

ANNUAL FEE REPORT

July 1, 2008 through June 30, 2009

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU**

October 2009

**New Mexico Environment Department
Hazardous Waste Bureau**

Fee Collection during FY2009 (July 01, 2008 - June 30, 2009)

Under the provisions of 20.4.2.202 NMAC: "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."

HWB Annual Fees **	\$ 563,750.00
HWB Document Review Fees ***	\$ 553,814.26
WIPP Fee Agreement*	\$ 725,068.09
LANL Fee Agreement*	\$ 1,234,892.87
SNL Fee Agreement*	\$ 260,497.59
Total Fees Received	<u>\$ 3,338,022.81</u>

Fees Received by Facility for FY2009

Permit Fees	Document Fees Received FY09	2009 Annual Fee	FY09 Supplemental Fee Agreement	Total Fees Received
Cannon Air Force Base	\$ 78,500.00	\$ 37,500.00		\$ 116,000.00
Fort Bliss	\$ 39,500.00	\$ 5,250.00		\$ 44,750.00
Fort Wingate Depot Activity	\$ 75,000.00	\$ 72,750.00		\$ 147,750.00
Western Refining Company - Bloomfield	\$ 33,000.00	\$ 22,500.00		\$ 55,500.00
Western Refining Company - Gallup	\$ 14,000.00	\$ 14,500.00		\$ 28,500.00
Holloman Air Force Base	\$ 85,250.00	\$ 51,500.00		\$ 136,750.00
Kirtland Air Force Base **	\$ 78,564.26	\$ 48,750.00		\$ 127,314.26
Los Alamos National Laboratory *			\$ 1,234,892.87	\$ 1,234,892.87
Melrose Range		\$ 5,250.00		\$ 5,250.00
NASA	\$ 23,500.00	\$ 48,500.00		\$ 72,000.00
Navajo Refining Company	\$ 62,000.00	\$ 23,250.00		\$ 85,250.00
PNM Person Generating Station		\$ 4,000.00		\$ 4,000.00
Rinchem		\$ 2,000.00		\$ 2,000.00
Safety Kleen Albuquerque		\$ 8,000.00		\$ 8,000.00
Safety Kleen Farmington	\$ 2,500.00	\$ 4,000.00		\$ 6,500.00
Sandia National Laboratories *		\$ 70,500.00	\$ 260,497.59	\$ 330,997.59
Sparton Technologies	\$ 500.00	\$ 4,750.00		\$ 5,250.00
Waste Isolation Pilot Plant *		\$ 37,250.00	\$ 725,068.09	\$ 762,318.09
White Sands Missile Range	\$ 61,500.00	\$ 103,500.00		\$ 165,000.00
Totals	\$ 553,814.26	\$ 563,750.00	\$ 2,220,458.55	\$ 3,338,022.81

Note:

* Fee Agreement during FY2009. Fee letters state: Annual fee is not required if supplemental fees paid by due date. All supplemental fees were paid on time, however, if annual fee is noted, then facility paid both supplemental and annual fee. Any annual fees received by HWB from facilities under a fee agreement are credited to the facility during the following billing cycle.

** Includes late fees for non-payments

The following table provides a listing of the fees collected and the associated hours of staff during FY2009 for each facility. The Total Annual Fee Amount Received is the assessment of the annual fee based on unit types at the facility. The annual fees are to cover miscellaneous items, non-specific tasks, related to the facility such as meetings and site visits. Total Miscellaneous Hours are the hours associated to non-specific facility tasks. Total Amount Received is the amount for all fees collected under 20.4.2 NMAC which include annual and document review fees. Total Hours list the hours associated with the facility. The \$70.48 hourly rate is based on a formula relating to cost associated with staff and contractual support such as salaries, benefits, and operating costs (rent, phones, etc.). The hourly rate is multiplied by the hours to determine costs related to the facility in a given year.

FY	Annual Fee Amount Received versus Miscellaneous Hours				Total Amount Received versus Total Hours			
	Annual Fee Amount Received	Total Miscellaneous Hours	Miscellaneous at \$70.48	Difference at \$70.48	Total Amount Received	Total Hours	Total at \$70.48	Difference at \$70.48
Cannon Air Force Base								
FY09	\$ 37,500	20.50	\$ 1,445	\$ 36,055	\$ 116,000	520.00	\$ 36,650	\$ 79,350
Fort Bliss								
FY09	\$ 5,250	16.00	\$ 1,128	\$ 4,122	\$ 44,750	110.25	\$ 7,770	\$ 36,980
Fort Wingate Depot Activity								
FY09	\$ 72,750	127.00	\$ 8,951	\$ 63,799	\$ 147,750	1955.25	\$ 137,806	\$ 9,944
Wester Refining Company - Bloomfield								
FY09	\$ 22,500	33.25	\$ 2,343	\$ 20,157	\$ 55,500	310.75	\$ 21,902	\$ 33,598
Western Refining Company - Gallup								
FY09	\$ 14,500	279.50	\$ 19,699	\$ (5,199)	\$ 28,500	572.25	\$ 40,332	\$ (11,832)
Holloman Air Force Base								
FY09	\$ 51,500	99.00	\$ 6,978	\$ 44,522	\$ 136,750	2381.25	\$ 167,831	\$ (31,081)
Kirtland Air Force Base								
FY09	\$ 48,750	860.25	\$ 60,630	\$ (11,880)	\$ 127,314	2078.25	\$ 146,475	\$ (19,161)
Los Alamos National Laboratory *								
FY09		3093.75	\$ 218,048	\$ (218,048)		11598.75	\$ 817,480	\$ (817,480)
Melrose Air Force Range								
FY09	\$ 5,250	2.50	\$ 176	\$ 5,074	\$ 5,250	65.75	\$ 4,634	\$ 616
NASA White Sands Test Facility								
FY09	\$ 48,500	543.75	\$ 38,324	\$ 10,177	\$ 72,000	1345.25	\$ 94,813	\$ (22,813)
Navajo Refining Company								
FY09	\$ 23,250	88.00	\$ 6,202	\$ 17,048	\$ 85,250	812.50	\$ 57,265	\$ 27,985

FY	Annual Fee Amount Received versus Miscellaneous Hours				Total Amount Received versus Total Hours			
	Annual Fee Amount Received	Total Miscellaneous Hours	Miscellaneous at \$70.48	Difference at \$70.48	Total Amount Received	Total Hours	Total at \$70.48	Difference at \$70.48
PNM Persons Generating Station								
FY09	\$ 4,000	28.00	\$ 1,973	\$ 2,027	\$ 4,000	415.00	\$ 29,249	\$ (25,249)
Rinchem								
FY09	\$ 2,000	1.00	\$ 70	\$ 1,930	\$ 2,000	1.00	\$ 70	\$ 1,930
Safety-Kleen Albuquerque								
FY09	\$ 8,000	4.00	\$ 282	\$ 7,718	\$ 8,000	4.00	\$ 282	\$ 7,718
Safety-Kleen Farmington								
FY09	\$ 4,000	35.50	\$ 2,502	\$ 1,498	\$ 6,500	80.00	\$ 5,638	\$ 862
Sandia National Laboratories *								
FY09	\$ 70,500	450.50	\$ 31,751	\$ 38,749		5492.75	\$ 387,129	\$ (387,129)
Sparton Technologies								
FY09	\$ 4,750	204.00	\$ 14,378	\$ (9,628)	\$ 5,250	213.00	\$ 15,012	\$ (9,762)
Waste Isolation Pilot Plant *								
FY09	\$ 37,250	3766.25	\$ 265,445	\$ (228,195)		5390.75	\$ 379,940	\$ (379,940)
White Sands Missile Range								
FY09	\$ 103,500	120.00	\$ 8,458	\$ 95,042	\$ 165,000	1338.00	\$ 94,302	\$ 70,698
TOTALS								
FY09	\$ 563,750	9,773	\$ 688,783	\$ (125,033)	\$ 1,009,814	34,685	\$ 2,444,581	\$ (1,434,767)

Note:

* Does not include supplemental fees through fee agreements

Number of documents and hours of review for FY2009

Document Type	n	Total Hours per Document Type for FY2009
ACA/ACM Completion Report	9	473.75
ACA/ACM Work Plan	5	180.5
Audit Review	19	1515.5
Certificate of Completion	9	58.5
Class 1 Permit Modification	17	246.5
Class 2 Permit Modification	2	61
Class 3 - Petition for CAC/NFA	10	1587
Class 3 Permit Modification	3	215.25
Closure Plan	5	340.25
CMI Report	2	36.5
CMI Work Plan	4	352.25
CMS Report/CME	7	1309.25
CMS Workplan/CME Workplan	2	16.5
FFCO Administration	12	441.5
Interim Measures Work Plan	8	245.25
Investigation Report (RFI Report)/Phase Report	31	1418.75
Investigation Report with Risk Assessment	2	405.25
Investigation Work Plan (RFI Work Plan)	42	3730.75
Monitoring Plan	13	334.25
Monitoring Report	1	19
Periodic Monitoring Report	56	1180.5
Permit	12	9138.75
Pilot/Aquifer Test Work Plan	2	13
Pilot Test Report	3	77
RCRA Facility Assessment	1	1
Release Assessment/SWMU Assessment Report	9	290.75
Risk Evaluation/Risk Assessment Report	3	408.75
Status Report	14	574.75
Well Completion Report	22	248.25
Total	325	24920.3

Number of documents under review and average time (days) for invoicing, payment and response for FY2009 by facility

Facility	Document under review during FY09	Invoice date to Fee paid date average (days)	Rec'd date to Invoice date average (days)	Fees paid to response date average (days) *	AVG Hours per document
CAFB	12	51	40	73	41.6
FB	11	89	42	-68	8.6
FWDA	21	27	49	43	87.1
WRB	11	34	51	102	25.2
WRG	8	73	35	29	36.6
HAFB	18	17	52	120	126.8
KAFB	36	54	46	18	33.8
LANL	104	8	42	39	81.8
MELR	1	na	na	-41	63.3
NASA	12	46	35	46	66.8
NRC	13	39	52	153	55.7
PNM	1	na	na	na	387.0
SKFA	1	63	40	-63	44.5
SNL	38	0	53	32	132.7
Sparton	1	13	71	-13	9.0
WIPP	27	0	120	-57	61.1
WSMR	11	112	53	84	110.7
TOTAL	326				
AVG		42	52	31	81

Notes:

(1) A fee agreement was in place during FY09 with LANL, SNL and WIPP and the document review fees were credited against the fee agreement.

(2) The days are from receipt of document to approval.

* If a negative number then document(s) were responded to prior fee payment.

**New Mexico Environment Department
Hazardous Waste Bureau**

Fee Collection during FY2009 (July 01, 2008 - June 30, 2009)

Under the provisions of 20.4.3.800 (B) NMAC: "NMED 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."

HW Generator Fees	\$	321,404.47
Total Fees Received	\$	<u>321,404.47</u>

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU**

FY 09 EXPENDITURES

Hazardous Waste Bureau Commitment Control 9/15/2009	HWB General Fund	DOD FY09 (100% FF)	RCRA FY09 (75% FF/25% OSF)	On Call Response (957)	HWB Permit Fees (339)	WIPP Permit Fees (339)	HWB Generator Fees (339)	LANL Permit Fees (339)	SNL Permit Fees (339)	Hazardous Waste Bureau	
Total Bureau Budget											
PS&EB	422,200.00	127,200.00	964,620.00	116,100.00	857,200.00	308,000.00	202,300.00	671,800.00	233,400.00	3,902,820.00	PS&EB
Indirect Charge: 18.85%		23,977.20	125,280.87	21,884.85	161,582.20	58,058.00	38,133.55	126,634.30	43,995.90	599,546.87	Indirect Charge: 18.85%
Contracts				100,000.00	51,500.00	155,000.00		250,600.00	15,100.00	572,200.00	Contracts
Other	60,700.00	34,500.00	110,100.00	23,300.00	199,400.00	77,900.00	21,900.00	143,100.00	18,300.00	689,200.00	Other
Total	482,900.00	185,677.20	1,200,000.87	261,284.85	1,269,682.20	598,958.00	262,333.55	1,192,134.30	310,795.90	5,763,766.87	Total
Total Bureau Expense											
PS&EB	422,200.00	116,380.81	964,620.00	101,460.89	826,188.17	296,252.88	194,987.91	653,868.33	222,480.86	3,798,439.85	PS&EB
Indirect Charge: 18.85%		21,937.78	125,280.87	19,125.38	155,736.47	55,843.67	36,755.22	123,254.18	41,937.64	579,871.21	Indirect Charge: 18.85%
Contracts				34,291.01	39,812.77	151,173.58		223,471.77	5,061.36	453,810.49	Contracts
Other	60,577.58	30,154.56	110,099.13	13,782.85	160,303.99	65,890.30	20,594.44	103,470.84	16,645.61	581,519.30	Other
Total	482,777.58	168,473.15	1,200,000.00	168,660.13	1,182,041.40	569,160.43	252,337.57	1,104,065.12	286,125.47	5,413,640.85	Total
Remaining Budget	122.42	17,204.05	0.87	92,624.72	87,640.80	29,797.57	9,995.98	88,069.18	24,670.43	350,126.02	Remaining Budget

Note:

The Hazardous Waste Bureau (HWB) receives supplemental funding beyond Hazardous Waste Permit/Corrective Action Fees and Annual Hazardous Waste Fees (Generator Fees). General fund and the Environmental Protection Administration's Resource Conservation and Recovery Act Grant provides the bureau with additional supplemental funding to augment permitting and enforcement activities. Activities listed previously are a combination of all HWB funding sources except activities completed solely within the Hazardous Waste Emergency Fund and the Department of Defense Grant.