.50	Status Report	Table 5	\$ 2,000.00	\$ 173.91
1	NASA	11.50	Status Report	Table 5	\$ 2,000.00	\$ 173.91
1	LANL	12.00	Status Report	Table 5	\$ 2,000.00	\$ 166.67
1	LANL	14.00	Status Report	Table 5	\$ 2,000.00	\$ 142.86
1	WRG	14.00	Status Report	Table 5	\$ 2,000.00	\$ 142.86
1	LANL	14.50	Status Report	Table 5	\$ 2,000.00	\$ 137.93
1	FB	15.00	Status Report	Table 5	\$ 2,000.00	\$ 133.33
1	WRB	17.00	Status Report	Table 5	\$ 2,000.00	\$ 117.65
1	KAFB	17.50	Status Report	Table 5	\$ 2,000.00	\$ 114.29
1	LANL	18.00	Status Report	Table 5	\$ 2,000.00	\$ 111.11
1	NASA	18.00	Status Report	Table 5	\$ 2,000.00	\$ 111.11
1	LANL	19.00	Status Report	Table 5	\$ 2,000.00	\$ 105.26
1	CAFB	19.50	Status Report	Table 5	\$ 2,000.00	\$ 102.56
1	KAFB	19.75	Status Report	Table 5	\$ 2,000.00	\$ 101.27
1	NASA	20.00	Status Report	Table 5	\$ 2,000.00	\$ 100.00
1	FB	20.50	Status Report	Table 5	\$ 4,000.00	\$ 195.12
1	NASA	21.00	Status Report	Table 5	\$ 2,000.00	\$ 95.24
1	LANL	21.50	Status Report	Table 5	\$ 18,000.00	\$ 837.21
1	LANL	22.00	Status Report	Table 5	\$ 2,000.00	\$ 90.91
1	FB	23.50	Status Report	Table 5	\$ 2,000.00	\$ 85.11
1	KAFB	23.75	Status Report	Table 5	\$ 2,000.00	\$ 84.21
1	NRC	24.50	Status Report	Table 5	\$ 2,000.00	\$ 81.63
1	SNL	24.75	Status Report	Table 5	\$ 2,000.00	\$ 80.81
1	HAFB	25.50	Status Report	Table 5	\$ 2,000.00	\$ 78.43

1	SNL	25.75	Status Report	Table 5	\$ 2,000.00	\$ 77.67
1	NRC	26.00	Status Report	Table 5	\$ 2,000.00	\$ 76.92
1	LANL	27.50	Status Report	Table 5	\$ 2,000.00	\$ 72.73
1	FB	28.00	Status Report	Table 5	\$ 2,000.00	\$ 71.43
1	LANL	28.00	Status Report	Table 5	\$ 2,000.00	\$ 71.43
1	NASA	28.00	Status Report	Table 5	\$ 2,000.00	\$ 71.43
1	WRG	28.25	Status Report	Table 5	\$ 2,000.00	\$ 70.80
1	LANL	29.00	Status Report	Table 5	\$ 2,000.00	\$ 68.97
1	LANL	29.50	Status Report	Table 5	\$ 2,000.00	\$ 67.80
1	FB	30.25	Status Report	Table 5	\$ 3,000.00	\$ 99.17
1	WRG	30.50	Status Report	Table 5	\$ 2,000.00	\$ 65.57
1	LANL	31.25	Status Report	Table 5	\$ 2,000.00	\$ 64.00
1	LANL	32.00	Status Report	Table 5	\$ 6,000.00	\$ 187.50
1	CAFB	33.00	Status Report	Table 5	\$ 3,000.00	\$ 90.91
1	LANL	33.00	Status Report	Table 5	\$ 2,000.00	\$ 60.61
1	LANL	33.50	Status Report	Table 5	\$ 2,000.00	\$ 59.70
1	LANL	34.00	Status Report	Table 5	\$ 2,000.00	\$ 58.82
1	LANL	35.00	Status Report	Table 5	\$ 2,000.00	\$ 57.14
1	LANL	35.00	Status Report	Table 5	\$ 2,000.00	\$ 57.14
1	KAFB	35.50	Status Report	Table 5	\$ 2,000.00	\$ 56.34
1	NASA	37.75	Status Report	Table 5	\$ 2,000.00	\$ 52.98
1	NASA	38.25	Status Report	Table 5	\$ 2,000.00	\$ 52.29
1	GRCC	39.75	Status Report	Table 5	\$ 2,000.00	\$ 50.31
1	FB	41.50	Status Report	Table 5	\$ 3,000.00	\$ 72.29
1	LANL	41.50	Status Report	Table 5	\$ 2,000.00	\$ 48.19
1	LANL	42.50	Status Report	Table 5	\$ 2,000.00	\$ 47.06
1	LANL	44.00	Status Report	Table 5	\$ 2,000.00	\$ 45.45
1	LANL	46.00	Status Report	Table 5	\$ 5,000.00	\$ 108.70
1	LANL	48.00	Status Report	Table 5	\$ 2,000.00	\$ 41.67
1	LANL	49.00	Status Report	Table 5	\$ 2,000.00	\$ 40.82
1	CAFB	49.25	Status Report	Table 5	\$ 3,000.00	\$ 60.91
1	NASA	50.00	Status Report	Table 5	\$ 2,000.00	\$ 40.00
1	FWDA	50.75	Status Report	Table 5	\$ 2,000.00	\$ 39.41
1	NASA	51.00	Status Report	Table 5	\$ 2,000.00	\$ 39.22
1	NRC	54.25	Status Report	Table 5	\$ 2,000.00	\$ 36.87

1	FB	54.50	Status Report	Table 5	\$ 2,000.00	\$ 36.70
1	LANL	55.00	Status Report	Table 5	\$ 2,000.00	\$ 36.36
1	LANL	58.50	Status Report	Table 5	\$ 2,000.00	\$ 34.19
1	KAFB	60.50	Status Report	Table 5	\$ 2,000.00	\$ 33.06
1	NRC	61.00	Status Report	Table 5	\$ 2,000.00	\$ 32.79
1	HAFB	61.75	Status Report	Table 5	\$ 2,000.00	\$ 32.39
1	WRG	62.00	Status Report	Table 5	\$ 2,000.00	\$ 32.26
1	WRG	62.00	Status Report	Table 5	\$ 2,000.00	\$ 32.26
1	LANL	64.50	Status Report	Table 5	\$ 2,000.00	\$ 31.01
1	LANL	65.50	Status Report	Table 5	\$ 2,000.00	\$ 30.53
1	SNL	66.00	Status Report	Table 5	\$ 2,000.00	\$ 30.30
1	NASA	66.25	Status Report	Table 5	\$ 4,000.00	\$ 60.38
1	NASA	66.50	Status Report	Table 5	\$ 2,000.00	\$ 30.08
1	LANL	67.00	Status Report	Table 5	\$ 2,000.00	\$ 29.85
1	NASA	67.75	Status Report	Table 5	\$ 2,000.00	\$ 29.52
1	WRG	67.75	Status Report	Table 5	\$ 2,000.00	\$ 29.52
1	LANL	68.00	Status Report	Table 5	\$ 4,000.00	\$ 58.82
1	LANL	81.50	Status Report	Table 5	\$ 3,000.00	\$ 36.81
1	LANL	83.00	Status Report	Table 5	\$ 2,000.00	\$ 24.10
1	FWDA	86.25	Status Report	Table 5	\$ 6,000.00	\$ 69.57
1	LANL	94.00	Status Report	Table 5	\$ 2,000.00	\$ 21.28
1	CAFB	98.00	Status Report	Table 5	\$ 2,000.00	\$ 20.41
1	WRG	98.50	Status Report	Table 5	\$ 2,000.00	\$ 20.30
1	LANL	102.00	Status Report	Table 5	\$ 2,000.00	\$ 19.61
1	HAFB	104.25	Status Report	Table 5	\$ 2,000.00	\$ 19.18
1	LANL	105.00	Status Report	Table 5	\$ 2,000.00	\$ 19.05
1	LANL	105.50	Status Report	Table 5	\$ 2,000.00	\$ 18.96
1	LANL	112.00	Status Report	Table 4	\$ 2,000.00	\$ 17.86
1	LANL	112.50	Status Report	Table 5	\$ 2,000.00	\$ 17.78
1	LANL	115.00	Status Report	Table 5	\$ 2,000.00	\$ 17.39
1	LANL	124.75	Status Report	Table 5	\$ 2,000.00	\$ 16.03
1	LANL	125.75	Status Report	Table 5	\$ 2,000.00	\$ 15.90
1	NASA	131.00	Status Report	Table 5	\$ 2,000.00	\$ 15.27
1	NRC	147.50	Status Report	Table 5	\$ 2,000.00	\$ 13.56
1	LANL	148.00	Status Report	Table 5	\$ 2,000.00	\$ 13.51

1	FWDA	151.75	Status Report	Table 5	\$ 2,000.00	\$ 13.18
1	LANL	152.25	Status Report	Table 5	\$ 3,000.00	\$ 19.70
1	LANL	155.00	Status Report	Table 5	\$ 2,000.00	\$ 12.90
1	LANL	171.75	Status Report	Table 5	\$ 2,000.00	\$ 11.64
1	KAFB	172.00	Status Report	Table 5	\$ 2,000.00	\$ 11.63
1	KAFB	175.00	Status Report	Table 5	\$ 2,000.00	\$ 11.43
1	KAFB	186.00	Status Report	Table 5	\$ 2,000.00	\$ 10.75
1	LANL	190.00	Status Report	Table 5	\$ 2,000.00	\$ 10.53
1	LANL	207.50	Status Report	Table 5	\$ 2,000.00	\$ 9.64
1	LANL	260.00	Status Report	Table 5	\$ 2,000.00	\$ 7.69
1	KAFB	263.00	Status Report	Table 5	\$ 2,000.00	\$ 7.60
1	LANL	313.00	Status Report	Table 5	\$ 18,000.00	\$ 57.51
1	FWDA	359.75	Status Report	Table 5	\$ 2,000.00	\$ 5.56
1	LANL	390.75	Status Report	Table 5	\$ 2,000.00	\$ 5.12
1	NASA	406.50	Status Report	Table 5	\$ 2,000.00	\$ 4.92
1	LANL	1616.50	Status Report	Table 5	\$ 2,000.00	\$ 1.24
117		10042.00			\$ 290,000.00	\$ 28.88

\$ 948,366.48 Total Hours x \$94.44

\$ 8,105.70 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	KAFB	1.00	Well Completion Report	Table 5	\$ 500.00	\$ 500.00
1	LANL	2.00	Well Completion Report	Table 5	\$ 500.00	\$ 250.00
1	LANL	3.00	Well Completion Report	Table 5	\$ 500.00	\$ 166.67
1	LANL	3.00	Well Completion Report	Table 5	\$ 500.00	\$ 166.67
1	NRC	3.75	Well Completion Report	Table 5	\$ 500.00	\$ 133.33
1	KAFB	4.00	Well Completion Report	Table 5	\$ 500.00	\$ 125.00
1	LANL	4.00	Well Completion Report	Table 5	\$ 500.00	\$ 125.00
1	SNL	5.50	Well Completion Report	Table 5	\$ 500.00	\$ 90.91
1	KAFB	6.00	Well Completion Report	Table 5	\$ 500.00	\$ 83.33
1	KAFB	8.00	Well Completion Report	Table 5	\$ 500.00	\$ 62.50
1	LANL	9.00	Well Completion Report	Table 5	\$ 500.00	\$ 55.56
1	SNL	9.00	Well Completion Report	Table 5	\$ 500.00	\$ 55.56
1	LANL	9.50	Well Completion Report	Table 5	\$ 500.00	\$ 52.63
1	SNL	10.00	Well Completion Report	Table 5	\$ 500.00	\$ 50.00
1	KAFB	10.50	Well Completion Report	Table 5	\$ 500.00	\$ 47.62
1	KAFB	11.00	Well Completion Report	Table 5	\$ 500.00	\$ 45.45
1	KAFB	12.50	Well Completion Report	Table 5	\$ 500.00	\$ 40.00
1	CAFB	13.00	Well Completion Report	Table 5	\$ 500.00	\$ 38.46
1	KAFB	13.00	Well Completion Report	Table 5	\$ 500.00	\$ 38.46
1	LANL	13.50	Well Completion Report	Table 5	\$ 500.00	\$ 37.04
1	FB	13.75	Well Completion Report	Table 5	\$ 500.00	\$ 36.36
1	LANL	14.00	Well Completion Report	Table 5	\$ 500.00	\$ 35.71
1	LANL	14.00	Well Completion Report	Table 5	\$ 500.00	\$ 35.71
1	SNL	15.00	Well Completion Report	Table 5	\$ 500.00	\$ 33.33
1	SNL	15.50	Well Completion Report	Table 5	\$ 500.00	\$ 32.26
1	LANL	16.00	Well Completion Report	Table 5	\$ 500.00	\$ 31.25
1	SNL	16.00	Well Completion Report	Table 5	\$ 500.00	\$ 31.25
1	LANL	17.00	Well Completion Report	Table 5	\$ 500.00	\$ 29.41
1	SNL	17.00	Well Completion Report	Table 5	\$ 500.00	\$ 29.41
1	SNL	18.00	Well Completion Report	Table 5	\$ 500.00	\$ 27.78
1	SNL	18.00	Well Completion Report	Table 5	\$ 500.00	\$ 27.78
1	LANL	19.50	Well Completion Report	Table 5	\$ 500.00	\$ 25.64

1	KAFB	20.00	Well Completion Report	Table 5	\$ 500.00	\$ 25.00
1	LANL	20.00	Well Completion Report	Table 5	\$ 500.00	\$ 25.00
1	LANL	20.00	Well Completion Report	Table 5	\$ 500.00	\$ 25.00
1	SNL	20.00	Well Completion Report	Table 5	\$ 500.00	\$ 25.00
1	LANL	20.50	Well Completion Report	Table 5	\$ 500.00	\$ 24.39
1	LANL	21.50	Well Completion Report	Table 5	\$ 500.00	\$ 23.26
1	KAFB	22.50	Well Completion Report	Table 5	\$ 500.00	\$ 22.22
1	LANL	23.50	Well Completion Report	Table 5	\$ 500.00	\$ 21.28
1	SNL	25.00	Well Completion Report	Table 5	\$ 500.00	\$ 20.00
1	LANL	26.00	Well Completion Report	Table 5	\$ 500.00	\$ 19.23
1	LANL	27.50	Well Completion Report	Table 5	\$ 500.00	\$ 18.18
1	LANL	28.00	Well Completion Report	Table 5	\$ 500.00	\$ 17.86
1	LANL	28.00	Well Completion Report	Table 5	\$ 500.00	\$ 17.86
1	LANL	28.00	Well Completion Report	Table 5	\$ 500.00	\$ 17.86
1	LANL	28.50	Well Completion Report	Table 5	\$ 500.00	\$ 17.54
1	SNL	30.00	Well Completion Report	Table 5	\$ 500.00	\$ 16.67
1	LANL	32.00	Well Completion Report	Table 5	\$ 500.00	\$ 15.63
1	LANL	33.00	Well Completion Report	Table 5	\$ 500.00	\$ 15.15
1	LANL	35.00	Well Completion Report	Table 5	\$ 500.00	\$ 14.29
1	SNL	35.00	Well Completion Report	Table 5	\$ 500.00	\$ 14.29
1	LANL	36.00	Well Completion Report	Table 5	\$ 500.00	\$ 13.89
1	LANL	39.00	Well Completion Report	Table 5	\$ 500.00	\$ 12.82
1	NASA	41.25	Well Completion Report	Table 5	\$ 500.00	\$ 12.12
1	LANL	41.50	Well Completion Report	Table 5	\$ 500.00	\$ 12.05
1	LANL	41.50	Well Completion Report	Table 5	\$ 500.00	\$ 12.05
1	LANL	42.00	Well Completion Report	Table 5	\$ 500.00	\$ 11.90
1	LANL	42.50	Well Completion Report	Table 5	\$ 500.00	\$ 11.76
1	LANL	42.50	Well Completion Report	Table 5	\$ 500.00	\$ 11.76
1	LANL	43.00	Well Completion Report	Table 5	\$ 500.00	\$ 11.63
1	LANL	46.00	Well Completion Report	Table 5	\$ 500.00	\$ 10.87
1	LANL	46.50	Well Completion Report	Table 5	\$ 500.00	\$ 10.75
1	SNL	46.50	Well Completion Report	Table 5	\$ 500.00	\$ 10.75
1	LANL	49.50	Well Completion Report	Table 5	\$ 500.00	\$ 10.10
1	LANL	51.50	Well Completion Report	Table 5	\$ 500.00	\$ 9.71
1	LANL	52.50	Well Completion Report	Table 5	\$ 500.00	\$ 9.52

1	LANL	54.50	Well Completion Report	Table 5	\$ 500.00	\$ 9.17
1	LANL	59.50	Well Completion Report	Table 5	\$ 500.00	\$ 8.40
1	LANL	74.50	Well Completion Report	Table 5	\$ 500.00	\$ 6.71
1	LANL	76.00	Well Completion Report	Table 5	\$ 500.00	\$ 6.58
1	LANL	76.25	Well Completion Report	Table 5	\$ 500.00	\$ 6.56
1	LANL	78.00	Well Completion Report	Table 5	\$ 500.00	\$ 6.41
1	LANL	84.50	Well Completion Report	Table 5	\$ 500.00	\$ 5.92
1	LANL	87.50	Well Completion Report	Table 5	\$ 500.00	\$ 5.71
1	LANL	98.00	Well Completion Report	Table 5	\$ 500.00	\$ 5.10
1	LANL	112.00	Well Completion Report	Table 5	\$ 500.00	\$ 4.46
1	LANL	119.50	Well Completion Report	Table 5	\$ 500.00	\$ 4.18
78		2451.00			\$ 39,000.00	\$ 15.91

\$ 231,472.44 Total Hours x \$94.44
 \$ 2,967.60 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	WIPP	83.50	Audit Review	Table 6	\$ 20,000.00	\$ 239.52
1	WIPP	240.50	Audit Review	Table 6	\$ 20,000.00	\$ 83.16
1	WIPP	113.50	Audit Review	Table 6	\$ 20,000.00	\$ 176.21
1	WIPP	25.50	Audit Review	Table 6	\$ 20,000.00	\$ 784.31
1	WIPP	229.00	Audit Review	Table 6	\$ 20,000.00	\$ 87.34
1	WIPP	77.00	Audit Review	Table 6	\$ 20,000.00	\$ 259.74
1	WIPP	56.50	Audit Review	Table 6	\$ 20,000.00	\$ 353.98
1	WIPP	222.00	Audit Review	Table 6	\$ 20,000.00	\$ 90.09
1	WIPP	13.00	Audit Review	Table 6	\$ 20,000.00	\$ 1,538.46
1	WIPP	95.50	Audit Review	Table 6	\$ 20,000.00	\$ 209.42
1	WIPP	122.00	Audit Review	Table 6	\$ 20,000.00	\$ 163.93
1	WIPP	288.00	Audit Review	Table 6	\$ 20,000.00	\$ 69.44
1	WIPP	149.00	Audit Review	Table 6	\$ 20,000.00	\$ 134.23
1	WIPP	58.50	Audit Review	Table 6	\$ 20,000.00	\$ 341.88
1	WIPP	13.00	Audit Review	Table 6	\$ 20,000.00	\$ 1,538.46
1	WIPP	130.00	Audit Review	Table 6	\$ 20,000.00	\$ 153.85
1	WIPP	91.25	Audit Review	Table 6	\$ 20,000.00	\$ 219.18
1	WIPP	133.00	Audit Review	Table 6	\$ 20,000.00	\$ 150.38
1	WIPP	263.25	Audit Review	Table 6	\$ 20,000.00	\$ 75.97
1	WIPP	228.00	Audit Review	Table 6	\$ 20,000.00	\$ 87.72
1	WIPP	38.00	Audit Review	Table 6	\$ 20,000.00	\$ 526.32
1	WIPP	86.00	Audit Review	Table 6	\$ 20,000.00	\$ 232.56
1	WIPP	51.75	Audit Review	Table 6	\$ 20,000.00	\$ 386.47
1	WIPP	244.50	Audit Review	Table 6	\$ 20,000.00	\$ 81.80
1	WIPP	227.25	Audit Review	Table 6	\$ 20,000.00	\$ 88.01
1	WIPP	58.00	Audit Review	Table 6	\$ 20,000.00	\$ 344.83
1	WIPP	63.25	Audit Review	Table 6	\$ 20,000.00	\$ 316.21
1	WIPP	23.00	Audit Review	Table 6	\$ 20,000.00	\$ 869.57
1	WIPP	227.00	Audit Review	Table 6	\$ 20,000.00	\$ 88.11
1	WIPP	55.00	Audit Review	Table 6	\$ 20,000.00	\$ 363.64
1	WIPP	117.00	Audit Review	Table 6	\$ 20,000.00	\$ 170.94
1	WIPP	248.50	Audit Review	Table 6	\$ 20,000.00	\$ 80.48

1	WIPP	285.25	Audit Review	Table 6	\$ 20,000.00	\$ 70.11
1	WIPP	196.50	Audit Review	Table 6	\$ 20,000.00	\$ 101.78
1	WIPP	120.00	Audit Review	Table 6	\$ 20,000.00	\$ 166.67
1	WIPP	129.00	Audit Review	Table 6	\$ 20,000.00	\$ 155.04
1	WIPP	233.25	Audit Review	Table 6	\$ 20,000.00	\$ 85.74
1	WIPP	274.50	Audit Review	Table 6	\$ 20,000.00	\$ 72.86
1	WIPP	502.75	Audit Review	Table 6	\$ 20,000.00	\$ 39.78
1	WIPP	147.50	Audit Review	Table 6	\$ 20,000.00	\$ 135.59
1	WIPP	291.00	Audit Review	Table 6	\$ 20,000.00	\$ 68.73
1	WIPP	205.50	Audit Review	Table 6	\$ 20,000.00	\$ 97.32
1	WIPP	165.00	Audit Review	Table 6	\$ 20,000.00	\$ 121.21
1	WIPP	148.00	Audit Review	Table 6	\$ 20,000.00	\$ 135.14
1	WIPP	222.00	Audit Review	Table 6	\$ 20,000.00	\$ 90.09
1	WIPP	229.50	Audit Review	Table 6	\$ 20,000.00	\$ 87.15
1	WIPP	95.50	Audit Review	Table 6	\$ 20,000.00	\$ 209.42
1	WIPP	142.50	Audit Review	Table 6	\$ 20,000.00	\$ 140.35
1	WIPP	249.25	Audit Review	Table 6	\$ 20,000.00	\$ 80.24
1	WIPP	177.00	Audit Review	Table 6	\$ 20,000.00	\$ 112.99
1	WIPP	242.25	Audit Review	Table 6	\$ 20,000.00	\$ 82.56
1	WIPP	182.50	Audit Review	Table 6	\$ 20,000.00	\$ 109.59
1	WIPP	136.00	Audit Review	Table 6	\$ 20,000.00	\$ 147.06
1	WIPP	117.00	Audit Review	Table 6	\$ 20,000.00	\$ 170.94
1	WIPP	267.75	Audit Review	Table 6	\$ 20,000.00	\$ 74.70
1	WIPP	178.25	Audit Review	Table 6	\$ 20,000.00	\$ 112.20
1	WIPP	57.00	Audit Review	Table 6	\$ 20,000.00	\$ 350.88
1	WIPP	187.75	Audit Review	Table 6	\$ 20,000.00	\$ 106.52
1	WIPP	37.00	Audit Review	Table 6	\$ 20,000.00	\$ 540.54
1	WIPP	244.50	Audit Review	Table 6	\$ 20,000.00	\$ 81.80
1	WIPP	319.50	Audit Review	Table 6	\$ 20,000.00	\$ 62.60
1	WIPP	94.50	Audit Review	Table 6	\$ 20,000.00	\$ 211.64
1	WIPP	26.50	Audit Review	Table 6	\$ 20,000.00	\$ 754.72
1	WIPP	233.50	Audit Review	Table 6	\$ 20,000.00	\$ 85.65
1	WIPP	46.50	Audit Review	Table 6	\$ 20,000.00	\$ 430.11
1	WIPP	212.50	Audit Review	Table 6	\$ 20,000.00	\$ 94.12
1	WIPP	75.00	Audit Review	Table 6	\$ 20,000.00	\$ 266.67

1	WIPP	289.00	Audit Review	Table 6	\$ 20,000.00	\$ 69.20
1	WIPP	136.00	Audit Review	Table 6	\$ 20,000.00	\$ 147.06
1	WIPP	91.00	Audit Review	Table 6	\$ 20,000.00	\$ 219.78
1	WIPP	180.25	Audit Review	Table 6	\$ 20,000.00	\$ 110.96
1	WIPP	272.00	Audit Review	Table 6	\$ 20,000.00	\$ 73.53
1	WIPP	213.50	Audit Review	Table 6	\$ 20,000.00	\$ 93.68
1	WIPP	23.00	Audit Review	Table 6	\$ 20,000.00	\$ 869.57
1	WIPP	156.00	Audit Review	Table 6	\$ 20,000.00	\$ 128.21
1	WIPP	86.00	Audit Review	Table 6	\$ 20,000.00	\$ 232.56
1	WIPP	128.00	Audit Review	Table 6	\$ 20,000.00	\$ 156.25
1	WIPP	59.50	Audit Review	Table 6	\$ 20,000.00	\$ 336.13
1	WIPP	67.50	Audit Review	Table 6	\$ 20,000.00	\$ 296.30
1	WIPP	164.00	Audit Review	Table 6	\$ 20,000.00	\$ 121.95
1	WIPP	108.25	Audit Review	Table 6	\$ 20,000.00	\$ 184.76
1	WIPP	60.50	Audit Review	Table 6	\$ 20,000.00	\$ 330.58
1	WIPP	153.50	Audit Review	Table 6	\$ 20,000.00	\$ 130.29
1	WIPP	164.25	Audit Review	Table 6	\$ 20,000.00	\$ 121.77
1	WIPP	69.00	Audit Review	Table 6	\$ 20,000.00	\$ 289.86
1	WIPP	35.50	Audit Review	Table 6	\$ 20,000.00	\$ 563.38
1	WIPP	115.00	Audit Review	Table 6	\$ 20,000.00	\$ 173.91
1	WIPP	110.00	Audit Review	Table 6	\$ 20,000.00	\$ 181.82
1	WIPP	139.25	Audit Review	Table 6	\$ 20,000.00	\$ 143.63
1	WIPP	56.00	Audit Review	Table 6	\$ 20,000.00	\$ 357.14
1	WIPP	42.00	Audit Review	Table 6	\$ 20,000.00	\$ 476.19
1	WIPP	147.50	Audit Review	Table 6	\$ 20,000.00	\$ 135.59
1	WIPP	23.00	Audit Review	Table 6	\$ 20,000.00	\$ 869.57
1	WIPP	152.50	Audit Review	Table 6	\$ 20,000.00	\$ 131.15
1	WIPP	16.00	Audit Review	Table 6	\$ 20,000.00	\$ 1,250.00
		13801.25			\$ 1,900,000.00	\$ 137.67

95

\$ 1,303,390.05 Total Hours x \$94.44
 \$ 13,719.90 Avg. Cost Review

Count	Facility	Total Hrs	Document Type	Permit or CA	Amount Paid	Hourly
1	LANL	250.00	FFCO Administration	Table 6	\$ 500.00	\$ 2.00
1	LANL	39.75	FFCO Administration	Table 6	\$ 500.00	\$ 12.58
1	LANL	219.50	FFCO Administration	Table 6	\$ 500.00	\$ 2.28
1	LANL	3.00	FFCO Administration	Table 6	\$ 500.00	\$ 166.67
1	LANL	2.00	FFCO Administration	Table 6	\$ 500.00	\$ 250.00
1	LANL	192.00	FFCO Administration	Table 6	\$ 500.00	\$ 2.60
1	LANL	4.00	FFCO Administration	Table 6	\$ 500.00	\$ 125.00
1	LANL	5.00	FFCO Administration	Table 6	\$ 500.00	\$ 100.00
1	LANL	4.00	FFCO Administration	Table 6	\$ 500.00	\$ 125.00
1	LANL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	LANL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	LANL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	LANL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	LANL	14.00	FFCO Administration	Table 6	\$ 500.00	\$ 35.71
1	LANL	6.00	FFCO Administration	Table 6	\$ 500.00	\$ 83.33
1	LANL	4.00	FFCO Administration	Table 6	\$ 500.00	\$ 125.00
1	LANL	201.25	FFCO Administration	Table 6	\$ 500.00	\$ 2.48
1	LANL	2.00	FFCO Administration	Table 6	\$ 500.00	\$ 250.00
1	LANL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	LANL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	LANL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	LANL	3.00	FFCO Administration	Table 6	\$ 500.00	\$ 166.67
1	LANL	2.00	FFCO Administration	Table 6	\$ 500.00	\$ 250.00
1	LANL	2.00	FFCO Administration	Table 6	\$ 500.00	\$ 250.00
1	LANL	96.00	FFCO Administration	Table 6	\$ 500.00	\$ 5.21
1	LANL	3.00	FFCO Administration	Table 6	\$ 500.00	\$ 166.67
1	LANL	13.00	FFCO Administration	Table 6	\$ 500.00	\$ 38.46
1	LANL	2.00	FFCO Administration	Table 6	\$ 500.00	\$ 250.00
1	LANL	8.50	FFCO Administration	Table 6	\$ 500.00	\$ 58.82
1	LANL	2.00	FFCO Administration	Table 6	\$ 500.00	\$ 250.00

1	LANL	4.00	FFCO Administration	Table 6	\$ 500.00	\$ 125.00
1	LANL	4.00	FFCO Administration	Table 6	\$ 500.00	\$ 125.00
1	LANL	17.00	FFCO Administration	Table 6	\$ 500.00	\$ 29.41
1	LANL	8.50	FFCO Administration	Table 6	\$ 500.00	\$ 58.82
1	LANL	217.00	FFCO Administration	Table 6	\$ 500.00	\$ 2.30
1	LANL	8.50	FFCO Administration	Table 6	\$ 500.00	\$ 58.82
1	LANL	8.00	FFCO Administration	Table 6	\$ 500.00	\$ 62.50
1	LANL	8.50	FFCO Administration	Table 6	\$ 500.00	\$ 58.82
1	LANL	8.50	FFCO Administration	Table 6	\$ 500.00	\$ 58.82
1	LANL	5.50	FFCO Administration	Table 6	\$ 500.00	\$ 90.91
1	LANL	9.50	FFCO Administration	Table 6	\$ 500.00	\$ 52.63
1	LANL	13.00	FFCO Administration	Table 6	\$ 500.00	\$ 38.46
1	LANL	3.00	FFCO Administration	Table 6	\$ 500.00	\$ 166.67
1	LANL	44.50	FFCO Administration	Table 6	\$ 500.00	\$ 11.24
1	LANL	4.50	FFCO Administration	Table 6	\$ 500.00	\$ 111.11
1	LANL	4.50	FFCO Administration	Table 6	\$ 500.00	\$ 111.11
1	LANL	7.50	FFCO Administration	Table 6	\$ 500.00	\$ 66.67
1	LANL	4.50	FFCO Administration	Table 6	\$ 500.00	\$ 111.11
1	LANL	7.50	FFCO Administration	Table 6	\$ 500.00	\$ 66.67
1	LANL	7.00	FFCO Administration	Table 6	\$ 500.00	\$ 71.43
1	LANL	9.00	FFCO Administration	Table 6	\$ 500.00	\$ 55.56
1	LANL	6.50	FFCO Administration	Table 6	\$ 500.00	\$ 76.92
1	LANL	6.25	FFCO Administration	Table 6	\$ 500.00	\$ 80.00
1	LANL	5.75	FFCO Administration	Table 6	\$ 500.00	\$ 86.96
1	LANL	5.25	FFCO Administration	Table 6	\$ 500.00	\$ 95.24
1	LANL	8.00	FFCO Administration	Table 6	\$ 500.00	\$ 62.50
1	LANL	6.75	FFCO Administration	Table 6	\$ 500.00	\$ 74.07
1	LANL	3.50	FFCO Administration	Table 6	\$ 500.00	\$ 142.86
1	LANL	5.00	FFCO Administration	Table 6	\$ 500.00	\$ 100.00
1	LANL	5.00	FFCO Administration	Table 6	\$ 500.00	\$ 100.00
1	LANL	6.25	FFCO Administration	Table 6	\$ 500.00	\$ 80.00
1	LANL	6.25	FFCO Administration	Table 6	\$ 500.00	\$ 80.00
1	LANL	5.75	FFCO Administration	Table 6	\$ 500.00	\$ 86.96
1	LANL	6.75	FFCO Administration	Table 6	\$ 500.00	\$ 74.07

1	LANL	9.50	FFCO Administration	Table 6	\$ 500.00	\$ 52.63
1	LANL	7.50	FFCO Administration	Table 6	\$ 500.00	\$ 66.67
1	LANL	11.50	FFCO Administration	Table 6	\$ 500.00	\$ 43.48
1	LANL	14.00	FFCO Administration	Table 6	\$ 500.00	\$ 35.71
1	LANL	6.50	FFCO Administration	Table 6	\$ 500.00	\$ 76.92
1	LANL	14.25	FFCO Administration	Table 6	\$ 500.00	\$ 35.09
1	LANL	6.50	FFCO Administration	Table 6	\$ 500.00	\$ 76.92
1	LANL	15.00	FFCO Administration	Table 6	\$ 500.00	\$ 33.33
1	LANL	4.75	FFCO Administration	Table 6	\$ 500.00	\$ 105.26
1	LANL	4.50	FFCO Administration	Table 6	\$ 500.00	\$ 111.11
1	LANL	5.25	FFCO Administration	Table 6	\$ 500.00	\$ 95.24
1	LANL	6.50	FFCO Administration	Table 6	\$ 500.00	\$ 76.92
1	LANL	6.00	FFCO Administration	Table 6	\$ 500.00	\$ 83.33
1	LANL	4.50	FFCO Administration	Table 6	\$ 500.00	\$ 111.11
1	LANL	7.00	FFCO Administration	Table 6	\$ 500.00	\$ 71.43
1	LANL	11.00	FFCO Administration	Table 6	\$ 500.00	\$ 45.45
1	LANL	5.50	FFCO Administration	Table 6	\$ 500.00	\$ 90.91
1	LANL	6.50	FFCO Administration	Table 6	\$ 500.00	\$ 76.92
1	LANL	50.00	FFCO Administration	Table 6	\$ 500.00	\$ 10.00
1	LANL	5.00	FFCO Administration	Table 6	\$ 500.00	\$ 100.00
1	LANL	9.50	FFCO Administration	Table 6	\$ 500.00	\$ 52.63
1	LANL	8.00	FFCO Administration	Table 6	\$ 500.00	\$ 62.50
1	LANL	3.50	FFCO Administration	Table 6	\$ 500.00	\$ 142.86
1	LANL	9.00	FFCO Administration	Table 6	\$ 500.00	\$ 55.56
1	LANL	6.50	FFCO Administration	Table 6	\$ 500.00	\$ 76.92
1	LANL	51.00	FFCO Administration	Table 6	\$ 500.00	\$ 9.80
1	LANL	10.00	FFCO Administration	Table 6	\$ 500.00	\$ 50.00
1	LANL	10.25	FFCO Administration	Table 6	\$ 500.00	\$ 48.78
1	LANL	6.00	FFCO Administration	Table 6	\$ 500.00	\$ 83.33
1	LANL	40.25	FFCO Administration	Table 6	\$ 500.00	\$ 12.42
1	LANL	5.75	FFCO Administration	Table 6	\$ 500.00	\$ 86.96
1	LANL	6.00	FFCO Administration	Table 6	\$ 500.00	\$ 83.33
1	LANL	7.00	FFCO Administration	Table 6	\$ 500.00	\$ 71.43
1	LANL	3.00	FFCO Administration	Table 6	\$ 500.00	\$ 166.67

1	LANL	6.00	FFCO Administration	Table 6	\$ 500.00	\$ 83.33
1	LANL	37.83	FFCO Administration	Table 6	\$ 500.00	\$ 13.22
1	LANL	6.50	FFCO Administration	Table 6	\$ 500.00	\$ 76.92
1	LANL	2.50	FFCO Administration	Table 6	\$ 500.00	\$ 200.00
1	LANL	8.25	FFCO Administration	Table 6	\$ 500.00	\$ 60.61
1	LANL	33.00	FFCO Administration	Table 6	\$ 500.00	\$ 15.15
1	LANL	4.50	FFCO Administration	Table 6	\$ 500.00	\$ 111.11
1	LANL	7.75	FFCO Administration	Table 6	\$ 500.00	\$ 64.52
1	LANL	6.00	FFCO Administration	Table 6	\$ 500.00	\$ 83.33
1	LANL	16.50	FFCO Administration	Table 6	\$ 500.00	\$ 30.30
1	LANL	15.50	FFCO Administration	Table 6	\$ 500.00	\$ 32.26
1	LANL	11.00	FFCO Administration	Table 6	\$ 500.00	\$ 45.45
1	LANL	10.00	FFCO Administration	Table 6	\$ 500.00	\$ 50.00
1	LANL	34.00	FFCO Administration	Table 6	\$ 500.00	\$ 14.71
1	LANL	20.25	FFCO Administration	Table 6	\$ 500.00	\$ 24.69
1	LANL	10.00	FFCO Administration	Table 6	\$ 500.00	\$ 50.00
1	LANL	10.50	FFCO Administration	Table 6	\$ 500.00	\$ 47.62
1	LANL	12.50	FFCO Administration	Table 6	\$ 500.00	\$ 40.00
1	LANL	5.00	FFCO Administration	Table 6	\$ 500.00	\$ 100.00
1	LANL	5.00	FFCO Administration	Table 6	\$ 500.00	\$ 100.00
1	LANL	8.50	FFCO Administration	Table 6	\$ 500.00	\$ 58.82
1	LANL	322.75	FFCO Administration	Table 6	\$ 500.00	\$ 1.55
1	LANL	10.50	FFCO Administration	Table 6	\$ 500.00	\$ 47.62
1	LANL	23.50	FFCO Administration	Table 6	\$ 500.00	\$ 21.28
1	SNL	2.00	FFCO Administration	Table 6	\$ 500.00	\$ 250.00
1	SNL	4.50	FFCO Administration	Table 6	\$ 500.00	\$ 111.11
1	SNL	10.50	FFCO Administration	Table 6	\$ 500.00	\$ 47.62
1	SNL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	SNL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	SNL	10.00	FFCO Administration	Table 6	\$ 500.00	\$ 50.00
1	SNL	38.00	FFCO Administration	Table 6	\$ 500.00	\$ 13.16
1	SNL	79.50	FFCO Administration	Table 6	\$ 500.00	\$ 6.29
1	SNL	20.00	FFCO Administration	Table 6	\$ 500.00	\$ 25.00
1	SNL	38.50	FFCO Administration	Table 6	\$ 500.00	\$ 12.99

1	SNL	10.00	FFCO Administration	Table 6	\$ 500.00	\$ 50.00
1	SNL	5.00	FFCO Administration	Table 6	\$ 500.00	\$ 100.00
1	SNL	21.00	FFCO Administration	Table 6	\$ 500.00	\$ 23.81
1	SNL	6.00	FFCO Administration	Table 6	\$ 500.00	\$ 83.33
1	SNL	8.50	FFCO Administration	Table 6	\$ 500.00	\$ 58.82
1	SNL	97.00	FFCO Administration	Table 6	\$ 500.00	\$ 5.15
1	SNL	13.00	FFCO Administration	Table 6	\$ 500.00	\$ 38.46
1	SNL	1.00	FFCO Administration	Table 6	\$ 500.00	\$ 500.00
1	SNL	13.00	FFCO Administration	Table 6	\$ 500.00	\$ 38.46
1	SNL	4.00	FFCO Administration	Table 6	\$ 500.00	\$ 125.00
1	SNL	14.50	FFCO Administration	Table 6	\$ 500.00	\$ 34.48
1	SNL	19.50	FFCO Administration	Table 6	\$ 500.00	\$ 25.64
1	SNL	10.50	FFCO Administration	Table 6	\$ 500.00	\$ 47.62
1	SNL	32.50	FFCO Administration	Table 6	\$ 500.00	\$ 15.38
1	SNL	64.50	FFCO Administration	Table 6	\$ 500.00	\$ 7.75
1	SNL	7.50	FFCO Administration	Table 6	\$ 500.00	\$ 66.67
1	SNL	2.50	FFCO Administration	Table 6	\$ 500.00	\$ 200.00
1	SNL	16.50	FFCO Administration	Table 6	\$ 500.00	\$ 30.30
1	SNL	92.25	FFCO Administration	Table 6	\$ 500.00	\$ 5.42
1	SNL	58.25	FFCO Administration	Table 6	\$ 500.00	\$ 8.58
1	SNL	39.50	FFCO Administration	Table 6	\$ 500.00	\$ 12.66
154		3313.33			\$ 77,000.00	\$ 23.24

\$ 312,911.20 Total Hours x \$94.44

\$ 2,031.89 Avg. Cost Review

EXHIBIT C

**Proposed Amendments to the Hazardous Waste Permit and Corrective Action Fees
20.4.2 NMAC**

Redline-Strikeout Version

December 20, 2019

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 4 HAZARDOUS WASTE
PART 2 HAZARDOUS WASTE PERMIT AND CORRECTIVE ACTION FEES

20.4.2.1 ISSUING AGENCY: Environmental Improvement Board.
[12/31/1998; 20.4.2.1 NMAC - Rn, 20 NMAC 4.2.I.101, 8/18/2006]

20.4.2.2 SCOPE: This part applies to all persons who own or operate a permitted facility at which the treatment, storage or disposal of hazardous waste is occurring or has occurred, all persons seeking or required to obtain a permit for the treatment, storage or disposal of hazardous waste or corrective action, all persons subject to an enforceable document under the New Mexico Hazardous Waste Act, and all persons engaging in or required to engage in closure, post closure care and corrective action under the New Mexico Hazardous Waste Act, Sections 74-4-1 through 74-4-14 NMSA 1978.
[12/31/1998; 20.4.2.2 NMAC - Rn, 20 NMAC 4.2.I.102, 8/18/2006; A, xx/xx/2019]

20.4.2.3 STATUTORY AUTHORITY: Sections 74-1-8, 74-4-4, 74-4-4.2 and 74-4-4.5 NMSA 1978.
[12/31/1998; 20.4.2.3 NMAC - Rn, 20 NMAC 4.2.I.103 & A, 8/18/2006]

20.4.2.4 DURATION: Permanent.
[12/31/1998; 20.4.2.4 NMAC - Rn, 20 NMAC 4.2.I.104, 8/18/2006]

20.4.2.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.
[12/31/1998; 20.4.2.5 NMAC - Rn, 20 NMAC 4.2.I.105 & A, 8/18/2006]

20.4.2.6 OBJECTIVE: The objective of this part is to provide a schedule of fees for facilities seeking permits, currently permitted, or undergoing corrective action for past or present hazardous waste management activities. Fees paid are for deposit in the hazardous waste fund to meet necessary expenses in the administration and operation of the state hazardous waste program.
[12/31/1998; 20.4.2.6 NMAC - Rn, 20 NMAC 4.2.I.106, 8/18/2006]

20.4.2.7 DEFINITIONS: Unless otherwise defined in this part, the words and phrases used in this part have the same meanings as in 20.4.1 NMAC, Hazardous Waste Management regulations. As used in this part:

A. Terms beginning with the letter "A":

- (1) "Accelerated corrective action completion report" or "accelerated corrective measures completion report"** means a report on implementation of presumptive remedies at small and relatively simple units where groundwater contamination is not a component of the accelerated cleanup, where the remedy is considered to be the final remedy for the unit, and where the field work will be accomplished within 180 days of commencement;
- (2) "Accelerated corrective action work plan" or "accelerated corrective measures work plan"** means a work plan to implement presumptive remedies at small and relatively simple units where groundwater contamination is not a component of the accelerated cleanup, where the remedy is considered to be the final remedy for the unit, and where the field work will be accomplished within 180 days of commencement;
- (3) "Act"** means the New Mexico Hazardous Waste Act, Sections 74-4-1 through 74-4-14 NMSA 1978;
- (4) "Administrative authority"** means the secretary of the New Mexico environment department, or the secretary's designee, or, in the case of provisions for which the state is not authorized, the United States environmental protection agency (EPA);
- (5) "Administratively complete"** means a determination made by the secretary that an application contains all the general information required in 40 CFR 270.13, applicable specific information in sections 40 CFR 270.14 through 270.28 and is complete as defined by the regulations of 20.4.1.900 NMAC incorporating 40 CFR 270.10 (c) and (d);
- (6) "Area of concern" or "AOC"** means any area having a known or suspected release of hazardous waste or hazardous constituents that is not from a solid waste management unit and that the secretary has determined may pose a current or potential threat to human health or the environment, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 270.32 (b) (2)). An area of concern may include buildings, and structures at which releases of hazardous waste or constituents were not remediated, including one-time and accidental events;

B. Terms beginning with the letter “B”:

(1) “Background study report” means a report documenting the results of a study to determine background concentrations of naturally occurring inorganic compounds;

(2) “Background study work plan” means a plan proposing the methods to evaluate naturally occurring concentrations of inorganic compounds in environmental media;

C. Terms beginning with the letter “C”:

(1) “Certification of completion” means a report documenting completion of corrective action required at a unit, submitted to the NMED to demonstrate that corrective action requirements for the unit, have been satisfied;

(2) “Closure certification document” means all documentation certified by a New Mexico registered professional engineer in a certification of closure that is submitted by an owner or operator;

(3) “Corrective action” means any activity related to site assessment, investigation, remediation, characterization or monitoring including reporting and document submittals at SWMUs or AOCs, including activities related to off-site migration;

(4) “Corrective action complete with controls” means that NMED has determined that no additional remedial activity is required at a unit, but the unit requires continued performance of operation and maintenance, or monitoring actions for engineering controls, or institutional controls;

(5) “Corrective action complete without controls” means that NMED has determined that no additional remedial activity is required at a unit;

(6) “Corrective measures evaluation” or “CME” or “corrective measures study report” or “CMS report” means a report or study that evaluates remedial alternatives for the purpose of remedy selection and includes specifications to implement a proposed remedy;

(7) “Corrective measures evaluation work plan” or “CME work plan” or “corrective measures study work plan” or “CMS work plan” means a plan to identify, develop and evaluate potential corrective measures (remedy) alternatives;

(8) “Corrective measures implementation work plan” or “CMI work plan” means plans and specifications to implement the approved remedy at a facility;

(9) “Corrective measures implementation report” or “CMI report” means a report signifying completion of the remedy approved by NMED for termination of corrective action;

D. Terms beginning with the letter “D” [RESERVED]

E. Terms beginning with the letter “E”:

(1) “Emergency permit” means an emergency permit as defined at 40 CFR 270.61;

(2) “Enforceable document” means an order, a plan, or other document issued by EPA or the state under an authority that meets the requirements of 40 CFR 271.16 (e);

F. Terms beginning with the letter “F”:

(1) “FFCO” means federal facility compliance order;

(2) “Frequent monitoring plan” means a plan that describes proposed periodic monitoring activities for detection compliance or corrective action monitoring, monitoring of a remediation system, or other corrective measure monitoring for a single site or contiguous sites with shared boundaries;

(3) “Frequent monitoring report” or “Frequent progress report” means a report that describes periodic monitoring activities and results for detection, compliance or corrective action monitoring, monitoring of a remediation system, or other corrective measure monitoring or progress related to a corrective measure for a single site or contiguous sites with shared boundaries;

G. Terms beginning with the letter “G”: [RESERVED]

H. Terms beginning with the letter “H”:

(1) “Hazardous waste management activity” means the treatment, storage, or disposal of hazardous waste within a hazardous waste management unit at a facility subject to a hazardous waste permit or operated under interim status and subject to permit authorization, or any closure or post-closure care activity required at a hazardous waste management unit;

(2) “HWMR” means the New Mexico Hazardous Waste Management regulations, Title 20, Chapter 4, Part 1 of the New Mexico administrative code;

I. Terms beginning with the letter “I”:

(1) “Interim measure monitoring report” means a report which describes results of the monitoring activities conducted during implementation of measures to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented prior to implementation of a final remedy;

(1) **"Interim measures report"** means a report that describes the results of interim corrective measures conducted to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented prior to implementation of a final remedy;

(2) **"Interim measures work plan"** means a work plan to implement proposed interim corrective measures conducted to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented prior to implementation of a final remedy;

(3) **"Investigation report" or "RFI report" or "RCRA facility investigation report" or "phase report"** means a report that summarizes the results of investigation of the nature, rate, movement and extent of contamination at a unit or facility;

(4) **"Investigation work plan" or "RFI work plan" or "RCRA facility investigation work plan"** means a work plan that describes proposed investigation activities to evaluate the nature, rate, movement and extent of contamination at a unit or facility;

J. **Terms beginning with the letter "J": [RESERVED]**

K. **Terms beginning with the letter "K": [RESERVED]**

L. **Terms beginning with the letter "L":**

(1) **"Letter report" or "Supplemental report" or "Report addendum"** means a report summarizing the results of the implementation of a work plan of limited scope where the field work was completed in seven working days or less and that did not constitute the initial field investigation at a site.

(2) **"Letter work plan" or "Supplemental work plan" or "Work plan addendum"** means a work plan of limited scope that describes proposed corrective action activities where the field work can be completed in seven working days or less and does not constitute the initial field investigation of a site.

M. **Terms beginning with the letter "M":**

(1) **"Monitoring plan"** means a plan that describes proposed periodic monitoring activities for detection, compliance or corrective action [~~ground water~~] monitoring, monitoring of a remediation system, or other corrective measure monitoring;

N. **Terms beginning with the letter "N":**

(1) **"Notice of land transfer"** means a notice that initiates NMED evaluation of the results of investigation activities conducted to evaluate the nature, rate, movement and extent of contamination and corrective measures at a property that is anticipated to be transferred to an owner other than the owner regulated by a permit or enforceable document;

(2) **"NMED"** means the New Mexico environment department;

(3) **"Notice of disapproval" or "Disapproval"** means NMED-issued correspondence requiring revision and resubmittal of a deficient document;

O. **Terms beginning with the letter "O":**

(1) **"Operation and maintenance plan"** means a plan that describes operation, maintenance and monitoring of a remediation system or other corrective measure or monitoring activity that requires continued monitoring or upkeep during implementation;

P. **Terms beginning with the letter "P":**

(1) **"Periodic monitoring report"** means a report that summarizes periodic detection, compliance or corrective action ground water monitoring, monitoring of a remediation system, or other corrective measure monitoring;

(2) **"Person"** means any individual, trust, firm, joint stock company, federal agency, corporation including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state or any interstate body; and shall include each department, agency and instrumentality of the United States;

(3) ~~"Petition for NFA review" or~~ **"Petition for corrective action complete review"** means a petition to change the status of a unit from "subject to corrective action" to a different status (e.g., corrective action complete or no further action required) based on the results of corrective action activities or other relevant information

(4) **"Pilot/aquifer test report"** means a report summarizing the results of pilot or aquifer tests conducted to evaluate hydrologic or other conditions for the purpose of site [~~investigation~~] characterization or remedy selection;

(5) **"Pilot/aquifer test work plan"** means a work plan for conducting pilot or aquifer tests to evaluate hydrologic or other conditions for the purpose of site [~~investigation~~] characterization or remedy selection;

Q. **Terms beginning with the letter "Q": [RESERVED]**

R. Terms beginning with the letter “R”:

(1) **"RCRA facility assessment"** or **"RFA"** means the first stage in the corrective action process in which information is compiled on conditions at the site, including releases, potential releases, exposure pathways, solid waste management units, and areas of concern;

(2) **"Rejected document"** means a document deemed unreviewable due to deficiencies related to permit or other enforceable document requirements, disorganization, or a substantial amount of missing information, inaccuracies, or unrelated or redundant information;

(3) **"Release assessment"** or **"SWMU assessment report"** means an assessment of a solid waste management unit or area of concern performed after the RCRA facility assessment but before the initiation of any field investigation or full site characterization to obtain information for use in focusing subsequent investigations or eliminating certain units or areas from further consideration;

(4) **"Remedial action plan"** or **"RAP"** means a special form of a RCRA permit as defined in 20.4.1.900 NMAC, incorporating 40 CFR 270.80;

(5) **"Remedy completion report"** means a report summarizing the results of completion of the implementation of corrective measures;

(6) **"Revision"** or **"Document revision"** means a document that is revised and resubmitted by a facility in response to comments issued by the department in a Notice of Disapproval or Disapproval as distinct from revisions submitted in response to an Approval with Modification(s);

(7) **"Risk evaluation/risk assessment report"** means a report summarizing the results of a risk evaluation or assessment for the purpose of evaluating the human health and ecological risks of exposure to contaminants and determining appropriate cleanup levels at a site;

S. Terms beginning with the letter “S”:

(1) **"Secretary"** means the secretary of the New Mexico environment department;

(2) **"Solid waste management unit"** or **"SWMU"** means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste; such units include any area at a facility at which solid wastes have been routinely and systematically released;

(3) **"Submittal"** means all applications, permit modification requests, plans, reports, studies, and other documents listed in tables 2 through 7 in 20.4.2.205 NMAC through 20.4.2.210 NMAC;

(4) **"Status report"** means a report summarizing the progress of implementation of corrective actions or corrective measures;

T. Terms beginning with the letter “T”: [RESERVED]

U. Terms beginning with the letter “U”:

(1) **"Unit"** means "hazardous waste management unit" as defined in 20.4.1.101 NMAC, incorporating 40 CFR 260.10, or solid waste management unit, or area of concern;

V. Terms beginning with the letter “V”: [RESERVED]

W. Terms beginning with the letter “W”: [RESERVED]

(1) **"Well completion report"** means a report summarizing the activities related to the drilling and installation of wells.

(2) **"Well abandonment report"** or **"Well replacement report"** means a report summarizing the activities related to abandonment or replacement of a well;

(3) **"Well abandonment work plan"** or **"Well replacement work plan"** means a work plan that describes the proposed activities to abandon or replace a well.

[12/31/1998; 20.4.2.7 NMAC - Rn, 20 NMAC 4.2.I.107 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.8 - 20.4.2.107 [RESERVED]

20.4.2.108 GENERAL PROVISIONS: Saving clause: Repeal and replacement of hazardous waste fees, New Mexico environmental improvement board, 20.4.2 NMAC, shall not affect any administrative or judicial enforcement action pending on the effective date of this part.

[12/31/1998; 20.4.2.108 NMAC - Rn, 20 NMAC 4.2.I.108, 8/18/2006]

20.4.2.109 - 20.4.199 [RESERVED]

20.4.2.200 PERMIT APPLICATION, INTERIM STATUS, REMEDIAL ACTION PLAN, AND CORRECTIVE ACTION FEES:

20.4.2.201 TYPES OF FEES: Every owner or operator engaged in hazardous waste management activities or engaged in corrective action shall pay to NMED fees in the amounts specified in Subsections A through L of 20.4.2.201 NMAC. However, if an owner or operator has paid a fee for any type of permit application, or for the review of a submittal, prior to the effective date of these regulations, the owner or operator shall not be required to pay the fee provided for by these regulations. An owner or operator who has paid a fee provided for in table 2 or table 4 for permit applications or permit modification requests shall be required to pay the applicable fee again if the application or document is resubmitted by the owner or operator after being denied under [Section 74-4-4.2](#) NMSA 1978 [~~Section 74-4-4.2~~], and 20.4.1.901 NMAC by NMED. The secretary may in his discretion, based on good cause shown, determine that the fee on resubmission should be reduced or waived.

A. Annual Fees: Every owner or operator engaged in hazardous waste management activities or engaged in corrective action shall pay to NMED an annual ~~fee~~ in an amount equal to the sum of the annual unit fees set forth in table 1 of 20.4.2.204 NMAC for each unit as identified in the facility permit, part A application, or enforceable document, or any combination thereof as applicable.

B. Submittal review process:

(1) For each submittal, the owner or operator shall pay the associated review fee as listed in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC. NMED will conduct the review within the time specified in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC. The secretary may grant an extension of time for good cause shown. NMED shall provide notice to the owner or operator of any requested time extension.

(2) NMED will invoice the owner or operator for the applicable review fee:
(a) Within 60 days of receipt of submittal, in the case of interim status fees, corrective action submittal fees, and other fees assessed under tables 3, 5, 6, and 7 of 20.4.2.206 NMAC and 20.4.2.208 NMAC through 20.4.2.210 NMAC.

(b) After an application is deemed administratively complete, in the case of application and permit modification fees under table 2 of 20.4.2.205 NMAC and table 4 of 20.4.207 NMAC. For class 2 permit modification requests the invoice shall be issued within 30 days of receipt and the procedures of 40 CFR 270.42, as incorporated by 20.4.1.900 NMAC, shall apply. Unless extended by the secretary, administrative completeness determination shall be made within ~~[+80]~~ 270 days of receipt of the submittal. If the application is incomplete, NMED shall provide the owner or operator with written notice that shall list those parts of the application that are missing and describe the specific information needed to process the permit application.

(3) The timeframe for NMED review begins after receipt of payment, except for class 2 permit modification requests, in which case the time frame for NMED's review begins upon receipt of the request.

(4) NMED will provide the owner or operator written notice of approval, approval with modifications, disapproval, denial, or rejection of the submittal. If the submittal is disapproved, denied or rejected, NMED shall provide the owner or operator with written notice providing the reasons for such action.

(5) The review times specified in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC shall be tolled during all periods in which NMED is awaiting a response by the owner or operator to a notice under Paragraph (1) of Subsection B of 20.4.2.201 NMAC and during all time periods in which further action cannot be taken due to public comment and hearing requirements, except for class 2 permit modification requests, in which case the time frame for NMED's review begins upon receipt of the request.

(6) If NMED fails to meet a notice date pursuant to 20.4.2.205 NMAC through 20.4.2.210 NMAC, including an administrative completeness notice date, the NMED shall, within 10 business days after the deadline, notify the secretary and the owner or operator that the deadline was not met. The written notice shall state the reasons that the deadline was not met and propose a new deadline by which the NMED will act. The owner or operator may submit a written response to the secretary regarding its proposed remedy within 10 business days of its receipt of the notification. The secretary, at his ~~or her~~ discretion, shall establish a new notice date and remedy within 30 days after the secretary receives notice that the deadline was not met.

(7) In the event of a conflict between review time and notice dates in these regulations and in an enforceable document, the time-periods and review process in the enforceable documents shall control.

C. Permit application, remedial action plan, and corrective action section fees: Every owner or operator seeking a permit for the treatment, storage or disposal of hazardous waste or for post closure care shall pay an application review and permit preparation fee set forth in table 2 of 20.4.2.205 NMAC. The fee for application review and permit preparation shall be in an amount equal to the sum of the fees for each unit included in the permit application. If a corrective action section is required, the owner or operator shall also pay the basic fee for corrective action preparation set forth in table 2 of 20.4.2.205 NMAC plus the additional unit fee for each corrective

action unit in excess of one which is addressed by the corrective action section. NMED ~~shall~~ will perform the review of the application and prepare the draft permit within the time specified in table 2 of 20.4.2.205 NMAC after receipt of the fees.

D. Permit renewals: Every owner or operator seeking to renew a previously issued permit for the treatment, storage or disposal of hazardous waste or for post-closure care shall pay an application review and permit preparation fee, and if required, a corrective action section fee, in the amounts and in the manner set forth in table 2 in 20.4.2.205 NMAC.

E. Interim status closure plan review fees: Every owner or operator submitting an interim status closure plan for review and approval shall pay a fee set forth in table 3 of 20.4.2.206 NMAC. The fee shall be in an amount equal to the sum of the fees set forth in table 3 of 20.4.2.206 NMAC for each unit included in the closure plan. An application to modify an approved interim status closure plan is subject to the following fees:

(1) Amendments of plans that are identified as equivalent to a class 1 or a class 2 permit modifications are subject to the corresponding fee in table 4 in 20.4.2.207 NMAC;

(2) Amendments of plans identified as equivalent to class 3 permit modifications are subject to the corresponding fee in table 3 in 20.4.2.206 NMAC.

F. Permit modification fees: Every owner or operator who requests a class 1, 2, or 3 modification to a permit, and every owner or operator whose permit is to be modified as a result of a five ~~(5)~~ year land disposal review shall pay the applicable class modification fee for each modification as set forth in table 4 of 20.4.2.207 NMAC. If the permit modification request is to add a new unit to the permit the applicable fee in table 2 of 20.4.2.205 NMAC will apply.

G. Closure report review fees: Every owner or operator who submits a closure report for review shall pay a closure report review fee as set forth in table 3 of 20.4.2.206 NMAC.

H. Corrective action submittal review fees: Every owner or operator who submits a corrective action submittal for review shall pay a corrective action submittal review fee as set forth in table 5 of 20.4.2.208 NMAC. An additional unit fee shall be paid for each additional unit for submittals that address multiple units. Documents that contain attached documents or attached sections of other documents within the submittal will be assessed a separate document review fee for the attached document or document section corresponding to the document type listed in table 5 of 20.4.2.208 NMAC. Draft documents shall be considered initial submittals subject to the corrective action submittal review fees as set forth in table 5 of 20.4.2.208 NMAC. Rejected documents shall be subject to the corrective action submittal review fees as set forth in table 5 of 20.4.2.208 NMAC upon resubmittal.

I. Land disposal review fee: Every owner or operator subject to a review under 20.4.1.900 NMAC (incorporating 40 CFR 270.50 (d)) shall pay a review fee as set forth in table 6 of 20.4.2.209 NMAC. At the time of invoicing, NMED shall notify the owner or operator in writing of any additional information required to process the review.

J. Audit review fee: Every owner or operator subject to an audit review required under a facility permit or enforceable document shall pay an audit fee for each audit as set forth in table 6 of 20.4.2.209 NMAC.

K. FFCO fee: Every owner or operator subject to a review of amendments, annual reports, and revisions under an FFCO shall pay a fee as set forth in table 6 of 20.4.2.209 NMAC. In the event of a conflict between the review times specified in table 6 and the FFCO, the FFCO shall control.

L. Change during interim status fee: Every owner or operator who requests a change during interim status pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.72) shall pay the following fees:

(1) Modifications that are identified as being equivalent to class 1 or class 2 permit modifications are subject to the corresponding fee in table 7 in 20.4.2.210 NMAC;

(2) Modifications identified as equivalent to class 3 permit modifications are subject to the corresponding fee in table 7 in 20.4.2.210 NMAC.

M. Emergency permit fee: Every facility that requests an emergency permit as required by 40 CFR 270.61 shall pay a fee as set forth in table 6 of 20.4.2.209 NMAC.

N. Adjustment for inflation: Beginning January 1 following the effective date of these fee regulations, the fees listed in 20.4.2.204 through 20.4.2.210 shall be adjusted annually to account for inflation. The amounts shall be adjusted by the percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor. The amount of change in the fee shall be rounded to the nearest fifty dollars (\$50). [12/31/1998; 20.4.2.201 NMAC - Rn, 20 NMAC 4.2.II.201 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.202 ANNUAL FEE REPORT: On or before September 30 of every year, NMED shall review the amount of fees collected and the amount of money expended administering the hazardous waste management program for the prior state fiscal year and submit a report on its review to the board. The report shall include for each facility the amount of fees collected, the number and types of permitting actions taken, submittals reviewed, a summary of the time required to conduct each review or permitting action, and an analysis of the cost of regulatory oversight. The report shall include a summary of funds received and expenses required to administer the state hazardous waste program.

[12/31/1998; 20.4.2.202 NMAC - Rn, 20 NMAC 4.2.II.202 & A, 8/18/2006]

20.4.2.203 HEARING FEES:

A. An applicant for issuance, renewal, or modification of a permit, or remedy selection shall be required to pay the following hearing fees if the secretary determines that a public hearing shall be held on the application.

(1) **Hearing fee:** The applicant shall be invoiced a hearing fee of ~~[twenty thousand dollars (\$20,000)]~~ \$25,000 within ~~[thirty]~~ 30 days of notification by the secretary that a hearing will be scheduled.

(2) **Administrative record preparation fee:** The applicant shall pay an administrative record preparation fee equal to the actual cost of copying the administrative record for the public hearing process.

(3) **Facility fee:** The applicant shall pay a facility fee equal to the actual cost of providing the public facility, including security and other ancillary costs, necessary to conduct the public hearing.

(4) **Recording and Transcription service fee:** The applicant shall pay a recording and transcription service fee equal to the actual cost of providing recording and transcription services for the public hearing and providing three copies of the hearing transcript to NMED.

(5) **Translation service fee:** If the secretary determines that translation services are required for the public hearing, the applicant shall pay a translation service fee equal to the actual cost of providing translation services necessary to conduct the public hearing.

(6) The applicant shall be invoiced for the total cost of the hearing within 90 days after the secretary's final decision under Subsection A of 20.4.2.203 NMAC. The hearing fee required under Paragraph (1) of Subsection A of 20.4.2.203 NMAC will be credited against the total cost of the hearing, or if the fee is more than the total cost of the hearing it shall be credited for future actions.

[12/31/1998; 20.4.2.203 NMAC - Rn, 20 NMAC 4.2.II.201.8 & 203 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.204 TABLE 1 - ANNUAL FEES:

Unit Type	Fee
Disposal	[\$4,000] <u>\$5,500</u>
Treatment	[\$3,000] <u>\$4,000</u>
Storage	[\$2,000] <u>\$3,000</u>
Post Closure	[\$4,000] <u>\$5,500</u>
Corrective Action Management (CAMU)	[\$4,000] <u>\$5,500</u>
Temporary (TU)	[\$3,000] <u>\$4,000</u>
Remedial Action Plan Unit	[\$3,000] <u>\$4,000</u>
<u>Corrective Action Only</u>	
SWMU/AOC per Unit:	<u>\$1000</u>
[for the first 150 units (1 to 150)]	[\$750]
[for the second 350 units (151 to 500)]	[\$350]
[for each unit over 500 (501+)]	[\$200]
Corrective Action Complete with Controls per Unit	[\$250] <u>\$350</u>

[12/31/1998; 20.4.2.204 NMAC - Rn, 20 NMAC 4.2.II.204 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.205 TABLE 2 - APPLICATION AND CORRECTIVE ACTION SECTION FEES:

Unit Type	Fee	Fee for Renewal or Modification to add a unit	Review Time
Land Disposal	[\$90,000] <u>\$270,000</u>	[\$60,000] <u>\$180,000</u>	[360] <u>1080</u> days
Post Closure	[\$90,000] <u>\$120,000</u>	[\$60,000] <u>\$80,000</u>	[360] <u>720</u> days
Land Treatment	[\$90,000] <u>\$120,000</u>	[\$60,000] <u>\$80,000</u>	360 days

Surface Impoundment	[\$75,000] <u>\$100,000</u>	[\$50,000] <u>\$65,000</u>	360 days
Incinerator	[\$75,000] <u>\$100,000</u>	[\$50,000] <u>\$65,000</u>	[360] <u>720</u> days
Boiler or Industrial Furnace	[\$75,000] <u>\$100,000</u>	[\$50,000] <u>\$65,000</u>	360 days
Subpart X	[\$90,000] <u>\$120,000</u>	[\$60,000] <u>\$80,000</u>	[360] <u>720</u> days
Waste Pile	[\$36,000] <u>\$144,000</u>	[\$24,000] <u>\$96,000</u>	[360] <u>720</u> days
Treatment in Tanks	[\$36,000] <u>\$144,000</u>	[\$24,000] <u>\$96,000</u>	[360] <u>720</u> days
Treatment in Containers	[\$36,000] <u>\$144,000</u>	[\$24,000] <u>\$96,000</u>	[360] <u>720</u> days
Storage in Tanks	[\$36,000] <u>\$144,000</u>	[\$24,000] <u>\$96,000</u>	[360] <u>720</u> days
Storage in Containers	[\$36,000] <u>\$144,000</u>	[\$24,000] <u>\$96,000</u>	[360] <u>720</u> days
Research Demonstration and Development	[\$24,000] <u>\$32,000</u>	[\$16,000] <u>\$21,500</u>	360 days
Remedial Action Plan	[\$24,000] <u>\$32,000</u>	[\$16,000] <u>\$21,500</u>	360 days
Permit for Corrective Action Only	[\$16,000] <u>\$80,000</u>	[\$10,000] <u>\$65,000</u>	360 days
Corrective Action Section	\$10,000	\$7,000	N/A
Additional SWMU/AOC Unit Fee	[\$1,000] <u>1,300</u> for each additional unit	N/A	N/A

[12/31/1998; 20.4.2.205 NMAC - Rn, 20 NMAC 4.2.II.205 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.206 TABLE 3 - INTERIM STATUS CLOSURE PLAN AND INTERIM STATUS AND PERMITTED UNIT CLOSURE REPORT REVIEW FEES:

Unit Type	Fee	Amendment Fee (equivalent to Class 3 permit modification)	Review Time
Land Disposal or Land Treatment	\$20,000	\$10,000	[360] <u>540</u> days
Surface Impoundment	[\$10,000] <u>\$25,000</u>	[\$5,000] <u>\$10,000</u>	[360] <u>540</u> days
Incinerator	\$8,000	\$4,000	270 days
Boiler or Industrial Furnace	\$8,000	\$4,000	270 days
Subpart X	[\$10,000] <u>\$30,000</u>	[\$5,000] <u>\$15,000</u>	[360] <u>540</u> days
Waste Pile	\$8,000	\$4,000	270 days
Storage	[\$6,000] <u>\$12,000</u>	[\$3,000] <u>\$6,000</u>	[180] <u>270</u> days
Treatment	[\$8,000] <u>\$10,000</u>	[\$4,000] <u>\$5,000</u>	[270] <u>360</u> days
Closure Report	[\$6,000] <u>\$13,000</u>	NA	180 days

[12/31/1998; 20.4.2.206 NMAC - Rn, 20 NMAC 4.2.II.206 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.207 TABLE 4 - PERMIT MODIFICATION FEES:

Modification	Fee	Review Time
Class 1 (without prior approval)	[\$500] <u>\$1,800</u>	N/A
Class 1 (with prior approval)	[\$2,500] <u>\$6,500</u>	[120] <u>150</u> days
Class 2	[\$6,000] <u>\$30,000</u>	Refer to 20.4.1.900 NMAC (incorporating 40 CFR 270.42 (b))
Class 3	[\$40,000] <u>\$100,000</u>	[360] <u>540</u> days
Class 3 - Petition for Corrective Action Complete Review/Petition for No Further Action Review	[\$7,000] <u>\$30,000</u> plus [\$250] <u>\$500</u> for each additional unit <u>up to 20 units</u> and plus <u>\$750 for every unit over 20 units</u>	[270] <u>360</u> days (plus 30 days for every [10] <u>3</u> units over 20)

[12/31/1998; 20.4.2.207 NMAC - Rn, 20 NMAC 4.2.II.207 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.208 TABLE 5 - CORRECTIVE ACTION SUBMITTAL REVIEW FEES:

Submittal Type	Basic Review Fee	Additional Unit Fee	Review Time
Accelerated Corrective Action Completion Report/Accelerated Corrective Measures Completion Report	[\$5,000] <u>\$11,000</u>	\$1,000	120 days

Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	[\$5,000] <u>\$9,000</u>	\$1,000	120 days
<u>Background Study Report</u>	<u>\$5,000</u>	<u>\$1,000</u>	<u>210 days</u>
<u>Background Study Work Plan</u>	<u>\$4,000</u>	<u>\$1,000</u>	<u>210 days</u>
Certification of Completion per unit	[\$500] <u>\$3,000</u>	NA	90 days
Corrective Measures Implementation Report	[\$12,000] <u>\$10,000</u>	\$1,000	360 days
Corrective Measures Implementation Work Plan	[\$6,500] <u>\$18,000</u>	\$1,000	270 days
Corrective Measures Study Report/Corrective Measures Evaluation	[\$15,000] <u>\$30,000</u>	\$1,000	480 days
Corrective Measures Study Report/Corrective Measures Evaluation with Risk Assessment	[\$20,000] <u>\$35,000</u>	\$1,000	480 days
Corrective Measures Study Workplan/Corrective Measures Evaluation Workplan	[\$7,500] <u>\$8,500</u>	\$1,000	360 days
<u>Frequent Monitoring Plan</u>	<u>\$3,500</u>	<u>\$1,000</u>	<u>120 days</u>
<u>Frequent Monitoring Report/Frequent Progress Report</u>	<u>\$3,000</u>	<u>\$1,000</u>	<u>N/A</u>
[Interim Measures Monitoring Report]	[\$500]	[\$1,000]	[N/A]
Interim Measures Report	[\$3,500] <u>\$10,000</u>	\$1,000	120 days
Interim Measures Work Plan	[\$5,000] <u>\$17,000</u>	\$1,000	90 days
Investigation Report (RFI Report)/Phase Report	[\$7,500] <u>\$18,000</u>	\$1,000	270 days
Investigation Report with Risk Assessment	[\$10,000] <u>\$20,000</u>	\$1,000	360 days
Investigation Work Plan (RFI Work Plan)	[\$10,000] <u>\$15,000</u>	\$1,000	270 days
<u>Letter Report/Supplemental Report/Report Addendum</u>	<u>\$6,000</u>	<u>\$1,000</u>	<u>180 days</u>
<u>Letter Work Plan/Supplemental Work Plan/Work Plan Addendum</u>	<u>\$5,000</u>	<u>\$1,000</u>	<u>180 days</u>
Monitoring Plan	[\$2,500] <u>\$10,000</u>	\$1,000	120 days
Notice of Land Transfer	[\$5,000] <u>\$2,000</u>	\$1,000	120 days
Operation and Maintenance Plan	[\$2,500] <u>\$9,000</u>	\$1,000	150 days
Periodic Monitoring Report	[\$2,000] <u>\$5,000</u>	\$1,000	N/A
Pilot/Aquifer Test Report	[\$1,500] <u>\$10,000</u>	\$1,000	[120] <u>180 days</u>
Pilot/Aquifer Test Work Plan	[\$1,000] <u>\$7,000</u>	\$1,000	[90] <u>150 days</u>
RCRA Facility Assessment (RFA) Report	[\$2,500] <u>\$14,500</u>	\$1,000	180 days
Release Assessment/SWMU Assessment Report	[\$3,500] <u>\$8,500</u>	\$1,000	[90] <u>180 days</u>
Remedy Completion Report	[\$4,500] <u>\$8,500</u>	\$1,000	180 days
<u>Third Revision/Third Document Revision</u>	<u>50% of corresponding Review Fee</u>	<u>N/A</u>	<u>N/A</u>
Risk Evaluation/Risk Assessment Report	[\$6,000] <u>\$14,000</u>	\$1,000	180 days
Status Report	[\$2,000] <u>\$8,000</u>	\$1,000	N/A
Well Completion Report <u>per well</u>	[\$500] <u>\$3,000</u>	NA	90 days
<u>Well Abandonment Report/Well Replacement Report per well</u>	<u>\$2,000</u>	<u>N/A</u>	<u>90 days</u>

<u>Well Abandonment Work Plan/Well Replacement Work Plan per well</u>	<u>\$2,000</u>	<u>N/A</u>	<u>90 days</u>
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[20.4.2.208 NMAC - N, 8/18/2006; A, xx/xx/2019]

20.4.2.209 TABLE 6 - LAND DISPOSAL, AUDIT REVIEW AND OTHER FEES:

Activity	Fee	Review Time
Land Disposal Permit Review	\$10,000	360 days
Audit Review	[\$20,000] <u>\$30,000</u>	[45] <u>60</u> days
FFCO Administration	[\$500] <u>\$2,000</u>	90 days
<u>Emergency Permit</u>	<u>\$1,000</u>	<u>30 days</u>

[20.4.2.209 NMAC - N, 8/18/2006; A, xx/xx/2019]

20.4.2.210 TABLE 7 - CHANGE DURING INTERIM STATUS FEES:

Submittal Type	Fee	Review Time
Change without prior approval	[\$500] <u>\$1,800</u>	[30] <u>45</u> days
Change with prior approval (equivalent to Class 1 permit modification)	[\$2,500] <u>\$6,500</u>	[120] <u>150</u> days
Change with prior approval (equivalent to Class 2 permit modification)	[\$6,000] <u>\$30,000</u>	120 days
Change with prior approval (equivalent to Class 3 permit modification)	[\$10,000] <u>\$100,000</u>	[360] <u>540</u> days

[20.4.2.210 NMAC - N, 8/18/2006; A, xx/xx/2019]

20.4.2.211 FEE CALCULATION:

A. The annual fee shall be assessed for each unit identified in the facility permit, Part A application, and enforceable document on January 1 of the assessed year. The annual fee shall be waived for hazardous waste management units for which the owner or operator provides documentation to NMED that hazardous waste management activities did not occur at the unit during the previous calendar year. To be considered for the waiver the owner or operator shall submit the documentation to NMED on or before July 1 of each year.

B. The owner or operator of the facility is liable for payment of the undisputed part of the assessed fee on the date the annual fee is due. Payments will not be refunded because of a transfer of ownership or operations to a new owner or operator.

[20.4.2.211 NMAC - Rn, 20 NMAC 4.2.II.208 & A, 8/18/2006]

20.4.2.212 - 20.4.2.299 [RESERVED]

20.4.2.300 PAYMENT, DUE DATES, AND APPEALS:

[12/31/1998; 20.4.2.300 NMAC - Rn, 20 NMAC 4.2.III.300 & A, 8/18/2006]

20.4.2.301 MANNER OF PAYMENT AND DUE DATES:

A. Annual Fee Invoices: NMED shall invoice every owner or operator for the annual fee by October 1 of every year.

B. Review Fees: Any submittals listed in tables 2 through 7 of 20.4.2.205 NMAC through 20.4.2.210 NMAC submitted by an owner or operator for review shall be invoiced for the corresponding fee by NMED.

C. Due Date: Payment of any fee shall be due within ~~[sixty]~~ sixty 60 days of receipt of the invoice unless the owner or operator submits to NMED a written request seven ~~[(7)]~~ days prior to the end of the ~~[sixty]~~ sixty 60 day period and receives written approval to extend the time for payment before the date payment is due. Failure to submit payment within the ~~[sixty]~~ sixty 60 days, or approved extension, may result in the document being denied, and further enforcement action.

D. All fees shall be paid to NMED by certified check or money order payable to the New Mexico ~~[hazardous waste fund]~~ Environment Department or the Hazardous Waste Bureau, by electronic funds transfer (with prior notice to NMED), or by other methods deemed acceptable by NMED. Cash payments are not an acceptable method of payment. All payments must include the invoice number and be addressed to the New Mexico environment department - hazardous waste bureau.

[12/31/1998; 20.4.2.301 NMAC - Rn, 20 NMAC 4.2.III.301 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.302 APPEAL OF FEE ASSESSMENT:

A. Mandatory Settlement Conference:

Any owner or operator seeking to appeal an invoice for fees under this part must first notify the NMED in writing of the intent to appeal the invoice within ~~[thirty]~~ 30 calendar days of receipt of the invoice. The notice shall set forth the specific matters in dispute, the basis for the dispute, and any matters considered necessary for NMED's consideration. The parties shall have ~~[thirty]~~ 30 calendar days from NMED's receipt of notification to meet or confer with NMED to attempt to resolve the matters in the dispute. The secretary may extend deadlines under this section upon a determination that good cause exists. If an agreement is reached resolving the dispute, NMED may issue a revised invoice and the owner and operator shall comply with the terms of such agreement and revised invoice. If an agreement is not reached, NMED shall issue a notification to all parties that an agreement has not been reached. Failure to notify NMED of an appeal in the required timeframe shall prohibit the owner and operator from appeal of the invoice.

B. Administrative appeal:

(1) An invoice for fees may be appealed by filing a written request for hearing with the hearing clerk designated by the secretary of environment within ~~[thirty]~~ 30 days of the date of the notification that an agreement has not been reached. The written request shall be accompanied by a copy of the invoice being contested and shall set forth the grounds upon which the appellant disagrees with the assessment.

(2) Except as otherwise provided, the appeal shall be governed by 20.1.5 NMAC, Adjudicatory Procedures - Environment Department. The hearing officer shall schedule the hearing for no later than ~~[ninety]~~ 90 days after service of the notice of docketing.

(3) NMED shall not seek collection of an appealed fee or take enforcement action on an ~~[appealed]~~ appeal of the fee assessment until the secretary has issued a decision on the appeal. Late charges on the amount assessed shall continue to accrue and shall be payable if the assessment is upheld or upheld with modification. If the assessment is modified on appeal, late charges shall be calculated based on the assessment as modified.

(4) If an appeal is not timely filed pursuant to this subsection, the invoice shall constitute a final action of the secretary of environment.

[12/31/1998; 20.4.2.302 NMAC - Rn, 20 NMAC 4.2.III.302 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.303 - 20.4.2.399 [RESERVED]

20.4.2.400 LATE CHARGES AND ENFORCEMENT:

[12/31/1998; 20.4.2.400 NMAC - Rn, 20 NMAC 4.2.IV.400, 8/18/2006]

20.4.2.401 LATE CHARGES: If any fee required by this part is not paid in full on the date due, which shall be either ~~[sixty]~~ 60 days after receipt of the invoice or the end of an approved extension of the time for payment, the person owing the fee shall pay a billing charge of \$100, plus late charges in the amount of an additional one percent ~~[(1%)]~~ of all fees owed for every month or part of a month in which the fees remain unpaid beyond the due date. Billing and late charges shall be credited to the Hazardous Waste Fund and are independent of any penalties assessed under the act.

[12/31/1998; 20.4.2.401 NMAC - Rn, 20 NMAC 4.2.IV.401, 8/18/2006; A, xx/xx/2019]

20.4.2.402 FAILURE TO PAY FEES:

A. Failure to pay any fee required by this part may result in enforcement proceedings under the act including but not limited to the revocation or suspension of any permit issued by NMED pursuant to the act to the person failing to pay the fees as required.

B. Fees are not refundable and do not guarantee that a permit will be issued or a submittal or action will be approved by the NMED.

[12/31/1998; 20.4.2.402 NMAC - Rn, 20 NMAC 4.2.IV.402 & A, 8/18/2006]

20.4.2.403 - 20.4.2.499 [RESERVED]

20.4.2.500 MISCELLANEOUS PROVISIONS:

[12/31/1998; 20.4.2.500 NMAC - Rn, 20 NMAC 4.2.V.500, 8/18/2006]

20.4.2.501 DEPOSIT IN THE HAZARDOUS WASTE FUND: All fees collected pursuant to this part shall be transmitted to the state treasurer for credit to the hazardous waste fund and used for the sole purpose of meeting necessary expenses in the administration and operation of the hazardous waste program.
[12/31/1998; 20.4.2.501 NMAC - Rn, 20 NMAC 4.2.V.501, 8/18/2006]

20.4.2.502 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part does not relieve a person of the obligation to comply with other applicable local, state and federal regulations.
[12/31/1998; 20.4.2.502 NMAC - Rn, 20 NMAC 4.2.V.502, 8/18/2006]

20.4.2.503 CONSTRUCTION: This part shall be liberally construed to effectuate the purpose of the act.
[12/31/1998; 20.4.2.503 NMAC - Rn, 20 NMAC 4.2.V.503, 8/18/2006]

20.4.2.504 SEVERABILITY: If any provision or application of this part is held invalid, the remainder, or its application to other situations or persons, shall not be affected.
[12/31/1998; 20.4.2.504 NMAC - Rn, 20 NMAC 4.2.V.504, 8/18/2006]

20.4.2.505 - 20.4.2.599 [RESERVED]

HISTORY OF 20.4.2 NMAC:

Pre-NMAC History: The provisions of this part were derived in part from material previously filed with the commission of public records, state records center and archives under:
EIB/HWFR-1, Hazardous Waste Fee Regulations, filed October 28, 1988; and
EIB/HWFR-1, Annual Hazardous Waste Fee Regulations, filed January 19, 1994.

History of Repealed Material:

20 NMAC 4.2, Hazardous Waste Fees (filed 10/27/1995), repealed 12/31/1998.

Other History:

EIB/HWFR-1, Annual Hazardous Waste Fee Regulations (filed 1/19/1994) was renumbered, reformatted, amended, and replaced by 20 NMAC 4.2, Hazardous Waste Fees, effective 11/30/1995.

20 NMAC 4.2, Hazardous Waste Fees (filed 10/27/1995) was replaced by 20 NMAC 4.2, Hazardous Waste Fees, effective 12/31/1998.

20 NMAC 4.2, Hazardous Waste Fees (filed 11/30/1998) was renumbered, reformatted, amended, and replaced by 20.4.2 NMAC, Hazardous Waste Permit and Corrective Action Fees, effective 8/18/2006.

EXHIBIT D

**Proposed Amendments to the Hazardous Waste Permit and Corrective Action Fees
20.4.2 NMAC**

Clean Version

December 20, 2019

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 4 HAZARDOUS WASTE
PART 2 HAZARDOUS WASTE PERMIT AND CORRECTIVE ACTION FEES

20.4.2.1 ISSUING AGENCY: Environmental Improvement Board.
[12/31/1998; 20.4.2.1 NMAC - Rn, 20 NMAC 4.2.I.101, 8/18/2006]

20.4.2.2 SCOPE: This part applies to all persons who own or operate a permitted facility at which the treatment, storage or disposal of hazardous waste is occurring or has occurred, all persons seeking or required to obtain a permit for the treatment, storage or disposal of hazardous waste or corrective action, all persons subject to an enforceable document under the New Mexico Hazardous Waste Act, and all persons engaging in or required to engage in closure, post closure care and corrective action under the New Mexico Hazardous Waste Act, Sections 74-4-1 through 74-4-14 NMSA 1978.
[12/31/1998; 20.4.2.2 NMAC - Rn, 20 NMAC 4.2.I.102, 8/18/2006; A, xx/xx/2019]

20.4.2.3 STATUTORY AUTHORITY: Sections 74-1-8, 74-4-4, 74-4-4.2 and 74-4-4.5 NMSA 1978.
[12/31/1998; 20.4.2.3 NMAC - Rn, 20 NMAC 4.2.I.103 & A, 8/18/2006]

20.4.2.4 DURATION: Permanent.
[12/31/1998; 20.4.2.4 NMAC - Rn, 20 NMAC 4.2.I.104, 8/18/2006]

20.4.2.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.
[12/31/1998; 20.4.2.5 NMAC - Rn, 20 NMAC 4.2.I.105 & A, 8/18/2006]

20.4.2.6 OBJECTIVE: The objective of this part is to provide a schedule of fees for facilities seeking permits, currently permitted, or undergoing corrective action for past or present hazardous waste management activities. Fees paid are for deposit in the hazardous waste fund to meet necessary expenses in the administration and operation of the state hazardous waste program.
[12/31/1998; 20.4.2.6 NMAC - Rn, 20 NMAC 4.2.I.106, 8/18/2006]

20.4.2.7 DEFINITIONS: Unless otherwise defined in this part, the words and phrases used in this part have the same meanings as in 20.4.1 NMAC, Hazardous Waste Management regulations. As used in this part:

A. Terms beginning with the letter "A":

- (1) "Accelerated corrective action completion report" or "accelerated corrective measures completion report"** means a report on implementation of presumptive remedies at small and relatively simple units where groundwater contamination is not a component of the accelerated cleanup, where the remedy is considered to be the final remedy for the unit, and where the field work will be accomplished within 180 days of commencement;
- (2) "Accelerated corrective action work plan" or "accelerated corrective measures work plan"** means a work plan to implement presumptive remedies at small and relatively simple units where groundwater contamination is not a component of the accelerated cleanup, where the remedy is considered to be the final remedy for the unit, and where the field work will be accomplished within 180 days of commencement;
- (3) "Act"** means the New Mexico Hazardous Waste Act, Sections 74-4-1 through 74-4-14 NMSA 1978;
- (4) "Administrative authority"** means the secretary of the New Mexico environment department, or the secretary's designee, or, in the case of provisions for which the state is not authorized, the United States environmental protection agency (EPA);
- (5) "Administratively complete"** means a determination made by the secretary that an application contains all the general information required in 40 CFR 270.13, applicable specific information in sections 40 CFR 270.14 through 270.28 and is complete as defined by the regulations of 20.4.1.900 NMAC incorporating 40 CFR 270.10 (c) and (d);
- (6) "Area of concern" or "AOC"** means any area having a known or suspected release of hazardous waste or hazardous constituents that is not from a solid waste management unit and that the secretary has determined may pose a current or potential threat to human health or the environment, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 270.32 (b) (2)). An area of concern may include buildings, and structures at which releases of hazardous waste or constituents were not remediated, including one-time and accidental events;

- B. Terms beginning with the letter “B:**
- (1) **“Background study report”** means a report documenting the results of a study to determine background concentrations of naturally occurring inorganic compounds;
 - (2) **“Background study work plan”** means a plan proposing the methods to evaluate naturally occurring concentrations of inorganic compounds in environmental media;
- C. Terms beginning with the letter “C”:**
- (1) **“Certification of completion”** means a report documenting completion of corrective action required at a unit, submitted to the NMED to demonstrate that corrective action requirements for the unit, have been satisfied;
 - (2) **“Closure certification document”** means all documentation certified by a New Mexico registered professional engineer in a certification of closure that is submitted by an owner or operator;
 - (3) **“Corrective action”** means any activity related to site assessment, investigation, remediation, characterization or monitoring including reporting and document submittals at SWMUs or AOCs, including activities related to off-site migration;
 - (4) **“Corrective action complete with controls”** means that NMED has determined that no additional remedial activity is required at a unit, but the unit requires continued performance of operation and maintenance, or monitoring actions for engineering controls, or institutional controls;
 - (5) **“Corrective action complete without controls”** means that NMED has determined that no additional remedial activity is required at a unit;
 - (6) **“Corrective measures evaluation”** or **“CME”** or **“corrective measures study report”** or **“CMS report”** means a report or study that evaluates remedial alternatives for the purpose of remedy selection and includes specifications to implement a proposed remedy;
 - (7) **“Corrective measures evaluation work plan”** or **“CME work plan”** or **“corrective measures study work plan”** or **“CMS work plan”** means a plan to identify, develop and evaluate potential corrective measures (remedy) alternatives;
 - (8) **“Corrective measures implementation work plan”** or **“CMI work plan”** means plans and specifications to implement the approved remedy at a facility;
 - (9) **“Corrective measures implementation report”** or **“CMI report”** means a report signifying completion of the remedy approved by NMED for termination of corrective action;
- D. Terms beginning with the letter “D” [RESERVED]**
- E. Terms beginning with the letter “E”:**
- (1) **“Emergency permit”** means an emergency permit as defined at 40 CFR 270.61;
 - (2) **“Enforceable document”** means an order, a plan, or other document issued by EPA or the state under an authority that meets the requirements of 40 CFR 271.16 (e);
- F. Terms beginning with the letter “F”:**
- (1) **“FFCO”** means federal facility compliance order;
 - (2) **“Frequent monitoring plan”** means a plan that describes proposed periodic monitoring activities for detection compliance or corrective action monitoring, monitoring of a remediation system, or other corrective measure monitoring for a single site or contiguous sites with shared boundaries;
 - (3) **“Frequent monitoring report”** or **“Frequent progress report”** means a report that describes periodic monitoring activities and results for detection, compliance or corrective action monitoring, monitoring of a remediation system, or other corrective measure monitoring or progress related to a corrective measure for a single site or contiguous sites with shared boundaries;
- G. Terms beginning with the letter “G”: [RESERVED]**
- H. Terms beginning with the letter “H”:**
- (1) **“Hazardous waste management activity”** means the treatment, storage, or disposal of hazardous waste within a hazardous waste management unit at a facility subject to a hazardous waste permit or operated under interim status and subject to permit authorization, or any closure or post-closure care activity required at a hazardous waste management unit;
 - (2) **“HWMR”** means the New Mexico Hazardous Waste Management regulations, Title 20, Chapter 4, Part 1 of the New Mexico administrative code;
- I. Terms beginning with the letter “I”:**
- (1) **“Interim measures report”** means a report that describes the results of interim corrective measures conducted to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented prior to implementation of a final remedy;

(2) **"Interim measures work plan"** means a work plan to implement proposed interim corrective measures conducted to abate, minimize, stabilize, mitigate, or eliminate a release or threat of release, implemented prior to implementation of a final remedy;

(3) **"Investigation report"** or **"RFI report"** or **"RCRA facility investigation report"** or **"phase report"** means a report that summarizes the results of investigation of the nature, rate, movement and extent of contamination at a unit or facility;

(4) **"Investigation work plan"** or **"RFI work plan"** or **"RCRA facility investigation work plan"** means a work plan that describes proposed investigation activities to evaluate the nature, rate, movement and extent of contamination at a unit or facility;

J. Terms beginning with the letter "J": [RESERVED]

K. Terms beginning with the letter "K": [RESERVED]

L. Terms beginning with the letter "L":

(1) **"Letter report"** or **"Supplemental report"** or **"Report addendum"** means a report summarizing the results of the implementation of a work plan of limited scope where the field work was completed in seven working days or less and that did not constitute the initial field investigation at a site.

(2) **"Letter work plan"** or **"Supplemental work plan"** or **"Work plan addendum"** means a work plan of limited scope that describes proposed corrective action activities where the field work can be completed in seven working days or less and does not constitute the initial field investigation of a site.

M. Terms beginning with the letter "M":

(1) **"Monitoring plan"** means a plan that describes proposed periodic monitoring activities for detection, compliance or corrective action monitoring, monitoring of a remediation system, or other corrective measure monitoring;

N. Terms beginning with the letter "N":

(1) **"Notice of land transfer"** means a notice that initiates NMED evaluation of the results of investigation activities conducted to evaluate the nature, rate, movement and extent of contamination and corrective measures at a property that is anticipated to be transferred to an owner other than the owner regulated by a permit or enforceable document;

(2) **"NMED"** means the New Mexico environment department;

(3) **"Notice of disapproval"** or **"Disapproval"** means NMED-issued correspondence requiring revision and resubmittal of a deficient document;

O. Terms beginning with the letter "O":

(1) **"Operation and maintenance plan"** means a plan that describes operation, maintenance and monitoring of a remediation system or other corrective measure or monitoring activity that requires continued monitoring or upkeep during implementation;

P. Terms beginning with the letter "P":

(1) **"Periodic monitoring report"** means a report that summarizes periodic detection, compliance or corrective action ground water monitoring, monitoring of a remediation system, or other corrective measure monitoring;

(2) **"Person"** means any individual, trust, firm, joint stock company, federal agency, corporation including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state or any interstate body; and shall include each department, agency and instrumentality of the United States;

(3) **"Petition for corrective action complete review"** means a petition to change the status of a unit from "subject to corrective action" to a different status (e.g., corrective action complete or no further action required) based on the results of corrective action activities or other relevant information

(4) **"Pilot/aquifer test report"** means a report summarizing the results of pilot or aquifer tests conducted to evaluate hydrologic or other conditions for the purpose of site characterization_or remedy selection;

(5) **"Pilot/aquifer test work plan"** means a work plan for conducting pilot or aquifer tests to evaluate hydrologic or other conditions for the purpose of site characterization_or remedy selection;

Q. Terms beginning with the letter "Q": [RESERVED]

R. Terms beginning with the letter "R":

(1) **"RCRA facility assessment"** or **"RFA"** means the first stage in the corrective action process in which information is compiled on conditions at the site, including releases, potential releases, exposure pathways, solid waste management units, and areas of concern;

(2) **“Rejected document”** means a document deemed unreviewable due to deficiencies related to permit or other enforceable document requirements, disorganization, or a substantial amount of missing information, inaccuracies, or unrelated or redundant information;

(3) **“Release assessment”** or **“SWMU assessment report”** means an assessment of a solid waste management unit or area of concern performed after the RCRA facility assessment but before the initiation of any field investigation or full site characterization to obtain information for use in focusing subsequent investigations or eliminating certain units or areas from further consideration;

(4) **“Remedial action plan”** or **“RAP”** means a special form of a RCRA permit as defined in 20.4.1.900 NMAC, incorporating 40 CFR 270.80;

(5) **“Remedy completion report”** means a report summarizing the results of completion of the implementation of corrective measures;

(6) **“Revision”** or **“Document revision”** means a document that is revised and resubmitted by a facility in response to comments issued by the department in a Notice of Disapproval or Disapproval as distinct from revisions submitted in response to an Approval with Modification(s);

(7) **“Risk evaluation/risk assessment report”** means a report summarizing the results of a risk evaluation or assessment for the purpose of evaluating the human health and ecological risks of exposure to contaminants and determining appropriate cleanup levels at a site;

S. Terms beginning with the letter “S”:

(1) **“Secretary”** means the secretary of the New Mexico environment department;

(2) **“Solid waste management unit”** or **“SWMU”** means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste; such units include any area at a facility at which solid wastes have been routinely and systematically released;

(3) **“Submittal”** means all applications, permit modification requests, plans, reports, studies, and other documents listed in tables 2 through 7 in 20.4.2.205 NMAC through 20.4.2.210 NMAC;

(4) **“Status report”** means a report summarizing the progress of implementation of corrective actions or corrective measures;

T. Terms beginning with the letter “T”: [RESERVED]

U. Terms beginning with the letter “U”:

(1) **“Unit”** means "hazardous waste management unit" as defined in 20.4.1.101 NMAC, incorporating 40 CFR 260.10, or solid waste management unit, or area of concern;

V. Terms beginning with the letter “V”: [RESERVED]

W. Terms beginning with the letter “W”: [RESERVED]

(1) **“Well completion report”** means a report summarizing the activities related to the drilling and installation of wells.

(2) **“Well abandonment report”** or **“Well replacement report”** means a report summarizing the activities related to abandonment or replacement of a well;

(3) **“Well abandonment work plan”** or **“Well replacement work plan”** means a work plan that describes the proposed activities to abandon or replace a well.

[12/31/1998; 20.4.2.7 NMAC - Rn, 20 NMAC 4.2.I.107 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.8 - 20.4.2.107 [RESERVED]

20.4.2.108 GENERAL PROVISIONS: Saving clause: Repeal and replacement of hazardous waste fees, New Mexico environmental improvement board, 20.4.2 NMAC, shall not affect any administrative or judicial enforcement action pending on the effective date of this part.

[12/31/1998; 20.4.2.108 NMAC - Rn, 20 NMAC 4.2.I.108, 8/18/2006]

20.4.2.109 - 20.4.199 [RESERVED]

20.4.2.200 PERMIT APPLICATION, INTERIM STATUS, REMEDIAL ACTION PLAN, AND CORRECTIVE ACTION FEES:

[12/31/1998; 20.4.2.200 NMAC - Rn, 20 NMAC 4.2.II.200 & A, 8/18/2006]

20.4.2.201 TYPES OF FEES: Every owner or operator engaged in hazardous waste management activities or engaged in corrective action shall pay to NMED fees in the amounts specified in Subsections A through L of

20.4.2.201 NMAC. However, if an owner or operator has paid a fee for any type of permit application, or for the review of a submittal, prior to the effective date of these regulations, the owner or operator shall not be required to pay the fee provided for by these regulations. An owner or operator who has paid a fee provided for in table 2 or table 4 for permit applications or permit modification requests shall be required to pay the applicable fee again if the application or document is resubmitted by the owner or operator after being denied under Section 74-4-4.2_NMSA 1978 and 20.4.1.901 NMAC by NMED. The secretary may in his discretion, based on good cause shown, determine that the fee on resubmission should be reduced or waived.

A. Annual Fees: Every owner or operator engaged in hazardous waste management activities or engaged in corrective action shall pay to NMED an annual fee in an amount equal to the sum of the annual unit fees set forth in table 1 of 20.4.2.204 NMAC for each unit as identified in the facility permit, part A application, or enforceable document, or any combination thereof as applicable.

B. Submittal review process:

(1) For each submittal, the owner or operator shall pay the associated review fee as listed in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC. NMED will conduct the review within the time specified in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC. The secretary may grant an extension of time for good cause shown. NMED shall provide notice to the owner or operator of any requested time extension.

(2) NMED will invoice the owner or operator for the applicable review fee-;

(a) Within 60 days of receipt of submittal, in the case of interim status fees, corrective action submittal fees, and other fees assessed under tables 3, 5, 6, and 7 of 20.4.2.206 NMAC and 20.4.2.208 NMAC through 20.4.2.210 NMAC.

(b) After an application is deemed administratively complete, in the case of application and permit modification fees under table 2 of 20.4.2.205 NMAC and table 4 of 20.4.207 NMAC. For class 2 permit modification requests the invoice shall be issued within 30 days of receipt and the procedures of 40 CFR 270.42, as incorporated by 20.4.1.900 NMAC, shall apply. Unless extended by the secretary, administrative completeness determination shall be made within 270 days of receipt of the submittal. If the application is incomplete, NMED shall provide the owner or operator with written notice that shall list those parts of the application that are missing and describe the specific information needed to process the permit application.

(3) The timeframe for NMED review begins after receipt of payment, except for class 2 permit modification requests, in which case the time frame for NMED's review begins upon receipt of the request.

(4) NMED will provide the owner or operator written notice of approval, approval with modifications, disapproval, denial, or rejection of the submittal. If the submittal is disapproved, denied or rejected, NMED shall provide the owner or operator with written notice providing the reasons for such action.

(5) The review times specified in the tables in 20.4.2.205 NMAC through 20.4.2.210 NMAC shall be tolled during all periods in which NMED is awaiting a response by the owner or operator to a notice under Paragraph (1) of Subsection B of 20.4.2.201 NMAC and during all time periods in which further action cannot be taken due to public comment and hearing requirements, except for class 2 permit modification requests, in which case the time frame for NMED's review begins upon receipt of the request.

(6) If NMED fails to meet a notice date pursuant to 20.4.2.205 NMAC through 20.4.2.210 NMAC, including an administrative completeness notice date, the NMED shall, within 10 business days after the deadline, notify the secretary and the owner or operator that the deadline was not met. The written notice shall state the reasons that the deadline was not met and propose a new deadline by which the NMED will act. The owner or operator may submit a written response to the secretary regarding its proposed remedy within 10 business days of its receipt of the notification. The secretary, at his or her discretion, shall establish a new notice date and remedy within 30 days after the secretary receives notice that the deadline was not met.

(7) In the event of a conflict between review time and notice dates in these regulations and in an enforceable document, the time-periods and review process in the enforceable documents shall control.

C. Permit application, remedial action plan, and corrective action section fees: Every owner or operator seeking a permit for the treatment, storage or disposal of hazardous waste or for post closure care shall pay an application review and permit preparation fee set forth in table 2 of 20.4.2.205 NMAC. The fee for application review and permit preparation shall be in an amount equal to the sum of the fees for each unit included in the permit application. If a corrective action section is required, the owner or operator shall also pay the basic fee for corrective action preparation set forth in table 2 of 20.4.2.205 NMAC plus the additional unit fee for each corrective action unit in excess of one which is addressed by the corrective action section. NMED will perform the review of the application and prepare the draft permit within the time specified in table 2 of 20.4.2.205 NMAC after receipt of the fees.

D. Permit renewals: Every owner or operator seeking to renew a previously issued permit for the treatment, storage or disposal of hazardous waste or for post-closure care shall pay an application review and permit preparation fee, and if required, a corrective action section fee, in the amounts and in the manner set forth in table 2 in 20.4.2.205 NMAC.

E. Interim status closure plan review fees: Every owner or operator submitting an interim status closure plan for review and approval shall pay a fee set forth in table 3 of 20.4.2.206 NMAC. The fee shall be in an amount equal to the sum of the fees set forth in table 3 of 20.4.2.206 NMAC for each unit included in the closure plan. An application to modify an approved interim status closure plan is subject to the following fees:

(1) Amendments of plans that are identified as equivalent to a class 1 or a class 2 permit modifications are subject to the corresponding fee in table 4 in 20.4.2.207 NMAC;

(2) Amendments of plans identified as equivalent to class 3 permit modifications are subject to the corresponding fee in table 3 in 20.4.2.206 NMAC.

F. Permit modification fees: Every owner or operator who requests a class 1, 2, or 3 modification to a permit, and every owner or operator whose permit is to be modified as a result of a five year land disposal review shall pay the applicable class modification fee for each modification as set forth in table 4 of 20.4.2.207 NMAC. If the permit modification request is to add a new unit to the permit the applicable fee in table 2 of 20.4.2.205 NMAC will apply.

G. Closure report review fees: Every owner or operator who submits a closure report for review shall pay a closure report review fee as set forth in table 3 of 20.4.2.206 NMAC.

H. Corrective action submittal review fees: Every owner or operator who submits a corrective action submittal for review shall pay a corrective action submittal review fee as set forth in table 5 of 20.4.2.208 NMAC. An additional unit fee shall be paid for each additional unit for submittals that address multiple units. Documents that contain attached documents or attached sections of other documents within the submittal will be assessed a separate document review fee for the attached document or document section corresponding to the document type listed in table 5 of 20.4.2.208 NMAC. Draft documents shall be considered initial submittals subject to the corrective action submittal review fees as set forth in table 5 of 20.4.2.208 NMAC. Rejected documents shall be subject to the corrective action submittal review fees as set forth in table 5 of 20.4.2.208 NMAC upon resubmittal.

I. Land disposal review fee: Every owner or operator subject to a review under 20.4.1.900 NMAC (incorporating 40 CFR 270.50 (d)) shall pay a review fee as set forth in table 6 of 20.4.2.209 NMAC. At the time of invoicing, NMED shall notify the owner or operator in writing of any additional information required to process the review.

J. Audit review fee: Every owner or operator subject to an audit review required under a facility permit or enforceable document shall pay an audit fee for each audit as set forth in table 6 of 20.4.2.209 NMAC.

K. FFCO fee: Every owner or operator subject to a review of amendments, annual reports, and revisions under an FFCO shall pay a fee as set forth in table 6 of 20.4.2.209 NMAC. In the event of a conflict between the review times specified in table 6 and the FFCO, the FFCO shall control.

L. Change during interim status fee: Every owner or operator who requests a change during interim status pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.72) shall pay the following fees:

(1) Modifications that are identified as being equivalent to class 1 or class 2 permit modifications are subject to the corresponding fee in table 7 in 20.4.2.210 NMAC;

(2) Modifications identified as equivalent to class 3 permit modifications are subject to the corresponding fee in table 7 in 20.4.2.210 NMAC.

M. Emergency permit fee: Every facility that requests an emergency permit as required by 40 CFR 270.61 shall pay a fee as set forth in table 6 of 20.4.2.209 NMAC.

N. Adjustment for inflation: Beginning January 1 following the effective date of these fee regulations, the fees listed in 20.4.2.204 through 20.4.2.210 shall be adjusted annually to account for inflation. The amounts shall be adjusted by the percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor. The amount of change in the fee shall be rounded to the nearest fifty dollars (\$50). [12/31/1998; 20.4.2.201 NMAC - Rn, 20 NMAC 4.2.II.201 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.202 ANNUAL FEE REPORT: On or before September 30 of every year, NMED shall review the amount of fees collected and the amount of money expended administering the hazardous waste management program for the prior state fiscal year and submit a report on its review to the board. The report shall include for each facility the amount of fees collected, the number and types of permitting actions taken, submittals reviewed, a

summary of the time required to conduct each review or permitting action, and an analysis of the cost of regulatory oversight. The report shall include a summary of funds received and expenses required to administer the state hazardous waste program.

[12/31/1998; 20.4.2.202 NMAC - Rn, 20 NMAC 4.2.II.202 & A, 8/18/2006]

20.4.2.203 HEARING FEES:

A. An applicant for issuance, renewal, or modification of a permit, or remedy selection shall be required to pay the following hearing fees if the secretary determines that a public hearing shall be held on the application.

(1) **Hearing fee:** The applicant shall be invoiced a hearing fee of \$25,000 within 30 days of notification by the secretary that a hearing will be scheduled.

(2) **Administrative record preparation fee:** The applicant shall pay an administrative record preparation fee equal to the actual cost of copying the administrative record for the public hearing process.

(3) **Facility fee:** The applicant shall pay a facility fee equal to the actual cost of providing the public facility, including security and other ancillary costs, necessary to conduct the public hearing.

(4) **Recording and Transcription service fee:** The applicant shall pay a recording and transcription service fee equal to the actual cost of providing recording and transcription services for the public hearing and providing three copies of the hearing transcript to NMED.

(5) **Translation service fee:** If the secretary determines that translation services are required for the public hearing, the applicant shall pay a translation service fee equal to the actual cost of providing translation services necessary to conduct the public hearing.

(6) The applicant shall be invoiced for the total cost of the hearing within 90 days after the secretary's final decision under Subsection A of 20.4.2.203 NMAC. The hearing fee required under Paragraph (1) of Subsection A of 20.4.2.203 NMAC will be credited against the total cost of the hearing, or if the fee is more than the total cost of the hearing it shall be credited for future actions.

[12/31/1998; 20.4.2.203 NMAC - Rn, 20 NMAC 4.2.II.201.8 & 203 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.204 TABLE 1 - ANNUAL FEES:

Unit Type	Fee
Disposal	\$5,500
Treatment	\$4,000
Storage	\$3,000
Post Closure	\$5,500
Corrective Action Management (CAMU)	\$5,500
Temporary (TU)	\$4,000
Remedial Action Plan Unit	\$4,000
Corrective Action Only	
SWMU/AOC per Unit:	\$1000
Corrective Action Complete with Controls per Unit	\$350

[12/31/1998; 20.4.2.204 NMAC - Rn, 20 NMAC 4.2.II.204 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.205 TABLE 2 - APPLICATION AND CORRECTIVE ACTION SECTION FEES:

Unit Type	Fee	Fee for Renewal or Modification to add a unit	Review Time
Land Disposal	\$270,000	\$180,000	1080 days
Post Closure	\$120,000	\$80,000	720days
Land Treatment	\$120,000	\$80,000	360 days
Surface Impoundment	\$100,000	\$65,000	360 days
Incinerator	\$100,000	\$65,000	720 days
Boiler or Industrial Furnace	\$100,000	\$65,000	360 days
Subpart X	\$120,000	\$80,000	720 days
Waste Pile	\$144,000	\$96,000	720 days
Treatment in Tanks	\$144,000	\$96,000	720 days
Treatment in Containers	\$144,000	\$96,000	720 days

Storage in Tanks	\$144,000	\$96,000	720 days
Storage in Containers	\$144,000	\$96,000	720 days
Research Demonstration and Development	\$32,000	\$21,500	360 days
Remedial Action Plan	\$32,000	\$21,500	360 days
Permit for Corrective Action Only	\$80,000	\$65,000	360 days
Corrective Action Section	\$10,000	\$7,000	N/A
Additional SWMU/AOC Unit Fee	\$1,300 for each additional unit	N/A	N/A

[12/31/1998; 20.4.2.205 NMAC - Rn, 20 NMAC 4.2.II.205 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.206 TABLE 3 - INTERIM STATUS CLOSURE PLAN AND INTERIM STATUS AND PERMITTED UNIT CLOSURE REPORT REVIEW FEES:

Unit Type	Fee	Amendment Fee (equivalent to Class 3 permit modification)	Review Time
Land Disposal or Land Treatment	\$20,000	\$10,000	540 days
Surface Impoundment	\$25,000	\$10,000	540 days
Incinerator	\$8,000	\$4,000	270 days
Boiler or Industrial Furnace	\$8,000	\$4,000	270 days
Subpart X	\$30,000	\$15,000	540 days
Waste Pile	\$8,000	\$4,000	270 days
Storage	\$12,000	\$6,000	270 days
Treatment	\$10,000	\$5,000	360 days
Closure Report	\$13,000	NA	180 days

[12/31/1998; 20.4.2.206 NMAC - Rn, 20 NMAC 4.2.II.206 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.207 TABLE 4 - PERMIT MODIFICATION FEES:

Modification	Fee	Review Time
Class 1 (without prior approval)	\$1,800	N/A
Class 1 (with prior approval)	\$6,500	150 days
Class 2	\$30,000	Refer to 20.4.1.900 NMAC (incorporating 40 CFR 270.42 (b))
Class 3	\$100,000	540 days
Class 3 - Petition for Corrective Action Complete Review/Petition for No Further Action Review	\$30,000 plus \$500 for each additional unit up to 20 units and plus \$750 for every unit over 20 units	360 days (plus 30 days for every 3 units over 20)

[12/31/1998; 20.4.2.207 NMAC - Rn, 20 NMAC 4.2.II.207 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.208 TABLE 5 - CORRECTIVE ACTION SUBMITTAL REVIEW FEES:

Submittal Type	Basic Review Fee	Additional Unit Fee	Review Time
Accelerated Corrective Action Completion Report/Accelerated Corrective Measures Completion Report	\$11,000	\$1,000	120 days
Accelerated Corrective Action Work Plan/Accelerated Corrective Measures Work Plan	\$9,000	\$1,000	120 days
Background Study Report	\$5,000	\$1,000	210 days
Background Study Work Plan	\$4,000	\$1,000	210 days
Certification of Completion per unit	\$3,000	NA	90 days

Corrective Measures Implementation Report	\$10,000	\$1,000	360 days
Corrective Measures Implementation Work Plan	\$18,000	\$1,000	270 days
Corrective Measures Study Report/Corrective Measures Evaluation	\$30,000	\$1,000	480 days
Corrective Measures Study Report/Corrective Measures Evaluation with Risk Assessment	\$35,000	\$1,000	480 days
Corrective Measures Study Workplan/Corrective Measures Evaluation Workplan	\$8,500	\$1,000	360 days
Frequent Monitoring Plan	\$3,500	\$1,000	120 days
Frequent Monitoring Report/Frequent Progress Report	\$3,000	\$1,000	N/A
Interim Measures Report	\$10,000	\$1,000	120 days
Interim Measures Work Plan	\$17,000	\$1,000	90 days
Investigation Report (RFI Report)/Phase Report	\$18,000	\$1,000	270 days
Investigation Report with Risk Assessment	\$20,000	\$1,000	360 days
Investigation Work Plan (RFI Work Plan)	\$15,000	\$1,000	270 days
Letter Report/Supplemental Report/Report Addendum	\$6,000	\$1,000	180 days
Letter Work Plan/Supplemental Work Plan/Work Plan Addendum	\$5,000	\$1,000	180 days
Monitoring Plan	\$10,000	\$1,000	120 days
Notice of Land Transfer	\$2,000	\$1,000	120 days
Operation and Maintenance Plan	\$9,000	\$1,000	150 days
Periodic Monitoring Report	\$5,000	\$1,000	N/A
Pilot/Aquifer Test Report	\$10,000	\$1,000	180days
Pilot/Aquifer Test Work Plan	\$7,000	\$1,000	150days
RCRA Facility Assessment (RFA) Report	\$14,500	\$1,000	180 days
Release Assessment/SWMU Assessment Report	\$8,500	\$1,000	180days
Remedy Completion Report	\$8,500	\$1,000	180 days
Third Revision/Third Document Revision	50% of corresponding Review Fee	N/A	N/A
Risk Evaluation/Risk Assessment Report	\$14,000	\$1,000	180 days
Status Report	\$8,000	\$1,000	N/A
Well Completion Report per well	\$3,000	NA	90 days
Well Abandonment Report/Well Replacement Report per well	\$2,000	N/A	90 days
Well Abandonment Work Plan/Well Replacement Work Plan per well	\$2,000	N/A	90 days

[20.4.2.208 NMAC - N, 8/18/2006; A, xx/xx/2019]

20.4.2.209 TABLE 6 - LAND DISPOSAL, AUDIT REVIEW AND OTHER FEES:

Activity	Fee	Review Time
Land Disposal Permit Review	\$10,000	360 days

Audit Review	\$30,000	60days
FFCO Administration	\$2,000	90 days
Emergency Permit	\$1,000	30 days

[20.4.2.209 NMAC - N, 8/18/2006; A, xx/xx/2019]

20.4.2.210 TABLE 7 - CHANGE DURING INTERIM STATUS FEES:

Submittal Type	Fee	Review Time
Change without prior approval	\$1,800	45 days
Change with prior approval (equivalent to Class 1 permit modification)	\$6,500	150 days
Change with prior approval (equivalent to Class 2 permit modification)	\$30,000	120 days
Change with prior approval (equivalent to Class 3 permit modification)	\$100,000	540 days

[20.4.2.210 NMAC - N, 8/18/2006; A, xx/xx/2019]

20.4.2.211 FEE CALCULATION:

A. The annual fee shall be assessed for each unit identified in the facility permit, Part A application, and enforceable document on January 1 of the assessed year. The annual fee shall be waived for hazardous waste management units for which the owner or operator provides documentation to NMED that hazardous waste management activities did not occur at the unit during the previous calendar year. To be considered for the waiver the owner or operator shall submit the documentation to NMED on or before July 1 of each year.

B. The owner or operator of the facility is liable for payment of the undisputed part of the assessed fee on the date the annual fee is due. Payments will not be refunded because of a transfer of ownership or operations to a new owner or operator.

[20.4.2.211 NMAC - Rn, 20 NMAC 4.2.II.208 & A, 8/18/2006]

20.4.2.212 - 20.4.2.299 [RESERVED]

20.4.2.300 PAYMENT, DUE DATES, AND APPEALS:

[12/31/1998; 20.4.2.300 NMAC - Rn, 20 NMAC 4.2.III.300 & A, 8/18/2006]

20.4.2.301 MANNER OF PAYMENT AND DUE DATES:

A. Annual Fee Invoices: NMED shall invoice every owner or operator for the annual fee by October 1 of every year.

B. Review Fees: Any submittals listed in tables 2 through 7 of 20.4.2.205 NMAC through 20.4.2.210 NMAC submitted by an owner or operator for review shall be invoiced for the corresponding fee by NMED.

C. Due Date: Payment of any fee shall be due within 60 days of receipt of the invoice unless the owner or operator submits to NMED a written request seven days prior to the end of the 60 day period and receives written approval to extend the time for payment before the date payment is due. Failure to submit payment within the 60 days, or approved extension, may result in the document being denied, and further enforcement action.

D. All fees shall be paid to NMED by certified check or money order payable to the New Mexico Environment Department or the Hazardous Waste Bureau, by electronic funds transfer (with prior notice to NMED), or by other methods deemed acceptable by NMED. Cash payments are not an acceptable method of payment. All payments must include the invoice number and be addressed to the New Mexico environment department - hazardous waste bureau.

[12/31/1998; 20.4.2.301 NMAC - Rn, 20 NMAC 4.2.III.301 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.302 APPEAL OF FEE ASSESSMENT:

A. Mandatory Settlement Conference:

Any owner or operator seeking to appeal an invoice for fees under this part must first notify the NMED in writing of the intent to appeal the invoice within 30 calendar days of receipt of the invoice. The notice shall set forth the specific matters in dispute, the basis for the dispute, and any matters considered necessary for NMED's consideration. The parties shall have 30 calendar days from NMED's receipt of notification to meet or confer with

NMED to attempt to resolve the matters in the dispute. The secretary may extend deadlines under this section upon a determination that good cause exists. If an agreement is reached resolving the dispute, NMED may issue a revised invoice and the owner and operator shall comply with the terms of such agreement and revised invoice. If an agreement is not reached, NMED shall issue a notification to all parties that an agreement has not been reached. Failure to notify NMED of an appeal in the required timeframe shall prohibit the owner and operator from appeal of the invoice.

B. Administrative appeal:

(1) An invoice for fees may be appealed by filing a written request for hearing with the hearing clerk designated by the secretary of environment within 30 days of the date of the notification that an agreement has not been reached. The written request shall be accompanied by a copy of the invoice being contested and shall set forth the grounds upon which the appellant disagrees with the assessment.

(2) Except as otherwise provided, the appeal shall be governed by 20.1.5 NMAC, Adjudicatory Procedures - Environment Department. The hearing officer shall schedule the hearing for no later than 90 days after service of the notice of docketing.

(3) NMED shall not seek collection of an appealed fee or take enforcement action on an appeal of the fee assessment until the secretary has issued a decision on the appeal. Late charges on the amount assessed shall continue to accrue and shall be payable if the assessment is upheld or upheld with modification. If the assessment is modified on appeal, late charges shall be calculated based on the assessment as modified.

(4) If an appeal is not timely filed pursuant to this subsection, the invoice shall constitute a final action of the secretary of environment.

[12/31/1998; 20.4.2.302 NMAC - Rn, 20 NMAC 4.2.III.302 & A, 8/18/2006; A, xx/xx/2019]

20.4.2.303 - 20.4.2.399 [RESERVED]

20.4.2.400 LATE CHARGES AND ENFORCEMENT:

[12/31/1998; 20.4.2.400 NMAC - Rn, 20 NMAC 4.2.IV.400, 8/18/2006]

20.4.2.401 LATE CHARGES: If any fee required by this part is not paid in full on the date due, which shall be either 60 days after receipt of the invoice or the end of an approved extension of the time for payment, the person owing the fee shall pay a billing charge of \$100, plus late charges in the amount of an additional one percent of all fees owed for every month or part of a month in which the fees remain unpaid beyond the due date. Billing and late charges shall be credited to the Hazardous Waste Fund and are independent of any penalties assessed under the act.

[12/31/1998; 20.4.2.401 NMAC - Rn, 20 NMAC 4.2.IV.401, 8/18/2006; A, xx/xx/2019]

20.4.2.402 FAILURE TO PAY FEES:

A. Failure to pay any fee required by this part may result in enforcement proceedings under the act including but not limited to the revocation or suspension of any permit issued by NMED pursuant to the act to the person failing to pay the fees as required.

B. Fees are not refundable and do not guarantee that a permit will be issued or a submittal or action will be approved by the NMED.

[12/31/1998; 20.4.2.402 NMAC - Rn, 20 NMAC 4.2.IV.402 & A, 8/18/2006]

20.4.2.403 - 20.4.2.499 [RESERVED]

20.4.2.500 MISCELLANEOUS PROVISIONS:

[12/31/1998; 20.4.2.500 NMAC - Rn, 20 NMAC 4.2.V.500, 8/18/2006]

20.4.2.501 DEPOSIT IN THE HAZARDOUS WASTE FUND: All fees collected pursuant to this part shall be transmitted to the state treasurer for credit to the hazardous waste fund and used for the sole purpose of meeting necessary expenses in the administration and operation of the hazardous waste program.

[12/31/1998; 20.4.2.501 NMAC - Rn, 20 NMAC 4.2.V.501, 8/18/2006]

20.4.2.502 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part does not relieve a person of the obligation to comply with other applicable local, state and federal regulations.

[12/31/1998; 20.4.2.502 NMAC - Rn, 20 NMAC 4.2.V.502, 8/18/2006]

20.4.2.503 CONSTRUCTION: This part shall be liberally construed to effectuate the purpose of the act.
[12/31/1998; 20.4.2.503 NMAC - Rn, 20 NMAC 4.2.V.503, 8/18/2006]

20.4.2.504 SEVERABILITY: If any provision or application of this part is held invalid, the remainder, or its application to other situations or persons, shall not be affected.
[12/31/1998; 20.4.2.504 NMAC - Rn, 20 NMAC 4.2.V.504, 8/18/2006]

20.4.2.505 - 20.4.2.599 [RESERVED]

HISTORY OF 20.4.2 NMAC:

Pre-NMAC History: The provisions of this part were derived in part from material previously filed with the commission of public records, state records center and archives under:
EIB/HWFR-1, Hazardous Waste Fee Regulations, filed October 28, 1988; and
EIB/HWFR-1, Annual Hazardous Waste Fee Regulations, filed January 19, 1994.

History of Repealed Material:

20 NMAC 4.2, Hazardous Waste Fees (filed 10/27/1995), repealed 12/31/1998.

Other History:

EIB/HWFR-1, Annual Hazardous Waste Fee Regulations (filed 1/19/1994) was renumbered, reformatted, amended, and replaced by 20 NMAC 4.2, Hazardous Waste Fees, effective 11/30/1995.

20 NMAC 4.2, Hazardous Waste Fees (filed 10/27/1995) was replaced by 20 NMAC 4.2, Hazardous Waste Fees, effective 12/31/1998.

20 NMAC 4.2, Hazardous Waste Fees (filed 11/30/1998) was renumbered, reformatted, amended, and replaced by 20.4.2 NMAC, Hazardous Waste Permit and Corrective Action Fees, effective 8/18/2006.

EXHIBIT E

JANINE KRAEMER

EXPERIENCE

Ms. Kraemer is the Program Manager for the Hazardous Waste Bureau, Compliance & Technical Assistance Program with the New Mexico Environment Department (NMED), located in Santa Fe, NM. The Compliance & Technical Assistance Program oversees regulatory compliance and enforcement at hazardous waste generators, permitted facilities, and used oil facilities.

Prior to working at NMED, Ms. Kraemer worked for the Florida Department of Environmental Protection (FDEP) for over 13 years, initially as a hazardous waste inspector and then overseeing the Solid and Hazardous Waste Programs as Program Manager in Orlando, FL. During her tenure with FDEP, she was a member of the Bureau of Emergency Response Team, a member of the Metropolitan Environmental Training Alliance (METRA), and a member of the Tier I-Wastetrackers, a partnering team with Kennedy Space Center, Cape Canaveral Air Force Station, Patrick Air Force Base, and their contractors. As the Criminal Coordinator for FDEP Central District, Ms. Kraemer worked closely with Florida Fish and Wildlife Commission Investigators (previously with the Criminal Investigations Bureau) as the point of contact for regulatory and criminal cases.

Ms. Kraemer has been a member of the HWB staff for almost 6 years. She manages all aspects of the Compliance & Technical Assistance Program management including oversight of compliance inspections and enforcement cases at RCRA-regulated facilities, rulemaking, staffing, policy implementation, budget management and training. She also manages the Environmental Incident Coordinator and the On-Call Team that coordinate responses to incidents that may affect the environment. Ms. Kraemer initiated a partnering group with the New Mexico Department of Defense facilities in 2018 to build relationships and increase communication with the regulated community.

EDUCATION

Ms. Kraemer has a Bachelor of Science Degree in Biology with a minor in Chemistry and is a Certified Hazardous Materials Manager.

EXHIBIT F

NMED Testimony

20.4.3 NMAC

DIRECT TESTIMONY OF JANINE KRAEMER
HAZARDOUS WASTE BUREAU
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD
ON DECEMBER 20, 2019
20.4.3 NMAC

OVERVIEW OF THE HAZARDOUS WASTE ACT AND REGULATIONS

Please refer to Exhibit B, *Direct Testimony of Dave Cobrain*, for the *Overview of the Hazardous Waste Act and Regulations*, and the *Funding Sources for the Hazardous Waste Program*.

To reiterate Mr. Cobrain's testimony: The Hazardous Waste Act (HWA), NMSA 1978, Sections 74-4-1 through 74-4-14, directs the Environmental Improvement Board (EIB) to provide a schedule of fees for businesses generating hazardous waste, conducting permitted hazardous waste management activities, or seeking a permit for the management of hazardous waste. NMSA 1978, Section 74-4-4.2(J). The *Hazardous Waste Permit and Corrective Action Fees* (20.4.2 NMAC) and *Annual Hazardous Waste Fees* (20.4.3 NMAC) implement these fees. The purpose of these fees is to support regulatory oversight of hazardous waste facilities by the New Mexico Environment Department (NMED).

The *Annual Hazardous Waste Fees* (20.4.3 NMAC) provide specific regulations for assessing fees for all persons who generate hazardous waste under the HWA. The *Annual Hazardous Waste Fees* also provide regulations for hazardous waste generators and treatment, storage and disposal facilities that receive imported hazardous waste. Subsections 74-4-4.2(J)(1) and (2) of the HWA (Attachment B2) provide the legal authority for these regulations.

The New Mexico Environment Department is requesting amendments to the *Annual Hazardous Waste Fees*, 20.4.3 NMAC, before the EIB.

HAZARDOUS WASTE FEES

In addition to hazardous waste generators paying fees under the *Annual Hazardous Waste Fees* (20.4.3 NMAC), NMED HWB is also proposing business fees; therefore, we are removing the word "annual" from the title. The *Annual Hazardous Waste Fees* (20.4.3 NMAC), have not been revised since 1995; therefore, increases are necessary to maintain the program. Additionally, the recent revision to EPA rules includes several provisions for facilities to be exempt from Small and Large Quantity Generator fees; therefore, business fees were added to offset the reduction.

Revenue generated by the *Annual Hazardous Waste Fees* (20.4.3 NMAC) varies from year to year. Generators are required to self-report and the quantities they generate vary from year to year. HWB has limited resources to confirm the amount of waste generated

by facilities. Annual fees are assessed based on the amount of hazardous waste generated monthly. To meet EPA's Grant commitments, NMED HWB is required to inspect 20% of the Large Quantity Generators each year and each Large Quantity Generator every five years, which varies from 10-12 inspections. Additionally, as part of EPA's Grant Commitment, NMED HWB is required to complete Small Quantity Generator and Very Small Quantity Generator inspections. For fiscal year 2020, NMED HWB will be inspecting 6 Small Quantity Generators and 30 Very Small Quantity Generators; however, the number of these inspections can vary depending on available staff.

Hazardous waste rules divide generators into three categories; Very Small Quantity Generators, Small Quantity Generators and Large Quantity Generators. The proposed amendments to 20.4.3 NMAC include the addition of an annual fee for Very Small Quantity Generators. Although authorized by the HWA, Very Small Quantity Generators have not been required to pay any annual fees since the inception of the *Annual Hazardous Waste Fees* (20.4.3 NMAC). HWB has averaged approximately 95 Very Small Quantity Generator, hazardous waste/used oil transporter, and used oil facility inspections a year in the past four years. Each inspection requires at least two hours, sometime more, to complete. Although \$100 does not cover the expense of the inspection, NMED HWB assessed a reasonable annual fee so as to not adversely affect generator business operations.

The proposed amendments revise the Small Quantity Generator fees to replace the current \$0.01 per pound hazardous waste generation fee with a flat fee to provide for a less complicated fee calculation, which will allow facilities to plan for a specific fee in their budget each year. The HWB typically inspects six to eight Small Quantity Generators each year, and each inspection usually requires four to six hours to complete. NMED HWB proposes to assess an annual fee of \$500 to cover the cost of inspections at most Small Quantity Generators.

The proposed amendments revise the Large Quantity Generator fees to replace the rescinded \$0.01 per pound of hazardous waste generation fee to a flat fee to provide for a simplified fee calculation, which will allow facilities to plan a specific fee in their budget each year. The HWB generally inspects eight to twelve Large Quantity Generators each year and the amount of time to inspect a Large Quantity Generator can vary from one day for one inspector to five days for five inspectors depending on the size of the facility. The proposed revisions include a flat fee basis on a range of volumes of hazardous waste generated each year. Large Quantity Generator fees for previous years were reviewed to determine the ranges for the proposed Large Quantity Generator fees.

NOTIFICATION TO THE REGULATED COMMUNITY ON THE PROPOSED REVISIONS TO THE ANNUAL HAZARDOUS WASTE FEES

The Bureau has posted the proposed draft regulations on the HWB website. In addition, the Bureau contacted 683 facilities with email addresses, advising them of the rule change on September 20, 2019 (Attachment F8). The Bureau also presented the changes to the Department of Defense facilities during a partnering meeting in New Mexico on

September 18, 2019. NMED received one comment on November 12, 2019. Based on the comments, NMED revised the regulations concerning the Large Quantity Generator fees by adjusting the range of pounds generated for each incremental fee increase. The version of 20.4.3 NMAC that was public noticed on October 15, 2019 was revised to reflect these changes. If this new fee rule is adopted as proposed by the Board, fees will not be due until August 2021.

THE FEE BASIS

Hourly Rate Basis

As explained in Mr. Cobrain's testimony, the basis for the proposed fee amendments was calculated by determining the hourly rate for a staff full time equivalent (FTE). The hourly rate incorporates the operating costs of the bureau divided by the number of FTEs in the Bureau. The basis for the hourly rate of \$94.44 is discussed in Exhibit B.

PROPOSED CHANGES TO THE HAZARDOUS WASTE FEES

NMED respectfully requests the Environmental Improvement Board's approval to amend the New Mexico *Annual Hazardous Waste Fees*, 20.4.3 NMAC (Exhibits G and H). The *Annual Hazardous Waste Fees*, 20.4.3 NMAC, provide regulations authorized by Sections 74-4-4.2(J)(1) and (2) of the HWA. The following provides a list of the proposed modifications with supporting information for the amendments to the regulations.

Proposed additions to the Fee Regulations are underlined. Strike out has been used to indicate deletions. The following sections of 20.4.3 NMAC are proposed for amendments:

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 4 HAZARDOUS WASTE
PART 3 ~~ANNUAL~~ HAZARDOUS WASTE FEES
Proposed change in title by deleting "Annual" in Part 3

20.4.3.1-20.4.3.5

No changes are proposed for these sections.

20.4.3.6

Proposed revision to include business fees in the objective:

The objective ~~part 3 of Chapter 4 [20.4.3 NMAC]~~ of this part is to provide a schedule of annual fees for hazardous waste generators and treatment, storage and disposal facilities which receive imported hazardous waste, as well as business fees for specific activities or events. The annual and business fees collected will be deposited in the hazardous waste fund to meet necessary expenses in the administration and operation of the state hazardous waste program.

20.4.3.7

Within Section 20.4.3.7 NMAC, DEFINITIONS, several definitions have been added, clarified or deleted to make them coincide with current HWB operations.

“annual business fee” proposed deleting definition of “Annual Business Fee” as there is no longer a fee meeting this definition. (20.4.3.7(B) NMAC)

“annual fee” proposed clarifying the definition of annual fee by deleting “generation” because of the addition of “business fees” to the rule. (20.4.3.7(C) NMAC)

“Business fee” proposed adding definition for “business fee” in order to collect fees for specific activities or events. (20.4.3.7(D) NMAC)

“Compliance assistance visit for salvage yards” proposed adding definition for “compliance assistance visit for salvage yards” in order to collect business fee. (20.4.3.7(F) NMAC)

“Episodic generator” proposed adding definition for “episodic generator” in order to collect business fee. (20.4.3.7(I) NMAC)

“Emergency Environmental Protection Agency (“EPA”) identification number” proposed adding a definition for “Emergency Environmental Protection Agency identification number”. (20.4.3.7(J) NMAC)

“Generator” proposed clarifying definition of “Generator” to include all generator sizes. (20.4.3.7(K) NMAC)

“Imported hazardous waste” proposed deleting “for longer than 90-days” to include all applicable facilities. (20.4.3.7(M) NMAC)

“Large quantity generator” proposed clarifying the definition of “Large Quantity Generator” to include acutely toxic waste and on-site accumulation. (20.4.3.7(N) NMAC)

“Small quantity generator” proposed clarifying the definition of “Small Quantity Generator” to include maximum accumulation allowable on-site. (20.4.3.7(S) NMAC)

“Very small quantity generator” proposed adding the definition of “Very Small Quantity Generator” to include all applicable facilities. (20.4.3.7(T) NMAC)

20.4.3.8-20.4.3.108

No changes are proposed for these sections.

20.4.3.109

Proposed deleting section as it is no longer applicable.

20.4.3.110

Proposed deleting section as it is no longer applicable.

20.4.3.111-20.4.3.199

No changes are proposed for these sections.

20.4.3.200

Proposed clarifying language:

~~GENERATION ANNUAL FEES:~~ Every generator shall pay hazardous waste ~~generation~~ Based on activities as defined in 20.4.3.7 NMAC, facilities shall pay fees to the department annually, in accordance with the provisions of this part.

20.4.3.201

Proposed revision of the fees and remove the 0.01 per pound language and non-applicable language: FEE SCHEDULE:

- A. Annual ~~generation~~ fees are set forth ~~in the schedules~~ below:
 - (1) ~~Very small quantity generator: \$100;~~
 - (2) ~~Small quantity generator: \$500;~~
 - (3) Large quantity generators that generate 100,000 pounds or less of hazardous waste annually: \$5,000;
 - (4) Large quantity generators that generate more than 100,000 pounds but less than 400,000 pounds of hazardous waste annually: \$10,000;
 - (5) Large quantity generators that generate 400,000 pounds or more of hazardous waste: \$20,000

20.4.3.202

Proposed deleting items for clarification and adding subsection on consumer price index inflation adjustment:

FEE CALCULATION:

- A. Nothing herein is intended to affect the generator's obligations with respect to reporting or record keeping under other applicable laws and regulations.
- B. The total annual ~~generation~~ fees due are the cumulative total of the fees for all sites ~~at which the person paying the fees generated hazardous waste engaged in activities as defined in 20.4.3.7 NMAC~~ during the calendar year prior to the year in which the fee is to be paid, subject to the limits set forth in now 20.4.3.109 NMAC;
- C. Beginning January 1 following the effective date of these fee regulations, the fees listed in 20.4.3.401 NMAC shall be adjusted annually to account for inflation.

The amounts shall be adjusted by the percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor. The amount of change in the fee shall be rounded to the nearest \$1.00.

20.4.3.203

Proposed deleting subsections “A” and “C” and added language for clarification:

A. The transferor must report the waste generated during the calendar year in which the transfer takes place ~~but prior to the transfer to the department~~, on a form obtained from the department. This report and payment shall be submitted to the department at the time of transfer.

20.4.3.204 – 20.4.3.299

No changes are proposed for these sections.

20.4.3.300

Proposed added language for clarification on imported hazardous waste fees:

IMPORTED WASTE COMPENSATING FEES: ANNUAL IMPORTED WASTE COMPENSATING FEES: For waste that is generated out-of-state, but treated, stored, or disposed of in New Mexico, an annual imported waste compensating fee shall be paid in lieu of the generation fee provided for in 20.4.3.200 NMAC through 20.4.3.203 NMAC. The owner or operator of the ~~treatment, storage or disposal~~ facility first receiving the imported hazardous waste shall pay ~~the fee~~ to the department annually \$0.01 per pound of hazardous waste managed in New Mexico, in accordance with the provisions of this part.

20.4.3.301

Proposed deletions for clarification:

FEE SCHEDULE: The annual ~~generation~~ fee and the exclusions applicable thereto shall apply to imported hazardous waste to the same extent as if the waste had been generated within the state. For purposes of determining the volume of waste and the fees due, all imported hazardous waste received by a ~~treatment, storage or disposal~~ facility, during the calendar year prior to the year in which the fee is to be paid, shall be considered to have been received from a single source.

20.4.3.302-20.4.3.399

No changes are proposed for these sections.

20.4.3.400

Propose to delete “annual” as these are not annual fees and providing direction for payment of business fees:

BUSINESS FEES: ~~Annual~~ Business fees shall be paid for each of the events outlined in 20.4.3.401 NMAC. Every generator shall pay hazardous waste business fees to the department annually, in accordance with the provisions of this part.

20.4.3.401

Proposed clarification of specific business fees for specific events

FEE SCHEDULE: ~~Annual~~ Business fees are set forth in the schedules below and due at time of request. Generation at individual generation site (per site):

- A. Episodic generators, for each planned or unplanned event: \$500;
- B. Generators or co-generators requesting temporary or emergency EPA identification number requests: \$100;
- C. Salvage yards, for each compliance assistance visit requested: \$100;
- D. Generators notifying of 40 CFR 262 Subpart K activities: \$100;
- E. Generators notifying of 40 CFR 250.10 (hazardous secondary materials activities): \$100;

20.4.3.402

Propose to delete items for clarification and adding a subsection on consumer price index inflation adjustment:

FEE CALCULATION:

- ~~A. The annual business fee shall be paid in full if the person generated hazardous waste at the site if applicable during any part of the calendar year.~~
- B. The business fees are due for all sites engaged in activities as defined in 20.4.3.7 NMAC during the calendar year prior to the year in which the fees are to be paid, subject to the limits set forth in 20.4.3.109 NMAC.
- C. Beginning January 1 following the effective date of these fee regulations, the fees listed in 20.4.3.401 NMAC shall be adjusted annually to account for inflation. The amounts shall be adjusted by the percentage of the preceding calendar year’s change in the consumer price index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor. The amount of change in the fee shall be rounded to the nearest \$1.00.

20.4.3.403 - 20.4.3.500

No changes are proposed for these sections.

20.4.3.501

Proposed clarification of payment method:

MANNER OF PAYMENT: The person paying fees under this part shall complete a fee report form obtained from the department, and submit the report to the department, together with any documentation requested by the department, and a check, cashier's check or money order for the fees owed, to the department in accordance with the instructions set forth on the report form. The report shall include a certification of the truthfulness of all of the matters and facts contained in the report, as provided in now 20.4.3.502 NMAC. All fees shall be paid to NMED by certified check or money order payable to the New Mexico Environment Department or the Hazardous Waste Bureau, by electronic funds transfer (with prior notice to NMED), or by other methods deemed acceptable by NMED. Cash payments are not an acceptable method of payment. All payments must include the name of facility, address and contact information or invoice number and be addressed to the New Mexico environment department – hazardous waste bureau.

Attachment F1

Correspondence Related to Proposed Fee Regulation Update

20.4.3 NMAC

From: [New Mexico Environment Department](#)
To: diana.tharpe@state.nm.us; [Hayden, Maddy, NMENV](#); [Kraemer, Janine, NMENV](#); [Hochman, Todd, NMENV](#); [Graves, Robert, NMENV](#); [MacDonald, AnaMaria, NMENV](#); [Clark, Rick, NMENV](#)
Subject: [EXT] Courtesy Copy: Hazardous Waste Fee Rule Revision
Date: Thursday, September 19, 2019 8:57:59 AM

This is a courtesy copy of an email bulletin sent by Janine Kraemer.

This bulletin was sent to the following groups of people:

Subscribers of Annual Hazardous Waste Fees (683 recipients)

NMED Banner



Hazardous Waste Bureau

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The New Mexico Environment Department (“NMED”) Hazardous Waste Bureau (“HWB”) is revising 20.4.3 NMAC Hazardous Waste Fee. The fees have not been updated since their adoption in 1995. The new fee simplifies the calculations by

eliminating the 0.01 per pound calculation and replaces it with flat annual fee. Included in the new rule is a fee for Very Small Quantity Generators (VSQG) of \$100 per year.

A copy of the 20.4.3 Hazardous Waste Fee Rule can be found at:

<https://www.env.nm.gov/hazardous-waste/proposed-hazardous-waste-regulations/>

<https://www.env.nm.gov/wp-content/uploads/2018/02/Draft-20.4.3-NMAC-HW-Fees.pdf>

For more information or to comment on the rule, please contact:

Janine Kraemer, CHMM

Program Manager

Compliance & Technical Assistance Program

Hazardous Waste Bureau

New Mexico Environment Department

2905 Rodeo Park Drive

Santa Fe, NM 87505

O: 505-476-4372

C: 505-670-9424

Janine.Kraemer@state.nm.us

[NMED Hazardous Waste Bureau Website](#)

2905 Rodeo Park Drive East, Building 1

Santa Fe, New Mexico 87505-6303

Phone: (505) 476-6000

Fax: (505) 476-6030



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From: [New Mexico Environment Department](#)
To: diana.tharpe@state.nm.us; [Hayden, Maddy, NMENV](#); [Kraemer, Janine, NMENV](#); [Hochman, Todd, NMENV](#); [Graves, Robert, NMENV](#); [MacDonald, AnaMaria, NMENV](#); [Clark, Rick, NMENV](#)
Subject: [EXT] Courtesy Copy: Hazardous Waste Fee Rule Revision
Date: Thursday, September 19, 2019 8:57:59 AM

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For more information or to comment on the rule, please contact:

Janine Kraemer, CHMM

Program Manager

Compliance & Technical Assistance Program

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To: [Kraemer, Janine, NMENV; diana.tharpe@state.nm.us; Hayden, Maddy, NMENV; Hochman, Todd, NMENV; MacDonald, AnaMaria, NMENV; Clark, Rick, NMENV; Graves, Robert, NMENV](#)
Subject: [EXT] Courtesy Copy: Public Notice for Hazardous Waste Fee Rule Revision
Date: Thursday, October 17, 2019 7:30:33 AM

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This bulletin was sent to the following groups of people:

Subscribers of Annual Hazardous Waste Fees (677 recipients)

Banner



The New Mexico Environmental Improvement Board (“Board” or “EIB”) will hold a public hearing beginning at 9:00 a.m. on December 20, 2019 and continuing thereafter as necessary at the New Mexico State Capitol Building, Room 307, 490 Old Santa Fe Trail, Santa Fe, New Mexico.

The purpose of the hearing is to consider proposed amendments to the Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC, and the Annual Hazardous Waste Fee Regulations, 20.4.3 NMAC (Fee Regulations). The New Mexico Environment Department (NMED) is the proponent of the proposed amendments.

The purpose of the amendments is to update the Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC and the Annual Hazardous Waste Fees, 20.4.3 NMAC, to incorporate changes in fees based on inflation since 2004 and staff document review time data compiled since 2007. The updates are necessary to support the Hazardous Waste Management Program. The current Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC, were last adopted in 2006 and the Annual Hazardous Waste Fee Regulations, 20.4.3 NMAC, were last adopted in 1995.

See links to public notices for additional information:

<https://www.env.nm.gov/wp-content/uploads/2018/02/Public-Notice-Fee-Regs-HWB-English-10-15-2019.pdf>

<https://www.env.nm.gov/wp-content/uploads/2018/02/Public-Notice-Fee-Regs-HWB-Spanish-10-15-2019.pdf>

Please feel free to contact Janine Kraemer at 505-476-4372 or by email at Janine.Kraemer@state.nm.us or

Dave Cobrain at 505-476-6055 or by email at Dave.Cobrain@state.nm.us

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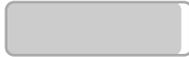
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Subject: Public Notice for Hazardous Waste Fee Rule Revision
 Sent: 10/17/2019 07:30 AM MDT
 Sent By: Janine.Kraemer@state.nm.us
 Sent To: Subscribers of Annual Hazardous Waste Fees

677
 Recipients

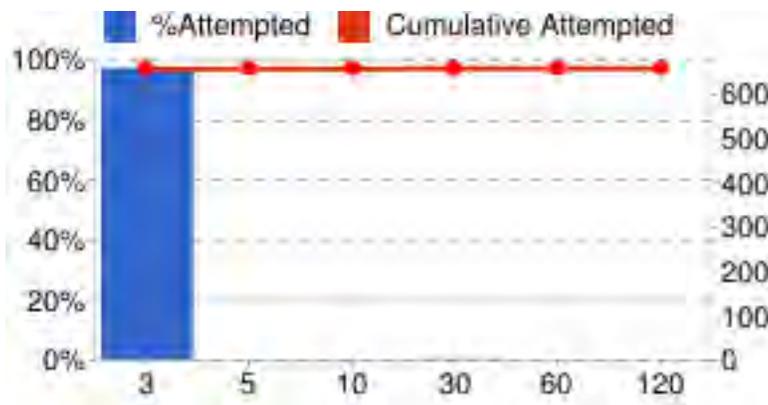
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94%
 Delivered



3% Pending
 3% Bounced
 14% Open Rate
 13% Click Rate

Email Delivery Stats



Minutes	Cumulative Attempted
3	97%
5	97%
10	97%
30	97%
60	97%
120	97%

Delivery Metrics - Details

677 Total Sent
637 (94%) Delivered
19 (3%) Pending
21 (3%) Bounced
12 (2%) Unsubscribed

Bulletin Analytics

140 Total Opens
92 (14%) Unique Opens
82 Total Clicks
82 (13%) Unique Clicks
6 # of Links

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SMS Message	Delivered	0.0%	0	0	n/a	0	n/a

Link URL

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Environmental Health Safety & Risk Management

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RE: Significant Issues on Proposed Revisions to 20.4.3 NMAC Hazardous Waste Fees

New Mexico State University (NMSU) Las Cruces is a Large Quantity Generator of hazardous waste. Annually the NMSU Las Cruces campus generates approximately 30,000 pounds of hazardous waste. Currently, this results in NMSU paying annual hazardous waste fees to the New Mexico Environment Department (NMED) of approximately \$2,800. For specific reference, NMSU's last annual hazardous waste fee payment was made in July 2019 for **\$2,776.65**.

We have reviewed the proposed revisions and submit the following comments on significant issues related to the revisions.

- 1) Based on the current proposed revisions to 20.4.3 NMAC Hazardous Waste Fees, NMSU's Las Cruces campus annual hazardous waste fees will increase to **\$20,000**. This is a very steep increase that we request NMED re-evaluate and reduce. We must have the ability to plan and budget fee increases into our operational costs and at a reasonable rate. The current proposed increase is unreasonable.

At a minimum, we request that any increase be phased in over a multi-year period not to exceed a 10% increase in any one year.

- 2) New Mexico State University has about 23 satellite facilities throughout the state of New Mexico to best serve the remote needs of a diverse state population. These include Agricultural Science Centers, campuses with academic missions, and research facilities. These components of NMSU all vary in operations, frequency and type of waste generation. All of these NMSU facilities could generate very small amounts of hazardous waste at some point in time and thus would be considered Very Small Quantity Generators. Historically, NMED has not regulated the Very Small Quantity Generators and NMSU has not had to pay additional fees or submit additional reports for these NMSU components.

Based on the current proposed revisions to 20.4.3 NMAC Hazardous Waste Fees, NMSU could have numerous satellite components that may have to pay \$100 each thus resulting in an additional, new, annual charge to the NMSU system plus the associated de-

centralized administrative burden. This is an increase in annual fees of up to **\$2,300** and new administrative reporting burden that we request NMED re-evaluate and reduce. Based on the current proposal it appears that NMSU could have to submit 24 different annual reports with 24 separate checks, which is a large administrative burden.

We request that NMSU Very Small Quantity Generator locations be included with the parent corporation with its components as a single entity similar to current 20.4.3.108 Fees Cumulative, Subject to Limits. We request that all NMSU components throughout the NMSU system fall under the parent NMSU Las Cruces campus Large Quantity Generator flat rate. Also at a minimum, NMSU requests that only one report with one associated check for annual fees be required for the entire NMSU system.

- 3) In the petition to the Environmental Improvement Board for this action, 1935(R), it is stated: “The Department has engaged in extensive stakeholder involvement prior to the filing of this Petition, and the response to the proposed amendments from the regulated community has been constructive and positive”. We contest this statement and point out that we were first notified of the proposed Hazardous Waste Fee Rule Revision by email sent from NMED on September 19, 2019. To our best knowledge, there was one email to one person at NMSU alerting us to the revision and the NMED website. Other than the formal process of rulemaking, there has been no other opportunity for open exchange from the regulated community. We would have liked the opportunity to discuss the impact on NMSU University system related to the proposed revisions and offer suggestions prior to rulemaking.

The limited engagement with stakeholders should raise concern that communications have been essentially non-existent with a large stakeholder group that is directly impacted. This group of stakeholders includes numerous Very Small Quantity Generators throughout the state of NM that have not previously paid business fees and would not have received the email alert. In the NMSU system, there are 23 potential stakeholders in this category.

In summary, NMSU remains committed to protecting the environment and following NMED requirements to the best of our ability. We simply ask for fair requirements and reasonable adjustments in regards to the significant issues listed above.

Sincerely,



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EXHIBIT G

**Proposed Amendments to the Annual Hazardous Waste Fees
20.4.3 NMAC**

Redline-Strikeout Version

December 20, 2019

1 ~~This rule was filed as 20 NMAC 4.3.~~

2
3 **TITLE 20 ENVIRONMENTAL PROTECTION**
4 **CHAPTER 4 HAZARDOUS WASTE**
5 **PART 3 ~~ANNUAL HAZARDOUS WASTE FEES~~**

6
7 **20.4.3.1 ISSUING AGENCY:** Environmental Improvement Board.
8 [11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]

9
10 **20.4.3.2 SCOPE:** This part applies to generators of hazardous waste, and to owners and operators of
11 hazardous waste treatment, storage and disposal facilities which receive imported hazardous waste.
12 [11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]

13
14 **20.4.3.3 STATUTORY AUTHORITY:** ~~Subsection J of~~ Section 74-4-4.2.1 NMSA 1978, directs the
15 board to provide a schedule of business fees for businesses engaged in regulated hazardous waste activity and a
16 schedule of generation fees for businesses generating hazardous waste.
17 [11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]

18
19 **20.4.3.4 DURATION:** Permanent.
20 [11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]

21
22 **20.4.3.5 EFFECTIVE DATE:** November 30, 1995, unless a different date is cited at the end of a section
23 or paragraph
24 ~~[Compiler's note: The words or paragraph, above, are no longer applicable. Later dates are now cited only at the~~
25 ~~end of sections, in the history notes appearing in brackets.]~~
26 [11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]

27
28 **20.4.3.6 OBJECTIVE:** The objective of ~~Part 3 of Chapter 4~~ this part is to provide a schedule of annual
29 fees for hazardous waste generators and treatment, storage and disposal facilities which receive imported hazardous
30 waste, as well as business fees for specific activities or events. The annual and business fees collected will be
31 deposited in the hazardous waste fund to meet necessary expenses in the administration and operation of the state
32 hazardous waste program.
33 [11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]

34
35 **20.4.3.7 DEFINITIONS:** Unless otherwise defined in this part, the words and phrases used in this part
36 have the same meanings as in ~~20 NMAC 4.1~~ [now 20.4.1 NMAC], Hazardous Waste Management. As used in this
37 part:

38 **A.** "Act" means the New Mexico Hazardous Waste Act, Sections 74-4-1 to 74-4-14 NMSA 1978;
39 ~~**B.** "Annual business fee" means the hazardous waste business fee in Subpart IV of this part [now~~
40 ~~20.4.3.400 NMAC through 20.4.3.402 NMAC];~~

41 ~~**C.** "Annual generation fee" means the hazardous waste generation fee in Subpart II of this part~~
42 ~~[now 20.4.3.200 NMAC through 20.4.3.203 NMAC];~~

43 ~~**D.** "Annual imported waste compensating fee" means the fee on imported hazardous waste in~~
44 ~~Subpart III of this part [now 20.4.3.300 NMAC through 20.4.3.302 NMAC];~~

45 ~~**D.** "Business fee" means the fee designated for specific activities or events in 20.4.3.400 NMAC~~
46 ~~through 20.4.3.402 NMAC;~~

47 ~~**E.** "CFR" means the most recent Code of Federal Regulations adopted by reference at 20 NMAC 4.1~~
48 ~~[now 20.4.1 NMAC];~~

49 ~~**F.** "Compliance assistance visit for salvage yards" means a pre-arranged inspection at a salvage~~
50 ~~yard in order for the salvage yard to acquire a New Mexico Motor Vehicle Division Auto Recycler's license;~~

51 ~~**FG.** "Cleanup" means any activities associated with the removal or remediation of hazardous waste at~~
52 ~~a site, but does not include closure of a solid or hazardous waste management unit;~~

53 ~~**GH.** "Department" means the New Mexico environment department;~~

54 ~~**I.** "Episodic generator" means a generator that has a planned or unplanned event that does not~~
55 ~~normally occur during generator operations, resulting in an increase in the generation of hazardous waste that~~
56 ~~exceeds the calendar month quantity limits for the generator's usual category;~~

1 J. “Emergency Environmental Protection Agency (“EPA”) identification number” means a
2 generator that meets the definition of a large quantity or small quantity generator due to an emergency and requires
3 an EPA identification number to dispose of the hazardous waste;

4 HK. “Generator” means a generator under 20 NMAC 4.1 [now 20.4.1 NMAC], Hazardous Waste
5 Management, who is ~~also either~~ a large quantity generator, ~~or~~ small quantity generator, ~~or very small quantity~~
6 generator of hazardous waste under this part;

7 HL. “Hazardous waste” means all waste or material regulated as hazardous waste under 20 NMAC
8 4.1 [now 20.4.1 NMAC], Hazardous Waste Management;

9 JM. “Imported hazardous waste” means hazardous waste that was generated outside of the state of
10 New Mexico, including waste generated outside the United States, and that has been transported into the state for
11 treatment, storage ~~for longer than 90 days~~, or disposal;

12 KN. “Large quantity generator” means a generator who generates more than 1,000 kilograms (or
13 more than ~~2,205~~ 2,204 pounds) of hazardous waste during any month in the calendar year; ~~or a generator who~~
14 generates more than 1 kilogram (or more than 2.2 pounds) of acutely toxic or “p-listed” hazardous waste in any
15 month in the calendar year; ~~or a generator that accumulates more than 6,000 kilograms (or more than 13,228~~
16 pounds) of hazardous waste on site in any month in the calendar year;

17 LO. “Person” means any individual, trust, firm, joint stock company, federal agency, corporation,
18 including a government corporation, partnership, association, state, municipality, commission, political subdivision
19 of a state or any interstate body;

20 MP. “Recycled” means “used or reused” or “reclaimed” as those terms are defined in 40 CFR, Part
21 261.1(c);

22 NQ. “Secretary” means the secretary of environment;

23 OR. “Site” means an “individual generation site” as defined in 40 CFR, Part 260.10;

24 PS. “Small quantity generator” means a generator ~~who is not a large quantity generator and~~ who
25 generates more than 100 kilograms (or more than 220 pounds) ~~but less than 1,000 kilograms (or less than 2,204~~
26 pounds) of hazardous waste during any month in the calendar year; ~~or a generator that accumulates more than 1,000~~
27 kilograms (or more than 2,205 pounds) of hazardous waste on site in any month in the calendar year;-

28 T. “Very small quantity generator” means a generator who generates less than 100 kilograms (or
29 less than 220 pounds) in any month in the calendar year and never accumulates more than 1,000 kilograms (or more
30 than 2,204 pounds) of hazardous waste on site in any month in the calendar year.

31 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001, ~~xx/xx/2019~~]

32
33 **20.4.3.8 - 20.4.3.107 [RESERVED]**

34
35 **20.4.3.108 SAVING CLAUSE:** Amendment of these fee regulations shall not affect any administrative or
36 judicial enforcement action pending on the effective date of this part.

37 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001, ~~xx/xx/2019~~]

38
39 **~~20.4.3.109 FEES CUMULATIVE; SUBJECT TO LIMITS:~~**

40 ~~_____ A. _____ The fees provided for in this part are cumulative, subject to the limits set forth in Subsection B:~~

41 ~~_____ B. _____ The aggregate amount of the annual generation, imported waste compensating and business fees to~~
42 ~~be paid per person for any year based on this part shall be limited to:~~

43 ~~_____ (1) _____ in the case of persons for whom the cumulative total of the sites at which they generate~~
44 ~~hazardous waste, and the treatment, storage and disposal facilities they own or operate which receive imported~~
45 ~~hazardous waste located in the state, is one, \$35,000;~~

46 ~~_____ (2) _____ in the case of persons for whom the cumulative total of the sites at which they generate~~
47 ~~hazardous waste and the treatment, storage of disposal facilities they own or operate which receive imported~~
48 ~~hazardous waste located in the state, is two, \$50,000; and~~

49 ~~_____ (3) _____ in the case of persons for whom the cumulative total of the sites at which they generate~~
50 ~~hazardous waste and the treatment, storage or disposal facilities they own or operate which receive imported~~
51 ~~hazardous waste located in the state, is three or more, \$65,000.~~

52 ~~_____ (4) _____ These limits shall not apply to any late charges or penalties assessed under Section 600 of~~
53 ~~this part [now 20.4.3.600 NMAC] or otherwise under the act. These limits shall not apply to hazardous waste permit~~
54 ~~fees or any other fees which may be applicable to hazardous waste generators or facilities, other than the fees~~
55 ~~established pursuant to Subparts II, III and IV of this part [now 20.4.3.200 NMAC through 20.4.3.203 NMAC,~~
56 ~~20.4.3.300 NMAC through 20.4.3.302 NMAC and 20.4.3.400 NMAC through 20.4.3.402 NMAC].-~~

1 ~~C. For purposes of the limits set forth in Subsection B, only:~~
2 ~~(1) the term "facility" shall not include a site created solely as a result of a discharge or~~
3 ~~cleanup of a discharge described in Paragraph B.1 or B.2 of Section 201 [now Paragraphs (1) or (2) of Subsection B~~
4 ~~of 20.4.3.201 NMAC];~~

5 ~~(2) a parent corporation and its wholly owned subsidiary corporations shall be a single~~
6 ~~person.~~

7 ~~D. If the owner and the operator of a facility are separate persons, only one person is required to pay~~
8 ~~the fees due, but both are liable in the event of noncompliance. Regardless of which person pays fees, the limits set~~
9 ~~forth in Subsection B, applicable to the owner and operator, shall be determined based on the characteristics of the~~
10 ~~operator.~~

11 ~~[2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001]~~

12
13 ~~20.4.3.110 QUANTITY CALCULATIONS: In computing fees under Subparts II and III of this part [now~~
14 ~~20.4.3.200 NMAC through 20.4.3.203 NMAC and 20.4.3.300 NMAC through 20.4.3.302 NMAC], all quantities of~~
15 ~~hazardous waste exceeding a quantity specified therein shall be rounded to the next highest whole number.~~
16 ~~[2/18/1994; 11/30/1995; Recompiled 11/27/2001]~~

17
18 ~~20.4.3.109 [RESERVED]~~

19 ~~[Repealed, xx/xx/2019]~~

20
21 ~~20.4.3.110 [RESERVED]~~

22 ~~[Repealed, xx/xx/2019]~~

23
24 ~~20.4.3.111 ORPHAN WASTE: Nothing in this part is intended to require the payment of annual hazardous~~
25 ~~waste fees on orphan hazardous waste or waste generated as a result of the cleanup of orphan hazardous waste.~~
26 ~~"Orphan hazardous waste" means hazardous waste for which a responsible party cannot be identified. The~~
27 ~~department may collect any fees otherwise owed from the person responsible for the creation of the orphan~~
28 ~~hazardous waste, if later identified.~~

29 ~~[2/18/1994; Recompiled 11/27/2001, xx/xx/2019]~~

30
31 ~~20.4.3.112 - 20.4.3.199 [RESERVED]~~

32
33 ~~20.4.3.112 - 20.4.3.199 [RESERVED]~~

34
35 ~~20.4.3.200 GENERATION ANNUAL FEES: ANNUAL GENERATION FEES: Every generator shall~~
36 ~~pay hazardous waste generation Based on activities as defined in 20.4.3.7 NMAC, facilities shall pay fees to the~~
37 ~~department annually, in accordance with the provisions of this part.~~

38 ~~[2/18/1994; 11/30/1995; Recompiled 11/27/2001, xx/xx/2019]~~

39
40 ~~20.4.3.201 FEE SCHEDULE:~~

41 ~~A. Annual generation fees are set forth in the schedules below:~~

42 ~~(1) Very small quantity generator: \$100;~~

43 ~~(2) Small quantity generator: \$500;~~

44 ~~(3) Large quantity generators that generate 100,000 pounds or less of hazardous waste~~
45 ~~annually: \$5,000;~~

46 ~~(4) Large quantity generators that generate more than 100,000 pounds but less than 400,000~~
47 ~~pounds of hazardous waste annually: \$10,000;~~

48 ~~(5) Large quantity generators that generate 400,000 pounds or more of hazardous waste:~~
49 ~~\$20,000~~

50 ~~(1) A large quantity generator at a site shall pay:~~

51 ~~(a) \$.01 per pound of hazardous waste generated at the site, except waste specified~~
52 ~~in Paragraph 1.b of this Subsection A [now Subparagraph (b) of Paragraph (1) of Subsection A of 20.4.3.201~~
53 ~~NMAC], or in Subsection B of this section, during the previous calendar year; and~~

54 ~~(b) \$.01 per ton for:~~

55 ~~(i) wastewater generated by an oil refinery if it is designated as hazardous~~
56 ~~waste solely because it exhibits a hazardous characteristic as defined in 40 CFR, Part 261, Subpart C;~~

~~(ii) any other waste water if it is designated as hazardous waste solely because it exhibits a hazardous characteristic as defined in 40 CFR, Part 261, Subpart C;~~
~~(iii) generated at the site during the previous calendar year and subsequently rendered non-hazardous.~~

~~(2) A small quantity generator at a site shall pay the following fee based upon the average monthly amount of hazardous waste generated at the site, not including waste specified in Subsection B of this section, during the previous calendar year:~~

lbs/month	fee (per year)
1,001-2,205	\$250
501-1,000	\$100
1-500	\$ 35

~~B. The annual generation fee shall not apply to the following:~~

~~(1) waste generated as a result of, or in connection with, an accidental discharge of a hazardous waste or of a material that, when discharged, becomes a hazardous waste, and any waste generated by the cleanup of such a discharge; the annual generation fee, however, must be paid by a person who accidentally discharges a hazardous waste, or a material that, when discharged, becomes a hazardous waste if the person has not taken all actions reasonably necessary to prevent the discharge, or has not taken all actions reasonably necessary to discontinue a discharge after they became aware of the discharge; and the department may also collect the fee that, but for this paragraph, would be owed on waste generated by the cleanup of such discharge from such person;~~

~~(2) waste generated by the cleanup of any discharge of hazardous waste or a material that, when discharged, became a hazardous waste, if the discharge occurred prior to January 1, 1993, or if the waste was not discharged by the generator; the department, however, may collect the fee that otherwise would be owed on waste that was not discharged by the generator from the person responsible for the discharge;~~

~~(3) waste generated as a result of, or in connection with, the closure of a solid or hazardous waste management unit that stopped receiving waste prior to January 1, 1993;~~

~~(4) waste that has been recycled (generators excluding recycled waste from their fee calculations shall document and demonstrate to the satisfaction of the department that their waste was recycled); and~~

~~(5) waste upon which an annual generation fee has already been paid; in the event media or debris becomes a hazardous waste as a result of contamination by waste on which an annual generation fee has already been paid, the generator shall pay the fee due only on the newly generated waste.~~

~~C. Any generator that was a large quantity generator at a site during the calendar year prior to the year in which the fee is to be paid, must compute its annual generation fee for the site in accordance with Paragraph A.1 [now Paragraph (1) of Subsection A of 20.4.3.201 NMAC]. Any generator that was a small quantity generator at a site during the calendar year prior to the year in which the fee is to be paid must calculate the average waste generated per month to determine the fee due under Paragraph A.2 [now Paragraph (2) of Subsection A of 20.4.3.201 NMAC].~~

~~[2/18/1994; Recompiled 11/27/2001, xx/xx/2019]~~

20.4.3.202 FEE CALCULATION:

~~A. The annual generation fee shall be determined based on the amount of hazardous waste generated at a site during the calendar year prior to the year in which the fee is to be paid.~~

~~B. Where no records of the amount of waste generated exist, the generator may estimate the amount, using reasonable efforts to estimate the amount accurately based on the best available information.~~

~~CA. Nothing herein is intended to affect the generator's obligations with respect to reporting or record keeping under other applicable laws and regulations.~~

~~DB. The total annual generation fees due are the cumulative total of the fees for all sites at which the person paying the fees generated hazardous waste engaged in activities as defined in 20.4.3.7 NMAC during the calendar year prior to the year in which the fee is to be paid, subject to the limits set forth in Section 109 of this part [now 20.4.3.109 NMAC].~~

~~C. Beginning January 1 following the effective date of these fee regulations, the fees listed in 20.4.3.401 NMAC shall be adjusted annually to account for inflation. The amounts shall be adjusted by the percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor. The amount of change in the fee shall be rounded to the nearest \$1.00.~~

~~[2/18/1994; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]~~

1 **20.4.3.203 TRANSFER OF OWNERSHIP/OPERATIONS:**

2 ~~A. If there is a transfer of ownership or operations, the generator at the site on the date the annual~~
3 ~~generation fee is due under Section 500 [now 20.4.3.500 NMAC] is liable for payment of the entire fee due in full.~~

4 ~~BA.~~ The transferor must report the waste generated during the calendar year in which the transfer takes
5 place ~~but, prior to transfer to the department,~~ on a form obtained from the department. This report and payment
6 shall be submitted to the department at the time of transfer.

7 ~~C. At the time of transfer, the transferor must also provide a copy of the above report to the person~~
8 ~~who will be liable for the fees based on the waste reported. In addition to the report, the transferor must provide to~~
9 ~~that person any manifests prepared for shipments of the waste reported, or copies thereof, and any other information~~
10 ~~used to prepare the report. Manifests and other information need not be sent to the department under this section,~~
11 ~~unless requested by the department.~~

12 [2/18/1994; Recompiled 11/27/2001, xx/xx/2019]

14 **20.4.3.204 - 20.4.3.299 [RESERVED]**

16 **20.4.3.300 IMPORTED WASTE COMPENSATING FEES: ANNUAL IMPORTED WASTE**

17 **COMPENSATING FEES:** For waste that is generated out-of-state, but treated, stored, or disposed of in New
18 Mexico, an annual imported waste compensating fee shall be paid in lieu of the generation fee provided for in
19 ~~Subpart II of this part [now 20.4.3.200 NMAC through 20.4.3.203 NMAC].~~ The owner or operator of the ~~treatment,~~
20 ~~storage or disposal~~ facility first receiving the imported hazardous waste shall pay ~~the fee~~ to the department annually
21 \$0.01 per pound of hazardous waste managed in New Mexico, in accordance with the provisions of this part.

22 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, xx/xx/2019]

24 **20.4.3.301 FEE SCHEDULE:** The annual ~~generation~~ fee and the exclusions applicable thereto shall apply
25 to imported hazardous waste to the same extent as if the waste had been generated within the state. For purposes of
26 determining the volume of waste and the fees due, all imported hazardous waste received by ~~a treatment, storage or~~
27 ~~disposal~~ facility, during the calendar year prior to the year in which the fee is to be paid, shall be considered to have
28 been received from a single source.

29 [2/18/1994; Recompiled 11/27/2001, xx/xx/2019]

31 **20.4.3.302 TRANSFER OF OWNERSHIP/OPERATIONS:**

32 **A.** If there is a transfer of ownership or operations, the owner or operator of the facility on the date an
33 imported waste compensating fee is due under ~~Section 500 [now 20.4.3.500 NMAC]~~ is liable for payment of that fee
34 in full.

35 **B.** The transferor must report the imported waste received during the calendar year in which the
36 transfer takes place to the department, on a form obtained from the department. This report shall be submitted to the
37 department at the time of transfer.

38 **C.** At the time of transfer, the transferor must also provide a copy of the above report to the person
39 who will be liable for the fee based on the waste reported. In addition to the report, the transferor must provide to
40 that person any manifests prepared on the waste reported, or copies thereof, and any other information used to
41 prepare the report. Manifests and other information need not be sent to the department under this section, unless
42 requested by the department.

43 [2/18/1994; Recompiled 11/27/2001, xx/xx/2019]

45 **20.4.3.303 - 2.4.3.399 [RESERVED]**

47 **20.4.3.400 BUSINESS FEES: ~~ANNUAL BUSINESS FEES:~~** ~~Every generator shall pay hazardous waste~~
48 ~~business fees to the department annually, in accordance with the provisions of this part. Business fees shall be paid~~
49 ~~for each of the events outlined in 20.4.3.401 NMAC.~~

50 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]

52 **20.4.3.401 FEE SCHEDULE:** ~~Annual business~~ Business fees are set forth in the schedules below and due at
53 time of request. Generation at individual generation site (per site):

54 ~~A.~~ small quantity generator: \$200;

55 ~~B.~~ large quantity generator: \$2,500.

56 ~~A.~~ Episodic generators, for each planned or unplanned event: \$500;

1 B. Generators or co-generators requesting temporary or emergency EPA identification number
2 requests: \$100;

3 C. Salvage yards, for each compliance assistance visit requested: \$100;

4 D. Generators notifying of 40 CFR 262 Subpart K activities: \$100;

5 E. Generators notifying of 40 CFR 250.10 (hazardous secondary materials activities): \$100;

6 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]

7
8 **20.4.3.402 FEE CALCULATION:**

9 ~~A. The annual business fee shall be the cumulative total of the fees for all sites at which the person~~
10 ~~generated hazardous waste during the calendar year, prior to the year in which the fee is to be paid, subject to the~~
11 ~~limits set forth in Section 109 of this part [now 20.4.3.109 NMAC].~~

12 ~~B. A site created solely as a result of a discharge or cleanup of a discharge described in Paragraph~~
13 ~~B.1 or B.2 of Section 201 [now Paragraphs (1) or (2) of Subsection B of 20.4.3.201 NMAC] shall not be considered~~
14 ~~a site for purposes of the annual business fee.~~

15 ~~C.A. The annual business fee shall be paid in full if the person generated hazardous waste at the~~
16 ~~site applicable during any part of the calendar year.~~

17 ~~D. A generator shall pay the fee for large quantity generators, unless it can demonstrate that it was a~~
18 ~~small quantity generator.~~

19 ~~E. The generator at the site on the date the annual business fee is due under Section 500 [now~~
20 ~~20.4.3.500 NMAC] is liable for payment of that fee in full. Payments will not be refunded because of a transfer of~~
21 ~~ownership or operations to a new owner or operator.~~

22 B. The business fees are due for all sites engaged in activities as defined in 20.4.3.7 NMAC during
23 the calendar year prior to the year in which the fees are to be paid, subject to the limits set forth in 20.4.3.109
24 NMAC.

25 C. Beginning January 1 following the effective date of these fee regulations, the fees listed in
26 20.4.3.401 NMAC shall be adjusted annually to account for inflation. The amounts shall be adjusted by the
27 percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U),
28 United States City Average for All Items, published by the United States Department of Labor. The amount of
29 change in the fee shall be rounded to the nearest \$1.00.

30 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]

31
32 **20.4.3.403 - 20.4.3.499 [RESERVED]**

33
34 **20.4.3.500 DUE DATES:** The annual fees for which this part provides are due and payable on August 1 of
35 each year.

36 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, xx/xx/2019]

37
38 **20.4.3.501 MANNER OF PAYMENT:** The person paying fees under this part shall complete a fee report
39 form obtained from the department, and submit the report to the department, together with any documentation
40 requested by the department, ~~and a check, cashier's check or money order for the fees owed, to the department in~~
41 ~~accordance with the instructions set forth on the report form.~~ The report shall include a certification of the
42 truthfulness of all of the matters and facts contained in the report, as provided in ~~Section 502 [now 20.4.3.502~~
43 ~~NMAC].~~ All fees shall be paid to NMED by certified check or money order payable to the New Mexico
44 Environment Department or the Hazardous Waste Bureau, by electronic funds transfer (with prior notice to NMED),
45 or by other methods deemed acceptable by NMED. Cash payments are not an acceptable method of payment. All
46 payments must include the name, address, and contact information for the facility and must be addressed to the New
47 Mexico environment department – hazardous waste bureau.

48 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, xx/xx/2019]

49
50 **20.4.3.502 CERTIFICATE:** The certification required ~~by Section 501 [now of 20.4.3.501 NMAC]~~ shall be
51 made on oath or affirmation in accordance with Sections 14-13-1 and 14-13-2 NMSA 1978, by the chief executive
52 officer or his designee in the case of a corporation, the managing partner in the case of a partnership, the proprietor
53 in the case of a sole proprietorship, or the official with authority to execute the certification in the case of a
54 government entity.

55 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, xx/xx/2019]

1 **20.4.3.503 - 20.4.3.599 [RESERVED]**
2

3 **20.4.3.600 LATE CHARGES; ENFORCEMENT: LATE CHARGES:** If any fee for which this part
4 provides is not paid in full when due, the person owing the fee shall pay a billing charge of \$100, plus late charges in
5 the amount of an additional one percent (1%) of all fees owed for every month or part of a month in which the fees
6 remain unpaid beyond the due date. Billing and late charges shall be considered hazardous waste fees for deposit in
7 the hazardous waste fund, pursuant to Section 74-4-4.5 NMSA 1978, and are independent of any penalties assessed
8 under the act.
9 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, xx/xx/2019]
10

11 **20.4.3.601 VERIFICATION BY THE DEPARTMENT:**

12 **A.** The department may at any time verify the accuracy of reports submitted and amounts paid
13 pursuant to this part. It may use any relevant information for verification purposes, including, but not limited to, the
14 biennial reports submitted pursuant to the ~~20 NMAC 4.1~~ [now 20.4.1 NMAC], Hazardous Waste Management, or
15 40 CFR, Parts 262.41, 264.75 or 265.75, and any manifests prepared for waste shipments. Persons who are subject
16 to this part shall make these and other records relating to the waste generated, manifested or managed available to
17 the department upon request.

18 **B.** If the department determines that a fee report submitted pursuant to ~~Section 501~~ [now 20.4.3.501
19 NMAC] does not accurately state the quantity of waste generated, the quantity of imported hazardous waste treated,
20 stored or disposed of, or the fees owed, it shall notify the person submitting the report of the discrepancy and may
21 recalculate the annual fee based on the department's determination.

22 **C.** Before assessing a recalculated fee, the department shall send notice of its determination and its
23 intent to reassess the fee to the person who had submitted the report. That person shall have ~~thirty~~ (30) days from
24 the date of the notice to provide the department with any documentation to rebut the determination. Once the
25 department has reviewed any documentation submitted, it will send notice of fee assessment to the person owing a
26 fee. Any amounts that the department determines were due, together with the billing and late charges on the
27 amounts due and unpaid, shall be paid within ~~sixty~~ (60) days of the date of the notice of fee assessment.
28 [2/18/1994; 11/30/1995; 12/31/1998; Recompiled 11/27/2001, xx/xx/2019]
29

30 **20.4.3.602 ADMINISTRATIVE APPEAL:**

31 **A.** A notice of fee assessment issued under ~~Section 601.C~~ [now Subsection C of 20.4.3.601 NMAC]
32 may be appealed by filing a written request for hearing with the hearing clerk designated by the secretary within
33 ~~thirty~~ 30 days of the date of the notice. The written request shall be accompanied by a copy of the fee assessment
34 being contested and shall set forth the grounds upon which the appellant disagrees with the assessment.

35 **B.** Except as otherwise provided, notice of docketing and hearing officer assignment, motions, pre-
36 hearing procedures and discovery, and hearing and post-hearing procedures shall be governed by 20 ~~NMAC 1.5~~
37 [now 20.1.5 NMAC], Adjudicatory Procedures - Environment Department. The hearing officer shall schedule the
38 hearing for no later than ~~ninety~~ (90) days after service of the notice of docketing.

39 **C.** The department shall not seek collection of the fee or take enforcement action on the fee
40 assessment until the secretary has issued a decision on the appeal. Late charges on the amount assessed shall
41 continue to accrue and shall be payable if the assessment is upheld or upheld with modifications. If the assessment
42 is modified on appeal, late charges shall be calculated based on the assessment as modified.
43 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, xx/xx/2019]
44

45 **20.4.3.603 FAILURE TO SUBMIT REPORTS OR PAY FEES:**

46 **A.** Failure to complete or submit a report in the manner required by ~~Section 501~~ [now 20.4.3.501
47 NMAC], or to pay fees in full when due, may result in enforcement proceedings under the act. Enforcement actions
48 may include, but are not limited to, the revocation or suspension of any permit issued by the department pursuant to
49 the act to the person failing to complete or submit the fee report or pay the fees as required.

50 **B.** Any person who knowingly omits material information from or makes any false statement or
51 representation in a fee report may be subject to criminal penalties under the act.
52 [2/18/1994; Recompiled 11/27/2001, xx/xx/2019]
53

54 **20.4.3.604 - 20.4.3.699 [RESERVED]**
55

1 **20.4.3.700 RECORDS AND RECORD KEEPING: RECORDKEEPING REQUIRED:** All persons
2 subject to this part are required to retain the documentation necessary to support their fee calculations, including all
3 records used as a basis for the calculations.

4 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, [xx/xx/2019](#)]

6 **20.4.3.701 RETENTION RECORDS:** The records required by ~~Section 700~~ [now 20.4.3.700 NMAC],
7 together with copies of any fee reports submitted under these regulations, shall be retained for three (3) years from
8 the date of payment of the fees to which the records and reports apply. The periods of record retention required by
9 this section are automatically extended during the course of any unresolved enforcement action regarding the
10 regulated activity.

11 [2/18/1994; Recompiled 11/27/2001, [xx/xx/2019](#)]

13 **20.4.3.702 - 20.4.3.799 [RESERVED]**

15 **20.4.3.800 MISCELLANEOUS PROVISIONS: DEPOSIT IN THE HAZARDOUS WASTE FUND:**
16 All fees collected pursuant to this part shall be transmitted to the state treasurer for credit to the hazardous waste
17 fund, and used for the sole purpose of meeting necessary expenses in the administration and operation of the
18 hazardous waste program.

19 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, [xx/xx/2019](#)]

21 **20.4.3.801 ANNUAL REPORT:** Within ~~ninety~~ (90) days of the end of each state fiscal year, the department
22 shall prepare and submit to the environmental improvement board a report describing the funds received pursuant to
23 these regulations and the activities performed with the use of these funds. This report shall be made available to
24 members of the public upon request. The department may charge a fee for copies to cover its costs in printing or
25 duplicating the report.

26 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, [xx/xx/2019](#)]

28 **20.4.3.802 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part does not relieve
29 a person of the obligation to comply with other applicable state and federal regulations.

30 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, [xx/xx/2019](#)]

32 **20.4.3.803 CONSTRUCTION:** This part shall be liberally construed to effectuate the purpose of the act.

33 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, [xx/xx/2019](#)]

35 **20.4.3.804 SEVERABILITY:** If any provision or application of this part is held invalid, the remainder, or
36 its application to other situations or persons, shall not be affected.

37 [2/18/1994; 11/30/1995; Recompiled 11/27/2001, [xx/xx/2019](#)]

39 **20.4.3.805 - 20.4.3.899 [RESERVED]**

41 **HISTORY OF 20.4.3 NMAC:**

42 Pre-NMAC Regulatory Filing History: This part is derived in part from material previously filed with the State
43 Records Center and Archives under Annual Hazardous Waste Fee Regulations, EIB/AHWFR-1, filed January 19,
44 1994.

46 ~~History of Repealed Material: [RESERVED]~~

48 **History of Repealed Material:**

49 20.4.3 NMAC - Hazardous Waste Fees, filed 1/19/1994 was repealed and replaced by 20.4.3 NMAC - Hazardous
50 Waste Fees, effective xx/xx/2019.

EXHIBIT H

**Proposed Amendments to the Hazardous Waste Fees
20.4.3 NMAC**

Clean Version

December 20, 2019

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 4 HAZARDOUS WASTE
PART 3 HAZARDOUS WASTE FEES

20.4.3.1 ISSUING AGENCY: Environmental Improvement Board.
[20.4.3.1 - Rp. 20.4.3.1 NMAC, xx/xx/2019]

20.4.3.2 SCOPE: This part applies to generators of hazardous waste, and to owners and operators of hazardous waste treatment, storage and disposal facilities which receive imported hazardous waste.
[20.4.3.2 - Rp. 20.4.3.2 NMAC, xx/xx/2019]

20.4.3.3 STATUTORY AUTHORITY: Subsection J of Section 74-4-4.2 NMSA 1978, directs the board to provide a schedule of business fees for businesses engaged in regulated hazardous waste activity and a schedule of generation fees for businesses generating hazardous waste.
[20.4.3.3 - Rp. 20.4.3.3 NMAC, xx/xx/2019]

20.4.3.4 DURATION: Permanent.
[20.4.3.4 - Rp. 20.4.3.4 NMAC, xx/xx/2019]

20.4.3.5 EFFECTIVE DATE: November 30, 1995, unless a different date is cited at the end of a section or paragraph
[20.4.3.5 - Rp. 20.4.3.5 NMAC, xx/xx/2019]

20.4.3.6 OBJECTIVE: The objective of this part is to provide a schedule of annual fees for hazardous waste generators and treatment, storage and disposal facilities which receive imported hazardous waste, as well as business fees for specific activities or events. The annual and business fees collected will be deposited in the hazardous waste fund to meet necessary expenses in the administration and operation of the state hazardous waste program.
[20.4.3.6 - Rp. 20.4.3.6 NMAC, xx/xx/2019]

20.4.3.7 DEFINITIONS: Unless otherwise defined in this part, the words and phrases used in this part have the same meanings as in 20.4.1 NMAC, Hazardous Waste Management. As used in this part:

- A. “Act”** means the New Mexico Hazardous Waste Act, Sections 74-4-1 to 74-4-14 NMSA 1978;
- B. “Annual fee”** means the hazardous waste fee in 20.4.3.200 NMAC through 20.4.3.203 NMAC;
- C. “Annual imported waste compensating fee”** means the fee on imported hazardous waste in 20.4.3.300 NMAC through 20.4.3.302 NMAC;
- D. “Business fee”** means the fee designated for specific activities or events in 20.4.3.400 NMAC through 20.4.3.402 NMAC;
- E. “CFR”** means the most recent Code of Federal Regulations adopted by reference at 20.4.1 NMAC;
- F. “Compliance assistance visit for salvage yards”** means a pre-arranged inspection at a salvage yard in order for the salvage yard to acquire a New Mexico Motor Vehicle Division Auto Recycler’s license;
- G. “Cleanup”** means any activities associated with the removal or remediation of hazardous waste at a site, but does not include closure of a solid or hazardous waste management unit;
- H. “Department”** means the New Mexico environment department;
- I. “Episodic generator”** means a generator that has a planned or unplanned event that does not normally occur during generator operations, resulting in an increase in the generation of hazardous waste that exceeds the calendar month quantity limits for the generator’s usual category;
- J. “Emergency Environmental Protection Agency (“EPA”) identification number”** means a generator that meets the definition of a large quantity or small quantity generator due to an emergency and requires an EPA identification number to dispose of the hazardous waste;
- K. “Generator”** means a generator under 20.4.1 NMAC, Hazardous Waste Management, who is a large quantity generator, small quantity generator, or very small quantity generator of hazardous waste under this part;
- L. “Hazardous waste”** means all waste or material regulated as hazardous waste under 20.4.1 NMAC, Hazardous Waste Management;

M. “Imported hazardous waste” means hazardous waste that was generated outside of the state of New Mexico, including waste generated outside the United States, and that has been transported into the state for treatment, storage, or disposal;

N. “Large quantity generator” means a generator who generates more than 1,000 kilograms (or more than 2,204 pounds) of hazardous waste during any month in the calendar year; or a generator who generates more than 1 kilogram (or more than 2.2 pounds) of acutely toxic or “p-listed” hazardous waste in any month in the calendar year; or a generator that accumulates more than 6,000 kilograms (or more than 13,227 pounds) of hazardous waste on site in any month in the calendar year;

O. “Person” means any individual, trust, firm, joint stock company, federal agency, corporation, including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state or any interstate body;

P. “Recycled” means “used or reused” or “reclaimed” as those terms are defined in 40 CFR, Part 261.1(c);

Q. “Secretary” means the secretary of environment;

R. “Site” means an “individual generation site” as defined in 40 CFR, Part 260.10;

S. “Small quantity generator” means a generator who generates more than 100 kilograms (or more than 220 pounds) but less than 1,000 kilograms (or less than 2,204 pounds) of hazardous waste during any month in the calendar year; or a generator that accumulates more than 1,000 kilograms (or more than 2,204 pounds) of hazardous waste on site in any month in the calendar year;

T. “Very small quantity generator” means a generator who generates less than 100 kilograms (or less than 220 pounds) in any month in the calendar year and never accumulates more than 1,000 kilograms (or more than 2,204 pounds) of hazardous waste on site in any month in the calendar year.

[20.4.3.7 - Rp. 20.4.3.7 NMAC, xx/xx/2019]

20.4.3.8 - 20.4.3.107 [RESERVED]

20.4.3.108 SAVING CLAUSE: Amendment of these fee regulations shall not affect any administrative or judicial enforcement action pending on the effective date of this part.

[20.4.3.108 - Rp. 20.4.3.108 NMAC, xx/xx/2019]

20.4.3.109 ORPHAN WASTE: Nothing in this part is intended to require the payment of annual hazardous waste fees on orphan hazardous waste or waste generated as a result of the cleanup of orphan hazardous waste.

“Orphan hazardous waste” means hazardous waste for which a responsible party cannot be identified. The department may collect any fees otherwise owed from the person responsible for the creation of the orphan hazardous waste, if later identified.

[20.4.3.109 - Rp. 20.4.3.109 NMAC, xx/xx/2019]

20.4.3.110 [RESERVED]

[Repealed, xx/xx/2019]

20.4.3.111 [RESERVED]

[Repealed, xx/xx/2019]

20.4.3.112 - 20.4.3.199 [RESERVED]

20.4.3.200 ANNUAL FEES: Based on activities as defined in 20.4.3.7 NMAC, facilities shall pay fees to the department annually, in accordance with the provisions of this part.

[20.4.3.200 - Rp. 20.4.3.200 NMAC, xx/xx/2019]

20.4.3.201 FEE SCHEDULE: Annual fees are set forth below:

A. Very small quantity generator: \$100;

B. Small quantity generator: \$500;

C. Large quantity generators that generate 5,000 pounds or less of hazardous waste annually: \$5,000;

D. Large quantity generators that generate more than 5,000 pounds but less than 10,000 pounds of hazardous waste annually: \$10,000;

E. Large quantity generators that generate 10,000 pounds or more of hazardous waste: \$20,000

[20.4.3.201 - Rp. 20.4.3.201 NMAC, xx/xx/2019]

20.4.3.202 FEE CALCULATION:

A. Nothing herein is intended to affect the generator's obligations with respect to reporting or record keeping under other applicable laws and regulations.

B. The total annual fees due are the cumulative total of the fees for all sites engaged in activities as defined in 20.4.3.7 NMAC during the calendar year prior to the year in which the fee is to be paid, subject to the limits set forth in 20.4.3.109 NMAC;

C. Beginning January 1 following the effective date of these fee regulations, the fees listed in 20.4.3.401 NMAC shall be adjusted annually to account for inflation. The amounts shall be adjusted by the percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor. The amount of change in the fee shall be rounded to the nearest one dollar (\$1.00).

[20.4.3.202 - Rp. 20.4.3.202 NMAC, xx/xx/2019]

20.4.3.203 TRANSFER OF OWNERSHIP/OPERATIONS: The transferor must report the waste generated during the calendar year in which the transfer takes place on a form obtained from the department. This report and payment shall be submitted to the department at the time of transfer.

[20.4.3.203 - Rp. 20.4.3.203 NMAC, xx/xx/2019]

20.4.3.204 - 20.4.3.299 [RESERVED]

20.4.3.300 IMPORTED WASTE COMPENSATING FEES: ANNUAL IMPORTED WASTE COMPENSATING FEES: For waste that is generated out-of-state, but treated, stored, including at transfer facilities, or disposed of in New Mexico, an annual imported waste compensating fee shall be paid in lieu of the fee provided for in 20.4.3.200 NMAC through 20.4.3.203 NMAC. The owner or operator of the facility first receiving the imported hazardous waste shall pay to the department annually one cent (\$0.01) per pound of hazardous waste managed in New Mexico, in accordance with the provisions of this part.

[20.4.3.300 - Rp. 20.4.3.300 NMAC, xx/xx/2019]

20.4.3.301 FEE SCHEDULE: The annual fee and the exclusions applicable thereto shall apply to imported hazardous waste to the same extent as if the waste had been generated within the state. For purposes of determining the volume of waste and the fees due, all imported hazardous waste received by a facility, during the calendar year prior to the year in which the fee is to be paid, shall be considered to have been received from a single source.

[20.4.3.301 - Rp. 20.4.3.301 NMAC, xx/xx/2019]

20.4.3.302 TRANSFER OF OWNERSHIP/OPERATIONS:

A. If there is a transfer of ownership or operations, the owner or operator of the facility on the date an imported waste compensating fee is due under 20.4.3.500 NMAC is liable for payment of that fee in full.

B. The transferor must report the imported waste received during the calendar year in which the transfer takes place to the department, on a form obtained from the department. This report shall be submitted to the department at the time of transfer.

C. At the time of transfer, the transferor must also provide a copy of the above report to the person who will be liable for the fee based on the waste reported. In addition to the report, the transferor must provide to that person any manifests prepared on the waste reported, or copies thereof, and any other information used to prepare the report. Manifests and other information need not be sent to the department under this section, unless requested by the department.

[20.4.3.302 - Rp. 20.4.3.302 NMAC, xx/xx/2019]

20.4.3.303 - 2.4.3.399 [RESERVED]

20.4.3.400 BUSINESS FEES: Business fees shall be paid for each of the events outlined in 20.4.3.401 NMAC.

[20.4.3.400 - Rp. 20.4.3.400 NMAC, xx/xx/2019]

20.4.3.401 FEE SCHEDULE: Business fees are set forth in the schedules below and due at time of request.

- A. Episodic generators, for each planned or unplanned event: \$500;
- B. Generators or co-generators requesting temporary or emergency EPA identification number: \$100;
- C. Salvage yards, for each compliance assistance visit requested: \$100;
- D. Generators notifying of 40 CFR 262 Subpart K activities: \$100;
- E. Generators notifying of 40 CFR 250.10 (hazardous secondary materials activities): \$100;

[20.4.3.401 - Rp. 20.4.3.401 NMAC, xx/xx/2019]

20.4.3.402 FEE CALCULATION:

- A. The business fee shall be paid in full if applicable during any part of the calendar year.
- B. The business fees are due for all sites engaged in activities as defined in 20.4.3.7 NMAC during the calendar year prior to the year in which the fees are to be paid, subject to the limits set forth in 20.4.3.109 NMAC.
- C. Beginning January 1 following the effective date of these fee regulations, the fees listed in 20.4.3.401 NMAC shall be adjusted annually to account for inflation. The amounts shall be adjusted by the percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor. The amount of change in the fee shall be rounded to the nearest one dollar (\$1.00).

[20.4.3.402 - Rp. 20.4.3.402 NMAC, xx/xx/2019]

20.4.3.403 - 20.4.3.499 [RESERVED]

20.4.3.500 DUE DATES: The annual fees for which this part provides are due and payable on August 1 of each year.

[20.4.3.500 - Rp. 20.4.3.500 NMAC, xx/xx/2019]

20.4.3.501 MANNER OF PAYMENT: The person paying fees under this part shall complete a fee report form obtained from the department, and submit the report to the department, together with any documentation requested by the department. The report shall include a certification of the truthfulness of all of the matters and facts contained in the report, as provided in 20.4.3.502 NMAC. All fees shall be paid to NMED by certified check or money order payable to the New Mexico Environment Department or the Hazardous Waste Bureau, by electronic funds transfer (with prior notice to NMED), or by other methods deemed acceptable by NMED. Cash payments are not an acceptable method of payment. All payments must include the name, address, and contact information for the facility and must be addressed to the New Mexico Environment Department – Hazardous Waste Bureau.

[20.4.3.501 - Rp. 20.4.3.501 NMAC, xx/xx/2019]

20.4.3.502 CERTIFICATE: The certification required by 20.4.3.501 NMAC shall be made on oath or affirmation in accordance with Sections 14-13-1 and 14-13-2 NMSA 1978, by the chief executive officer or his designee in the case of a corporation, the managing partner in the case of a partnership, the proprietor in the case of a sole proprietorship, or the official with authority to execute the certification in the case of a government entity.

[20.4.3.502 - Rp. 20.4.3.502 NMAC, xx/xx/2019]

20.4.3.503 - 20.4.3.599 [RESERVED]

20.4.3.600 LATE CHARGES; ENFORCEMENT: LATE CHARGES: If any fee for which this part provides is not paid in full when due, the person owing the fee shall pay a billing charge of one hundred dollars (\$100), plus late charges in the amount of an additional one percent of all fees owed for every month or part of a month in which the fees remain unpaid beyond the due date. Billing and late charges shall be considered hazardous waste fees for deposit in the hazardous waste fund, pursuant to Section 74-4-4.5 NMSA 1978, and are independent of any penalties assessed under the act.

[20.4.3.600 - Rp. 20.4.3.600 NMAC, xx/xx/2019]

20.4.3.601 VERIFICATION BY THE DEPARTMENT:

- A. The department may at any time verify the accuracy of reports submitted and amounts paid pursuant to this part. It may use any relevant information for verification purposes, including, but not limited to, the biennial reports submitted pursuant to 20.4.1 NMAC, Hazardous Waste Management, or 40 CFR, Parts 262.41, 264.75 or 265.75, and any manifests prepared for waste shipments. Persons who are subject to this part shall make

these and other records relating to the waste generated, manifested or managed available to the department upon request.

B. If the department determines that a fee report submitted pursuant to 20.4.3.501 NMAC does not accurately state the quantity of waste generated, the quantity of imported hazardous waste treated, stored or disposed of, or the fees owed, it shall notify the person submitting the report of the discrepancy and may recalculate the annual fee based on the department's determination.

C. Before assessing a recalculated fee, the department shall send notice of its determination and its intent to reassess the fee to the person who had submitted the report. That person shall have 30 days from the date of the notice to provide the department with any documentation to rebut the determination. Once the department has reviewed any documentation submitted, it will send notice of fee assessment to the person owing a fee. Any amounts that the department determines were due, together with the billing and late charges on the amounts due and unpaid, shall be paid within 60 days of the date of the notice of fee assessment.

[20.4.3.601 - Rp. 20.4.3.601 NMAC, xx/xx/2019]

20.4.3.602 ADMINISTRATIVE APPEAL:

A. A notice of fee assessment issued under Subsection C of 20.4.3.601 NMAC may be appealed by filing a written request for hearing with the hearing clerk designated by the secretary within thirty days of the date of the notice. The written request shall be accompanied by a copy of the fee assessment being contested and shall set forth the grounds upon which the appellant disagrees with the assessment.

B. Except as otherwise provided, notice of docketing and hearing officer assignment, motions, pre-hearing procedures and discovery, and hearing and post-hearing procedures shall be governed by 20.1.5 NMAC, Adjudicatory Procedures - Environment Department. The hearing officer shall schedule the hearing for no later than 90 days after service of the notice of docketing.

C. The department shall not seek collection of the fee or take enforcement action on the fee assessment until the secretary has issued a decision on the appeal. Late charges on the amount assessed shall continue to accrue and shall be payable if the assessment is upheld or upheld with modifications. If the assessment is modified on appeal, late charges shall be calculated based on the assessment as modified.

[20.4.3.602 - Rp. 20.4.3.602 NMAC, xx/xx/2019]

20.4.3.603 FAILURE TO SUBMIT REPORTS OR PAY FEES:

A. Failure to complete or submit a report in the manner required by 20.4.3.501 NMAC, or to pay fees in full when due, may result in enforcement proceedings under the act. Enforcement actions may include, but are not limited to, the revocation or suspension of any permit issued by the department pursuant to the act to the person failing to complete or submit the fee report or pay the fees as required.

B. Any person who knowingly omits material information from or makes any false statement or representation in a fee report may be subject to criminal penalties under the act.

[20.4.3.603 - Rp. 20.4.3.603 NMAC, xx/xx/2019]

20.4.3.604 - 20.4.3.699 [RESERVED]

20.4.3.700 RECORDS AND RECORD KEEPING: RECORDKEEPING REQUIRED: All persons subject to this part are required to retain the documentation necessary to support their fee calculations, including all records used as a basis for the calculations.

[20.4.3.700 - Rp. 20.4.3.700 NMAC, xx/xx/2019]

20.4.3.701 RETENTION RECORDS: The records required by 20.4.3.700 NMAC, together with copies of any fee reports submitted under these regulations, shall be retained for three years from the date of payment of the fees to which the records and reports apply. The periods of record retention required by this section are automatically extended during the course of any unresolved enforcement action regarding the regulated activity.

[20.4.3.701 - Rp. 20.4.3.701 NMAC, xx/xx/2019]

20.4.3.702 - 20.4.3.799 [RESERVED]

20.4.3.800 MISCELLANEOUS PROVISIONS: DEPOSIT IN THE HAZARDOUS WASTE FUND:

All fees collected pursuant to this part shall be transmitted to the state treasurer for credit to the hazardous waste

fund, and used for the sole purpose of meeting necessary expenses in the administration and operation of the hazardous waste program.

[20.4.3.800 - Rp. 20.4.3.800 NMAC, xx/xx/2019]

20.4.3.801 ANNUAL REPORT: Within 90 days of the end of each state fiscal year, the department shall prepare and submit to the environmental improvement board a report describing the funds received pursuant to these regulations and the activities performed with the use of these funds. This report shall be made available to members of the public upon request. The department may charge a fee for copies to cover its costs in printing or duplicating the report.

[20.4.3.801 - Rp. 20.4.3.801 NMAC, xx/xx/2019]

20.4.3.802 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part does not relieve a person of the obligation to comply with other applicable state and federal regulations.

[20.4.3.802 - Rp. 20.4.3.802 NMAC, xx/xx/2019]

20.4.3.803 CONSTRUCTION: This part shall be liberally construed to effectuate the purpose of the act.

[20.4.3.803 - Rp. 20.4.3.803 NMAC, xx/xx/2019]

20.4.3.804 SEVERABILITY: If any provision or application of this part is held invalid, the remainder, or its application to other situations or persons, shall not be affected.

[20.4.3.804 - Rp. 20.4.3.804 NMAC, xx/xx/2019]

20.4.3.805 - 20.4.3.899 [RESERVED]

HISTORY OF 20.4.3 NMAC:

Pre-NMAC Regulatory Filing History: This part is derived in part from material previously filed with the State Records Center and Archives under Annual Hazardous Waste Fee Regulations, EIB/AHWFR-1, filed January 19, 1994.

History of Repealed Material:

20.4.3 NMAC - Hazardous Waste Fees, filed 1/19/1994 was repealed and replaced by 20.4.3 NMAC - Hazardous Waste Fees, effective xx/xx/2019.

EXHIBIT I

Proposed Statement of Reasons for Adoption of Rules

**Hazardous Waste Permit and Corrective Action Fees
20.4.2 NMAC**

and

**Hazardous Waste Fees
20.4.3 NMAC**

December 20, 2019

**STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF PROPOSED
AMENDMENTS TO 20.4.2 NMAC –
Hazardous Waste Permit and Corrective Action Fees
AND 20.4.3 NMAC – *Annual Hazardous Waste Fees***

No. EIB 19-35 (R)

**Hazardous Waste Bureau,
Resource Protection Division,
New Mexico Environment Department,**

Petitioner.

**ENVIRONMENTAL IMPROVEMENT BOARD’S
FINAL ORDER AND STATEMENT OF REASONS**

This matter comes before the New Mexico Environmental Improvement Board (“Board”) upon a petition filed by the New Mexico Environment Department (“Department”) on September 9, 2019, to amend 20.4.2 NMAC – *Hazardous Waste Permit and Corrective Action Fees* and 20.4.3 NMAC – *Annual Hazardous Waste Fees* (the “Rules”). The Board met with a quorum on December 20, 2019 to conduct the public hearing, which was held in Santa Fe, New Mexico in accordance with the procedures found at 20.1.1 NMAC and was transcribed by Albuquerque Court Reporting Service. The public notice requirements of 20.1.1 NMAC were met through publication of notices in English and Spanish in the Albuquerque Journal and the New Mexico Register, informing the public of the proposed changes and the date, time, and location of the public hearing. During the hearing, the Board heard technical testimony from and questioned the Department’s witnesses and admitted the Department’s exhibits. No other party filed a Notice of Intent to Present Technical Testimony pursuant to 20.1.1 NMAC. After Deliberation, the Board voted ____ to ____ in favor

of adopting the amendments as proposed by the Department in NMED Exhibits C and G to the Department's Notice of Intent to Present Technical Testimony for the reasons that follow:

STATEMENT OF REASONS

1. The Environmental Improvement Act, NMSA 1978, Section 74-1-8 and the Hazardous Waste Act, NMSA 1978, Sections 74-4-4.2(J) provide authority to the Board to amend the hazardous waste fee regulations after proper public notice and a hearing.

2. The Hazardous Waste Act ("Act"), NMSA 1978, Sections 74-4-1 to -14, provides authorization for the *Hazardous Waste Permit and Corrective Action Fees* at 20.4.2 NMAC and the *Annual Hazardous Waste Fees* at 20.4.3 NMAC.

3. Under Section 74-4-4.2(J) of the Act, the Environmental Improvement Board ("EIB") "shall provide a schedule of fees for businesses generating hazardous waste, conducting permitted hazardous waste management activities or seeking a permit for the management of hazardous waste." NMSA 1978, § 74-4-4.2(J).

4. The purpose of the *Hazardous Waste Permit and Corrective Action Fees* (20.4.2 NMAC) and the *Annual Hazardous Waste Fees* (20.4.3 NMAC) is to support regulatory oversight of hazardous waste facilities by the New Mexico Environment Department ("NMED"), through the Hazardous Waste Bureau ("Bureau").

5. The EIB originally promulgated these rules as the Hazardous Waste Fee Regulations, EIB/HWFR-1, on October 28, 1988 and the Annual Hazardous Waste Fee Regulations, EIB/HWFR-1, on January 19, 1994.

6. The regulations were restructured to fit the NMAC format and became 20 NMAC 4.2, Hazardous Waste Fees and 20 NMAC 4.3, Annual Hazardous Waste Fees on November 30, 1995.

7. The Hazardous Waste Fees (20 NMAC 4.2) were amended on December 31, 1998 to incorporate fees associated with NMED's authorization from the Environmental Protection Agency ("EPA") for Resource Conservation and Recovery Act ("RCRA") corrective action processes for permitted and interim status facilities.

8. The Annual Hazardous Waste Fees (20 NMAC 4.3) were recompiled on November 27, 2001 to comply with the new NMAC format as the current *Annual Hazardous Waste Fees* at 20.4.3 NMAC.

9. The Hazardous Waste Fees (20 NMAC 4.2) were renumbered, reformatted, amended and replaced on August 18, 2006 to comply with the new NMAC format and to reflect the updated cost of operations and document review times for the HWB, becoming the current *Hazardous Waste Permit and Corrective Action Fees* at 20.4.2 NMAC.

10. Under the authority of NMSA 1978, Sections 74-4-4.2(J), the *Hazardous Waste Permit and Corrective Action Fees* (20.4.2 NMAC) provide for the assessment of fees for "all persons who own or operate a permitted facility at which the treatment, storage, or disposal of hazardous waste is occurring or has occurred, all persons seeking or required to obtain a permit for the treatment, storage, or disposal of hazardous waste, and all persons engaging in or required to engage in closure, post closure care and corrective action under the Hazardous Waste Act." 20.4.2.2 NMAC.

11. The Amendments to 20.4.2 NMAC are necessary to adjust the *Hazardous Waste Permit and Corrective Action Fees* to reflect current operational costs and to more accurately represent document review times based on data acquired since the regulations became effective in August 2006.

12. Current fee regulations are based on 2002 costs for conducting document reviews and estimated review timeframes. The current fees are inadequate to support the Permits Management Program.

13. The updated rules will be based on current hourly costs of operation in combination with an adjustment for inflation based on the 2018 value of a 2004 dollar (\$1.34 in 2018 dollars) and average review times based on staff time tracking for document reviews between Fiscal Year 2008 and Fiscal Year 2018.

14. Additionally, an annual adjustment of the fees for inflation using the Consumer Price Index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor is incorporated into the rule through the proposed amendments.

15. Under the authority of NMSA 1978, Sections 74-4-4.2, the *Annual Hazardous Waste Fees* (20.4.3 NMAC) provide for the assessment of fees “to generators of hazardous waste, and to owners and operators of hazardous waste treatment, storage and disposal facilities which receive imported hazardous waste.” 20.4.3.2 NMAC.

16. The Amendments to 20.4.3 NMAC are necessary to revise and update the *Annual Hazardous Waste Fees*, which have not been updated since 1995.

17. The current fees do not reflect current operational costs and are inadequate to support the Compliance and Technical Assistance Management Program of the Bureau.

18. The amendments will simplify the annual fee structure to flat fees, rather than assessing a 1 cent per pound fee, as well as increase the annual fees for generators and add very small quantity generators into the fee structure.

19. In response to public comment by New Mexico State University, the proposed fee schedule in 20.4.3.201 NMAC was corrected from the original petition to reflect an appropriate threshold for generators of hazardous waste.

20. Business fees are being redefined as fees for specific activities or events that occur at facilities or Bureau services that are requested by facilities. There are currently no fees for these activities.

21. Additionally, an annual adjustment of the fees for inflation using the Consumer Price Index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor is incorporated into the rule through the proposed amendments.

ORDER

WHEREFORE, the Board hereby adopts the amendments to 20.4.2 NMAC and 20.4.3 NMAC as proposed by the Department in NMED Exhibits C and D to the Department's Notice of Intent to Present Technical Testimony in this matter.

IT IS SO ORDERED.

JOHN VOLKERDING, Chair
New Mexico Environmental Improvement Board
1190 St. Francis Drive, Suite S2100
Santa Fe, New Mexico 87505
(505) 827-2425

Date: _____