

ANNUAL FEE REPORT

July 1, 2009 through June 30, 2010

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU**

October 2010

**New Mexico Environment Department
Hazardous Waste Bureau**

Fee Collection during FY2010 (July 01, 2009 - June 30, 2010)

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 **	\$ 462,250.00
HWB Document Review Fees ***	\$ 679,123.66
WIPP Fee Agreement*	\$ 683,876.34
LANL Fee Agreement*	\$ 1,269,129.71
SNL Fee Agreement*	\$ 278,559.30
Total Fees Received	<u>\$ 3,372,939.01</u>

Note:

* Fee Agreement during FY2010. Fee letters state annual fee is not required if supplemental fees paid by due date.

**Includes annual fees paid by facilities with supplemental fee agreements. All annual fees received by facilities under a supplemental fee agreement are credited to the agreement.

*** Includes permit renewals and late fees for non-payments

Fees Received by Facility for FY2010

Permit Fees	Document Fees Received FY10	2010 Annual Fee	FY10 Supplemental Fee Agreement	Total Fees Received
Cannon Air Force Base	\$ 26,000.00	\$ 37,500.00		\$ 63,500.00
Fort Bliss	\$ 21,500.00	\$ 5,250.00		\$ 26,750.00
Fort Wingate Depot Activity	\$ 73,500.00	\$ 72,750.00		\$ 146,250.00
Western Refining Company - Bloomfield	\$ 59,500.00	\$ 22,500.00		\$ 82,000.00
Western Refining Company - Gallup	\$ 35,000.00	\$ 14,500.00		\$ 49,500.00
Holloman Air Force Base	\$ 163,000.00	\$ 51,500.00		\$ 214,500.00
Kirtland Air Force Base **	\$ 52,000.00	\$ 39,750.00		\$ 91,750.00
Los Alamos National Laboratory *			\$ 1,269,129.71	\$ 1,269,129.71
Melrose Range	\$ 4,500.00	\$ 5,250.00		\$ 9,750.00
NASA	\$ 30,500.00	\$ 48,500.00		\$ 79,000.00
Navajo Refining Company	\$ 34,500.00	\$ 23,250.00		\$ 57,750.00
PNM Person Generating Station		\$ 4,000.00		\$ 4,000.00
Rinchem		\$ 2,000.00		\$ 2,000.00
Safety Kleen Albuquerque	\$ 500.00	\$ 8,000.00		\$ 8,500.00
Safety Kleen Farmington	\$ 3,000.00	\$ 4,000.00		\$ 7,000.00
Sandia National Laboratories *	\$ 6,500.00		\$ 278,559.30	\$ 285,059.30
Sparton Technologies		\$ 4,750.00		\$ 4,750.00
Waste Isolation Pilot Plant *	\$ 149,123.66	\$ 20,000.00	\$ 683,876.34	\$ 853,000.00
White Sands Missile Range	\$ 20,000.00	\$ 98,750.00		\$ 118,750.00
Totals	\$ 679,123.66	\$ 462,250.00	\$ 2,231,565.35	\$ 3,372,939.01

Note:

* Fee Agreement during FY2010. Fee letters state: Annual fee will be credited to supplemental fee agreement if 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 or document review fees received by HWB from facilities under a fee agreement are credited to the facility during the following billing cycle unless invoice amount exceeds supplemental fee agreement amount. If invoice amounts exceed supplemental fee agreement amount then HWB does not credit facility in accordance with 74-4-4.2(K) NMAC

** Includes late fees for non-payments

The following table provides a listing of the fees collected and the associated hours of staff during FY2010 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								
FY10	\$ 37,500	42.50	\$ 2,995	\$ 34,505	\$ 63,500	524.75	\$ 36,984	\$ 26,516
Fort Bliss								
FY10	\$ 5,250	21.50	\$ 1,515	\$ 3,735	\$ 26,750	209.25	\$ 14,748	\$ 12,002
Fort Wingate Depot Activity								
FY10	\$ 72,750	172.50	\$ 12,158	\$ 60,592	\$ 146,250	1956.25	\$ 137,877	\$ 8,374
Wester Refining Company - Bloomfield								
FY10	\$ 22,500	97.50	\$ 6,872	\$ 15,628	\$ 82,000	441.25	\$ 31,099	\$ 50,901
Western Refining Company - Gallup								
FY10	\$ 14,500	261.75	\$ 18,448	\$ (3,948)	\$ 49,500	1163.75	\$ 82,021	\$ (32,521)
Holloman Air Force Base								
FY10	\$ 51,500	34.00	\$ 2,396	\$ 49,104	\$ 214,500	1064.25	\$ 75,008	\$ 139,492
Kirtland Air Force Base								
FY10	\$ 39,750	1063.00	\$ 74,920	\$ (35,170)	\$ 91,750	3497.25	\$ 246,486	\$ (154,736)
Los Alamos National Laboratory *								
FY10	\$ 388,200	1844.75	\$ 130,018	\$ 258,182	\$ 615,000	11010.75	\$ 776,038	\$ (161,038)
Melrose Air Force Range								
FY10	\$ 5,250	1.00	\$ 70	\$ 5,180	\$ 9,750	187.25	\$ 13,197	\$ (3,447)
NASA White Sands Test Facility								
FY10	\$ 48,500	270.25	\$ 19,047	\$ 29,453	\$ 79,000	982.75	\$ 69,264	\$ 9,736
Navajo Refining Company								

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
FY10	\$ 23,250	131.25	\$ 9,251	\$ 14,000	\$ 57,750	742.00	\$ 52,296	\$ 5,454
PNM Persons Generating Station								
FY10	\$ 4,000	0.00	\$ -	\$ 4,000	\$ 4,000	832.00	\$ 58,639	\$ (54,639)
Rinchem								
FY10	\$ 2,000	0.00	\$ -	\$ 2,000	\$ 2,000	2.50	\$ 176	\$ 1,824
Safety-Kleen Albuquerque								
FY10	\$ 8,000	19.00	\$ 1,339	\$ 6,661	\$ 8,500	50.50	\$ 3,559	\$ 4,941
Safety-Kleen Farmington								
FY10	\$ 4,000	43.00	\$ 3,031	\$ 969	\$ 7,000	311.00	\$ 21,919	\$ (14,919)
Sandia National Laboratories *								
FY10	\$ 72,500	205.00	\$ 14,448	\$ 58,052	\$ 23,500	4586.00	\$ 323,221	\$ (299,721)
Sparton Technologies								
FY10	\$ 4,750	2.00	\$ 141	\$ 4,609	\$ 4,750	55.00	\$ 3,876	\$ 874
Waste Isolation Pilot Plant *								
FY10	\$ 20,000	3366.00	\$ 237,236	\$ (217,236)	\$ 853,000	3505.75	\$ 247,085	\$ 605,915
White Sands Missile Range								
FY10	\$ 98,750	96.75	\$ 6,819	\$ 91,931	\$ 118,750	1068.00	\$ 75,273	\$ 43,477
TOTALS								
FY10	\$ 922,950	7,672	\$ 540,705	\$ 382,245	\$ 2,457,250	32,190	\$ 2,268,769	\$ 188,481

Note:

* Does not include supplemental fees through fee agreements

Number of documents and hours of review for FY2010

Document Type	n	Total Hours per Document Type for FY2010
ACA/ACM Completion Report	6	155.25
ACA/ACM Work Plan	9	403.25
Audit Review	19	1771.25
Certificate of Completion	1	2
Class 1 Permit Modification	13	129
Class 1 Permit Modification with Prior Approval	3	296
Class 2 Permit Modification	4	226.5
Class 3 - Petition for CAC/NFA	6	331
Class 3 Permit Modification	2	749.75
Closure Plan	3	270.5
CMI Report	2	35.5
CMI Work Plan	3	143.75
CMS Report/CME	7	782.75
CMS Workplan/CME Workplan	2	152.75
FFCO Administration	14	286
Interim Measures Work Plan	9	512.25
Interim Measures Report	3	45.5
Investigation Report (RFI Report)/Phase Report	40	2398
Investigation Report with Risk Assessment	4	548.5
Investigation Work Plan (RFI Work Plan)	50	2633.25
Monitoring Plan	15	382.5
Notice of Land Transfer	2	41
Operation and Maintenance Plan	3	32
Periodic Monitoring Report	71	1902.25
Permit	12	11638.5
Pilot/Aquifer Test Work Plan	1	23
Pilot Test Report	1	181.75
RCRA Facility Assessment	1	249.25
Release Assessment/SWMU Assessment Report	6	91.75
Remedy Completion Report	1	13.5
Risk Evaluation/Risk Assessment Report	3	210.75
Status Report	19	231
Well Completion Report	18	569.25
Total	353	27439.3

Number of documents under review and average time (days) for invoicing, payment and response for FY2010 by facility

Facility	Document under review during FY10	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	19	33	48	101	25.4
FB	14	36	46	22	13.4
FWDA	24	63	27	102	74.3
WRB	12	54	48	107	26.4
WRG	15	39	53	7	60.1
HAFB	15	47	20	172	68.7
KAFB	30	43	60	190	90.4
LANL	113	30	3	60	80.9
MELR	3	34	62	-13	62.1
NASA	17	16	74	35	41.9
NRC	14	68	25	31	43.6
PNM	2	na	na	na	416.0
SKAL	1	63	11	-8	31.5
SKAL	2	57	32	17	134.0
SNL	32	62	0	147	136.9
ST	1	na	na	na	53.0
WIPP	29	63	10	-21	108.3
WSMR	16	93	111	14	60.7
TOTAL	359				
AVG		53	42	60	90

Notes:

(1) A fee agreement was in place during FY10 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 to fee payment.

**New Mexico Environment Department
Hazardous Waste Bureau**

Fee Collection during FY2010 (July 01, 2009 - June 30, 2010)

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	\$	314,857.12
Total Fees Received	\$	<u>314,857.12</u>

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU**

FY 10 EXPENDITURES

Hazardous Waste Bureau Commitment Control 8/09/2010	HWB General Fund	DOD FY10 (100% FF)	RCRA FY10 (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	239,800.00	95,200.00	967,100.00	118,600.00	796,300.00	370,000.00	166,700.00	642,900.00	238,300.00	3,634,900.00	PS&EB
Indirect Charge: 19.74%		18,792.48	131,665.54	23,411.64	157,189.62	73,038.00	32,906.58	126,908.46	47,040.42	610,972.74	Indirect Charge: 19.74%
Contracts				100,000.00	59,500.00	250,000.00	500.00	491,000.00	40,000.00	941,000.00	Contracts
Other	79,600.00	29,500.00	104,300.00	18,100.00	160,900.00	90,600.00	39,800.00	275,500.00	18,000.00	816,300.00	Other
Total	319,400.00	143,492.48	1,203,085.54	260,111.64	1,173,889.62	783,638.00	239,906.58	1,536,308.46	343,340.42	6,003,172.74	Total
Total Bureau Expense											
PS&EB	239,748.61	88,538.26	940,174.00	91,188.86	714,267.96	320,854.23	163,674.53	616,554.59	211,183.22	3,386,184.26	PS&EB
Indirect Charge: 19.74%		17,477.45	126,370.35	18,000.68	140,996.50	63,336.63	32,309.35	121,707.88	41,687.57	561,886.40	Indirect Charge: 19.74%
Contracts				92,101.36	34,617.00	124,265.75	274.47	318,288.16	14,499.51	584,046.25	Contracts
Other	79,164.47	19,261.52	103,659.35	17,464.30	140,448.17	77,735.70	37,960.87	190,660.94	12,278.02	678,633.34	Other
Total	318,913.08	125,277.23	1,170,203.70	218,755.20	1,030,329.63	586,192.31	234,219.22	1,247,211.57	279,648.32	5,210,760.25	Total
Remaining Budget	486.92	18,215.25	32,881.84	41,356.44	143,559.99	197,445.69	5,687.36	289,096.89	63,692.10	792,422.49	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, Corrective Action 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.