



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Robert R. Scott, Commissioner



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April 14, 2023

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 147-B:11-a, accept the 2022 Hazardous Waste Cleanup Annual Report.

EXPLANATION

The New Hampshire Department of Environmental Services hereby submits its report on the activities and finances of the Hazardous Waste Cleanup Fund (Fund) for the state fiscal year ending June 30, 2022.

The Fund was established in 1981 to provide for the proper, adequate, and safe cleanup of sites in New Hampshire where hazardous wastes or materials have been improperly discharged, disposed of or spilled, and to support the regulatory and enforcement programs associated with such cleanups. Pursuant to RSA 147-B, the Fund may be used for investigation and cleanup of hazardous waste sites; matching grants to municipalities and regional planning groups for household hazardous waste and used oil collection programs; the NHDES Brownfields program; hazardous waste generator training, certification, and self-certification programs; the NH Pollution Prevention Program; and hazardous waste permitting, administrative and enforcement costs. The Fund is supported by fees on various hazardous waste related activities, cost recovery revenues, fines, and penalties. The Fund and its associated activities are administered by the Department's Waste Management Division.

There are currently 2,166 active hazardous waste generators in the state, ranging from very small businesses to major manufacturing facilities. Together, they generated 11,653,013 pounds of hazardous waste in FY 2022. Proper management of this waste is critical to the protection of human health and the environment in our state. Improper management results in contamination of soil and groundwater, which poses risks of exposure to our citizens, especially through consumption of contaminated drinking water. Such events threaten our health, quality of life, and our economy. The Department's database of sites contaminated by hazardous waste includes 1,531 sites. Of those sites, 920 have been closed, and 611 sites are active.

DES Web Site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-2905 Fax: (603) 271-2456 TDD Access: Relay NH 1-800-735-2964

The fund supports a variety of critical prevention activities, including: outreach, training, inspections, and enforcement of our hazardous waste rules; grants to local governments to ensure proper handling of used oil and hazardous wastes; and pollution prevention services. Vital cleanup activities include: direction and oversight of privately financed site investigation and site cleanup; working with developers in our state brownfields covenant-not-to-sue and federal brownfields grant programs to encourage cleanup and redevelopment of brownfields sites; and state oversight of the investigation and cleanup of 20 Superfund National Priority List (NPL) hazardous waste sites.

NHDES personnel work diligently with the business community, site owners, and the public at large to ensure that hazardous wastes are properly managed at the source. When those efforts are not successful, we work to ensure that safe and effective cleanup is achieved. The Fund plays a critical role in ensuring that the necessary resources are available to achieve these important goals.

We respectfully request your acceptance of this report.



Robert R. Scott, Commissioner

Attachment

cc: Hon. Jeb Bradley, President of the Senate
Hon. Sherman Packard, Speaker of the House
Tammy L. Wright, Clerk of the Senate
Paul C. Smith, Clerk of the House
N.H. State Library

STATE OF NEW HAMPSHIRE

Hazardous Waste Cleanup Fund

RSA Chapter 147-B

2022
Annual
Report



Waste Management Division

April 7, 2023

EXECUTIVE SUMMARY

Pursuant to RSA 147-B:11-a, this document reports the activities and finances of the Hazardous Waste Cleanup Fund (Fund). The report also includes an historical summary of Fund finances for the state fiscal years 2018 through 2022. This report is respectfully submitted to:

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
Councilor Joseph D. Kenney, District 1
Councilor Cinde Warmington, District 2
Councilor Janet Stevens, District 3
Councilor Theodore L. Gatsas, District 4
Councilor David K. Wheeler, District 5
Hon. Jeb Bradley, President of the Senate
Hon. Sherman Packard, Speaker of the House

The Fund was established in 1981 to provide for the proper, adequate, and safe cleanup of sites in New Hampshire where hazardous wastes or materials have been improperly discharged, disposed of or spilled, and to support the regulatory and enforcement programs associated with such cleanups. Pursuant to RSA 147-B, the Fund may be used for various purposes, including investigation and cleanup of hazardous waste sites; matching grants to municipalities and regional planning groups for household hazardous waste and used oil collection programs; the NHDES Brownfields program; hazardous waste generator training, certification, and self-certification programs; the NH Pollution Prevention Program; and hazardous waste permitting, administrative and enforcement costs. The Fund is supported by fees on various hazardous waste related activities, cost recovery revenues, fines, and penalties. The Fund and its associated activities are administered by the Department's Waste Management Division.

There are currently 2,166 active hazardous waste generators in the state, ranging from very small businesses to major manufacturing facilities. Together, they generated 11,653,013 pounds of hazardous waste in FY 2022. Proper management of this waste is critical to the protection of human health and the environment in our state. Improper management results in contamination of soil and groundwater, which poses risks of exposure to our citizens, especially through consumption of contaminated drinking water. Such events threaten our health, quality of life, and our economy. The Department's database of sites contaminated by hazardous waste includes 1,531 sites. Of those sites, 920 have been closed, 611 sites are in the investigation, cleanup, or long-term monitoring phase.

The fund supports a variety of critical prevention activities, including outreach, training, inspections, and enforcement of our hazardous waste rules; grants to local governments to ensure proper handling of used oil and hazardous wastes; and pollution prevention services. Vital cleanup activities

include direction and oversight of privately financed site investigation and site cleanup; working with developers in our state brownfields covenant-not-to-sue and federal brownfields grant programs to encourage cleanup and redevelopment of brownfields sites; and state oversight of the investigation and cleanup of 20 Superfund National Priority List (NPL) hazardous waste sites.

NHDES personnel work diligently with the business community, site owners, and the public at large to ensure that hazardous wastes are properly managed at the source. When those efforts are not successful, we work to ensure that safe and effective cleanup is achieved. The Fund plays a critical role in ensuring that the necessary resources are available to achieve these important goals.



Michael J. Wimsatt, P.G., Director
Waste Management Division



Robert R. Scott, Commissioner
Department of Environmental Services

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A. INTRODUCTION HAZARDOUS WASTE CLEANUP FUND

The New Hampshire Hazardous Waste Cleanup Fund (Fund) was established in 1981 to provide for the proper, adequate and safe cleanup of sites in New Hampshire where hazardous wastes or materials have been improperly discharged, disposed of or spilled. The Fund may be used for:

- investigation and cleanup of hazardous waste sites;
- matching grants to municipalities and regional planning groups for household hazardous waste collection programs;
- processing hazardous waste facility permits and enforcing and implementing the conditions of a permit;
- grants to political subdivisions for used oil collection centers, used oil educational programs, and the administration and enforcement of used oil collection requirements;
- the brownfields program;
- the hazardous waste coordinator certification program;
- the small quantity generator self-certification program;
- permitting, administrative and enforcement costs associated with the Fund;
- the New Hampshire Pollution Prevention Program; and
- supporting a state hazardous waste facility siting program.

The Fund is supported by fees (hazardous waste generator fees, notification fees, automotive oil fees, hazardous waste facility permit fees, brownfields program fees, hazardous waste coordinator certification fees, and small quantity generator self-certification fees), cost recovery settlements, fines, penalties and interest. The Fund is administered by the New Hampshire Department of Environmental Services, Waste Management Division (NHDES).

B. REVENUE

I. Generator Fees

Fees are assessed to hazardous waste generators through the documentation provided on hazardous waste manifests (i.e., the transportation documents used to record the shipment of all hazardous waste through and within the state). A fee of \$0.06 per pound, or a minimum fee of \$100, is assessed for the shipment of all unrecycled hazardous waste through or within the state. There is also a statutory fee (\$0.003 per pound) assessed on a hazardous waste facility when wastes are received from out-of-state; however, there were no facilities to which this fee applied during FY 2022. Generator fees received in the FY 2022 biennium totaled \$480,078. For a breakdown of each fiscal year's revenue, see the tables in Sections D and E, on pages 10 and 11 of this report.

II. Notification Fees

A \$150 non-refundable fee is assessed to new hazardous waste generators that are required to notify NHDES of their hazardous waste activities under RSA 147-A:6-a. Notification fees received in FY 2022 totaled \$11,700.

III. Automotive Oil Fees

A fee of \$0.02 per gallon is assessed on the import of automotive oil into the state. The fee is collected for deposit to the Fund by the NH Department of Safety. Automotive oil fees received in the FY 2022 totaled \$84,792.

IV. Hazardous Waste Permit Fees

A permit application fee not to exceed \$7,500 is assessed on each permit, permit modification and permit renewal application. The New Hampshire Hazardous Waste Rules under Env-Hw 304.07 establish a non-refundable fee to be submitted with each type of permit application. The fees range from a low of \$400 for a Limited Permit renewal to a high of \$7,500 for a Standard Permit. Hazardous waste permit fees received in FY 2022 totaled \$5,850.

V. Brownfields, Groundwater Management Permit and Expedited Site Assessment Programs

There are three types of fees assessed for the Brownfield covenant not to sue program: a program eligibility application fee of \$750, including a \$500 resubmission fee if needed; a \$4,500 fee to cover the costs of NHDES' review work on the plans and submittals from program participants; and a time and materials fee to reimburse NHDES for any costs exceeding the initial \$4,500.

A groundwater management permit application fee of \$2,000 is assessed on each permit application unless otherwise exempted by statute.

An expedited review fee is assessed on environmental site assessment reports based on the equalized assessed valuation of the property. The equalized assessed valuation fee ranges from a low of \$1,800 to a high of \$7,500.

Brownfields, Groundwater Management Permit and Expedited Site Assessment Program fees received in FY 2022 totaled \$499,495.

VI. Hazardous Waste Coordinator Certification Program Fees

A program fee of \$125 to administer the Hazardous Waste Coordinator Certification (HWCC) Program and a reasonable course fee (currently \$175) to cover the expenses for the education and training

programs are assessed to program participants. Hazardous Waste Coordinator Program fees received in FY 2022 totaled \$267,100.

VII. Small Quantity Generator (SQG) Self-Certification Program Fees

A program fee of \$90 per year payable every three years is assessed to every participant in the program. Small Quantity Generator Self-Certification Program fees received in FY 2022 totaled \$179,680.

VIII. Cost Recovery

RSA 147-B:10 established strict liability for all costs incurred by the state in responding to a release or threatened release of hazardous waste or hazardous material. Recovered costs from responsible parties for work performed by NHDES are deposited into the Fund. Cost recovery received in FY 2022 totaled \$300,817.

IX. Fines and Penalties

RSA 147-A:16, 17 and 17-a specify that criminal penalties, civil forfeitures and administrative fines shall be deposited into the Fund. Fines and penalties received in FY 2022 totaled \$115,271.

X. Interest

RSA 147-B:3, II specifies that Fund interest received on investments made by the state treasurer shall be credited to the Fund. Interest received in FY 2022 totaled \$22,407.

C. ACTIVITY AND EXPENDITURES

I. Permitting, Administration and Enforcement

NHDES is authorized to use the Fund to support permitting, administration and enforcement costs, which include the review and processing of permit applications; inspections of hazardous waste facilities to determine compliance with the NH Hazardous Waste Rules (Env-Hw 100 – 1300); compliance monitoring and enforcement of NHDES issued administrative penalty actions; review of hazardous waste transportation manifest data and the collection of generator fees based on those data; and the administrative oversight of these functions. The NH Department of Justice (DOJ) also invoices the Fund for its services. Currently, there are 2,166 active hazardous waste generators in the state that produced 11,653,013 pounds of hazardous waste in FY 2022. The cost to the Fund associated with permitting, administration and enforcement in FY 2022 totaled \$309,584 (\$253,445 NHDES and \$56,139 DOJ). For a breakdown of each fiscal year's expenses, see the tables in Sections D and E, on pages 10 and 11 of this report.

II. Hazardous Waste Transporter Registration

The Fund is used minimally to support the administration and enforcement of the Hazardous Waste Transporter Registration Program. Hazardous waste transporters must register with NHDES under Env-Hw 600 in an effort to better protect human health and the environment from hazardous waste spills during transportation. Program work includes reviewing annual registration applications, performing background checks to assure applicants meet required performance standards, issuing registrations, inspection of transport vehicles and providing technical assistance as needed. There are currently 135 registered hazardous waste transporters. No inspections of transport vehicles in conjunction with the NH State Police were completed in FY 2022 due to staffing limitations. Staff time associated with background checks, provision of technical assistance and the review and approval of annual transporter registrations is typically on the order of 75 hours per year and is accounted for under Permitting, Administration and Enforcement.

III. Emergency Response and Complaint Investigations

NHDES is authorized to use the Fund to provide for the adequate and safe cleanup of sites where hazardous wastes or hazardous materials have been stored or disposed of, which threaten the environment or the public health and welfare. The Fund is used to support the response capability for non-petroleum hazardous material emergencies on a 24/7/365 basis. The Spill Response and Complaint Investigation Section (SRCIS) personnel provide technical assistance to the local on-scene commanders, environmental monitoring, sampling expertise and contaminant identification. SRCIS also investigates complaints regarding the mismanagement of solid and hazardous wastes. Investigations are conducted in the field and may include sampling of various containers and media (sometimes in hazardous environments), conducting interviews of potential witnesses and responsible parties, as well as inspections and documentation of potential environmental crime scenes. SRCIS further identifies hazardous waste generators who have failed to properly notify NHDES of their waste activities and are therefore operating without proper regulatory controls in place. In FY 2022, SRCIS responded to 9 hazardous waste related complaints and 2 hazardous waste related incidents. The cost to the Fund associated with emergency response and complaint investigations in FY 2022 totaled

\$163,650. This amount is significantly higher than the annual emergency response and complaint investigation expenses of previous years because it was necessary to replace obsolete, essential field equipment. Similar elevated expenses are not anticipated for this program in the upcoming biennium.

IV. Asbestos Disposal Site Oversight

NHDES is authorized to use the Fund to provide for the adequate and safe cleanup of sites where hazardous wastes or hazardous materials have been stored or disposed of which threaten the environment or the public health and welfare. NHDES oversees the management of both active and inactive asbestos disposal sites, and uses the Fund when needed to supplement the cost of doing so. Three of New Hampshire's operating landfills are currently authorized to receive asbestos waste and NHDES monitors these facilities for compliance with applicable requirements. In addition, NHDES administers an inactive asbestos disposal site program for several hundred inactive asbestos disposal sites located on residential, commercial, industrial and public properties throughout Nashua and Hudson. This program includes: investigation and confirmation of new sites; periodic inspection of known sites; technical assistance for development and implementation of emergency response and remedial action plans; review and approval of work plans for site work that involves disturbance of asbestos at the sites; monitoring long term site maintenance; coordination of program initiatives with the U.S. Environmental Protection Agency (EPA); general education to ensure that work on these properties is done properly and safely; and licensure of inactive asbestos disposal site contractors and workers. There was no cost to the Fund associated with asbestos in FY 2022 because NHDES costs to oversee safe cleanup and disposal of asbestos waste were covered by other funding sources.

V. Household Hazardous Waste (HHW) Collection Program

The fund is used to provide matching grant monies to local and regional entities for HHW collection projects. In addition to the actual collection and proper disposal of the wastes, these projects must include a significant educational component, which emphasizes the proper management and disposal of HHW and the use of alternative and less toxic products. In FY 2022, the HHW Collection Program awarded 21 grants covering 155 communities. These grants served a population of 1,099,036. Program staff participated in presentations at several schools, six Solid Waste Management Bureau solid waste facility operator training sessions, a battery handling and storage workshop, three regional household hazardous waste roundtables organized by Northeast Waste Management Officials Association and two roundtables organized by Upper Valley Lake Sunapee Regional Planning Commission, Discover Wild NH Day, and worked with the Solid Waste Operator Training coordinator to record two educational modules for future use. The cost to the Fund associated with the household hazardous waste collection program in FY 2022 totaled \$351,981.

VI. Used Oil Collection Program

The Fund pays for the operation of a used oil collection compliance assurance program and provides funding for individual grants not to exceed \$2,500 annually to establish and improve used oil collection centers at public facilities, non-profits and certain private business locations. Political subdivisions that use the same center may combine their grants to a maximum of \$5,000. The statute further authorizes monies for educational outreach to support the grant program and personnel to administer the program. Program management and administration expenditures include: personnel, grant administration, import fee collection by the NH Department of Safety, legal services and educational

outreach. Municipally-owned used oil collection centers serve most communities in the state, and many communities have received multiple grants since inception of the program in 1995. The cost to the Fund associated with the used oil collection program in FY 2022 totaled \$90,871

VII. Superfund National Priorities List Site Remediation

NHDES is authorized to use the Fund to provide for the adequate and safe cleanup of sites where hazardous wastes or hazardous materials have been stored or disposed of, which threaten the environment or the public health and welfare. In cooperation with the EPA, NHDES provides project management and oversight for long term remediation of contaminated sites that are included within EPA's Superfund Program, sometimes referred to under the acronym CERCLA (Comprehensive Environmental Response, Compensation and Liability Act of 1980). This legislation provided the federal government with broad authority to compel parties responsible for contamination at the nation's worst abandoned or uncontrolled hazardous waste sites to either remediate the contamination or reimburse EPA for the costs of performing the remediation. In New Hampshire, EPA shares its Superfund Program responsibilities for hazardous waste site remediation with NHDES. The state and EPA always negotiate with potentially responsible parties (PRPs) of the sites for recovery of past costs and future anticipated costs. EPA typically takes the lead in cost recovery efforts. In cases where NHDES is the lead agency in overseeing a site, NHDES takes the lead in the cost recovery efforts. In these cases, staff oversight costs are charged to the Fund and any cost recovery revenue is deposited into the Fund. There are currently 20 active National Priority List (NPL) Superfund sites listed in New Hampshire. Revenue and expenditures are included in the State Site Remediation Program below.

VIII. State Site Remediation

The Fund is authorized to be used to provide for the adequate and safe cleanup of sites where hazardous wastes or hazardous materials have been stored or disposed of, which threaten the environment or the public health and welfare. When NHDES determines the treatment, storage, disposal, or transportation of a hazardous waste or hazardous material poses an immediate or long-term threat to the environment or human health, Fund monies may be used for the removal of such a threat. Such uses of the Fund include: containment and cleanup expenses; entering into contracts with consultants, personnel and spill response specialists; purchasing, leasing or renting equipment to analyze, control or contain spills and discharges; provision of alternate drinking water; and other expenses associated with containment or cleanup, such as laboratory analyses.

The Fund provides funding to support pre-remedial work at known hazardous waste sites. These monies support site assessments for sites not yet on EPA's CERCLIS list (CERCLIS is the EPA database that identifies hazardous waste sites that are eligible for federal funding). Once a site is proven by the state to be a hazardous waste site and there are no willing or financially viable responsible parties to clean up the site, EPA will place the site on CERCLIS, making the site eligible for federal funding for additional pre-remedial work (assessments and investigations). There are 302 New Hampshire listed CERCLIS sites, including 224 archived sites (no further Federal involvement) and 78 active sites. The 78 active CERCLIS sites include the 21 active CERCLIS sites.

The Fund provides funding to support NHDES oversight of hazardous waste release sites that are being investigated, remediated, and monitored by responsible parties. At the end of FY 2022, there were

1,531 sites in NHDES' hazardous waste site database (920 closed and 611 active). NHDES oversight activities include review of technical submittals such as Notifications of Ambient Groundwater Quality Standards Violations, Site Investigation Reports, Remedial Action Plans, Remedy Completion Reports, Groundwater Management Permit Applications, Groundwater Monitoring Reports, Notices of Activity and Use Restrictions, and various work scopes. NHDES oversight also includes the provision of technical assistance to regulated parties and communities, the review of unsolicited due diligence reports, the development of guidance documents, the development and periodic revision of administrative rules, and the development of appropriate groundwater and site remediation criteria. The cost to the Fund associated with the state site remediation program in FY 2022 totaled \$944,608.

Beginning in 2014, the Fund also supported NHDES efforts to evaluate and address the occurrence of per- and polyfluoroalkyl substances (PFAS) in drinking water supply wells and at contaminated sites throughout New Hampshire. With the inception of funding specific to PFAS response in FY 2020, the financial burden of addressing PFAS contamination from unknown sources has shifted to PFAS-specific funding sources, and expenses associated with addressing PFAS from known sources are borne by the responsible parties..

IX. Brownfields Program

Fund monies are used to support the operations and staff positions in the Brownfields Program. The purpose of the Brownfields Program is to encourage cleanup and development of contaminated sites. This program saves clean undeveloped areas known as "greenfields" from development and puts the abandoned or unused "brownfields" properties back on the local tax rolls. The program provides incentives for redevelopment of contaminated properties by providing comprehensive liability protection to parties who have no pre-existing liability for the contamination, but assume responsibility for remediation of the property. The program provides grants for technical assistance for environmental assessment and cleanup planning for eligible parties and sites. There are currently 298 brownfields sites identified in New Hampshire.

The cooperative agreement between NHDES and EPA for the federal grant known as the Brownfields State Response Program Grant (SRPG) requires all program income derived from the grant proceeds to be used solely for: (a) the assessment and cleanup of brownfields sites; and (b) support of the State Response Program (i.e. State Site Remediation Program). This program income is deposited to a sub-account in the Fund and used in accordance with grant conditions. Program income is derived from cost recovery of project manager time from responsible parties. Salary, benefits and operational costs associated with the Brownfields Program are incorporated within the expenses reported above for State Site Remediation. The consultant contractual cost to the Fund associated with Brownfields site assessment and remediation work in FY 2022 totaled \$354,686.

X. New Hampshire Pollution Prevention Program (NHPPP)

The Fund is used to support the NHPPP which provides pollution prevention and compliance assistance to New Hampshire's hazardous waste generators through outreach, on-site visits, workshops, training, webinars, the P2 internship program and numerous fact sheets and other publications. The program is also known for its partnerships with other governmental, non-governmental and industry trade organizations to encourage businesses to scrutinize their processes for pollution prevention and

hazardous waste reduction opportunities. In FY 2022, the NHPPP conducted 13 in-person site visits and six virtual site visits, responded to 94 information requests and published a periodic newsletter for small quantity hazardous waste generators. The cost to the Fund associated with the New Hampshire Pollution Prevention Program in FY 2022 totaled \$173,667.

XI. Hazardous Waste Coordinator Certification (HWCC) Program

NHDES is authorized to use the Fund to process hazardous waste coordinator certification applications, provide technical training and assistance to coordinators, and hire personnel to administer the HWCC program. The purpose of the HWCC program is to improve the management of hazardous waste and increase the compliance rate of the larger hazardous waste generators, thereby reducing the potential liability and health risks to business owners, employees, the public and the environment. The HWCC program is a compliance tool that provides a forum for educating hazardous waste generators in the complex area of hazardous waste management. The HWCC program requires each hazardous waste generator that generates more than 220 pounds of hazardous waste in a calendar month to have on staff at the facility where the hazardous waste is generated, a Hazardous Waste Coordinator (HWC), certified by NHDES. The HWC is responsible for ensuring that the facility is aware of its need to comply with the rules relating to hazardous waste management. A facility may have more than one HWC on staff and designate one person as the primary coordinator. Each HWC must pass a comprehensive written exam to earn initial certification. Each year following the initial certification, the HWC is required to apply for recertification and attend continuing education courses provided by NHDES to renew their certification. During FY 2022, the HWCC program conducted 53 classes and trained 947 individuals. The cost to the Fund associated with the Hazardous Waste Coordinator Certification Program in FY 2022 totaled \$313,567.

XII. Small Quantity Generator (SQG) Self-Certification Program

The Fund is used to provide technical training and assistance to hazardous waste generators, hire personnel and pay administrative cost for the SQG Self-Certification Program. The purpose of the SQG Self-Certification Program is to provide a means to check the compliance status of the SQGs by requiring submittal of a Self-Certification and Declaration of Compliance Form. A small quantity generator of hazardous waste is any facility that generates less than 220 pounds of hazardous waste in each and every calendar month. Despite the relatively small amount of hazardous waste generated by each individual SQG, about a third of the contaminated sites in New Hampshire are a result of waste mismanagement by SQGs. Over the years, many SQGs have been inspected by staff from NHDES, but many more have not been inspected. With 1,913 SQGs in the state, NHDES has been limited in its ability to monitor compliance at these facilities through inspections. To address this inspection problem and to improve the compliance rates of SQGs, the Legislature established the SQG Self-Certification Program in FY 2004.

The program requires each SQG to review their hazardous waste management procedures, conduct a self-inspection of their facility and certify compliance to NHDES every three years. To manage staff workload and minimize staffing requirements, the state is divided up into 3 regions and the self-certification deadlines for each region are staggered so that only one region submits the required self-certifications in any given year. A Self-Certification and Declaration of Compliance Form is sent to each SQG in October of their certification year. The completed form is due back by January 1. SQGs that are not in compliance must develop a Corrective Action Plan specifying how and when they plan

to come into compliance. In FY 2022, the program managed 1,496 Self-Certification and Declaration of Compliance Forms. The cost to the Fund associated with the SQG Self-Certification Program in FY 2022 totaled \$245,867.

D. FISCAL YEAR 2022 BALANCE REPORT

**FISCAL YEAR 2022
Hazardous Waste Cleanup Fund
Cash Receipts and Disbursements
June 30, 2022**

	FY 2022
BALANCE FORWARD FROM PREVIOUS FY	\$5,017,563
REVENUE	
Generator Fees	480,078
Notification Fees	11,700
Automotive Oil Fees	84,792
Hazardous Waste Permit Fees	5,850
Brownfields Program Fees	319,952
Hazardous Waste Coordinator Certification Program Fees	267,100
Small Quantity Generator Self-Certification Program Fees	179,680
Cost Recovery	300,817
Fines and Penalties	115,271
Interest	22,407
Total Revenue	\$1,787,647
EXPENDITURES	
Permitting, Administration and Enforcement	253,445
Transfer to NH Dept. of Justice	56,139
Emergency Response/Complaint Investigation	163,650
Asbestos Abatement and Oversight	0
Household Hazardous Waste Collection Program	351,981
Used Oil Collection Program	90,871
State Site Remediation	944,607
Brownfields Program	354,686
New Hampshire Pollution Prevention Program	173,667
Hazardous Waste Coordinator Certification Program	313,567
Small Quantity Generator Self-Certification Program	245,867
Total Expenses	\$2,948,260
ENDING BALANCE	\$3,856,729

E. HISTORICAL FINANCIAL SUMMARY 2018-2022

Revenue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Generator Fees	563,365	602,357	452,150	450,329	480,078
Notification Fees	27,770	5,200	21,652	19,050	11,700
Automotive Oil Fees	79,805	86,163	88,499	75,307	84,792
HW Permit Fees	7,400	10,050	7,800	10,550	5,850
Brownfields Fees	316,374	305,000	239,745	259,750	319,952
HWCC Fees	285,670	308,781	225,046	263,430	267,100
SQG Fees	180,630	175,930	167,916	166,310	179,680
Cost Recovery	558,164	1,120,447	271,739	244,012	300,817
Fines and Penalties	225,802	298,313	346,777	2,797,656	115,271
Interest	0	144,410	46,052	30,088	22,407
TOTAL REVENUE	\$2,244,980	\$3,056,651	\$1,867,376	\$4,316,483	\$1,787,647

Expenditures	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Permitting, Administration and Enforcement (NHDES)	249,383	227,375	231,220	243,504	253,445
Permitting, Administration and Enforcement (DOJ)	57,889	61,264	58,874	57,377	56,139
Emergency Response / Complaints	81,340	74,452	71,101	60,472	163,650
Asbestos Abatement and Oversight	0	0	0	6,959	0
HHW Collection	309,398	307,733	299,253	287,337	351,981
Used Oil	75,892	125,644	161,521	121,383	90,871
State Site Remediation	1,042,044	557,305	631,960	666,531	944,607
Brownfields	78,764	264,111	113,247	177,720	354,686
NHPPP	168,254	177,153	214,441	128,125	173,667
HWCC	265,801	362,781	277,704	253,724	313,567
SQG Self-Certification	166,690	184,444	244,837	223,591	245,867
TOTAL EXPENDITURES	\$2,495,455	\$2,342,262	\$2,304,158	\$2,226,723	2,948,260

F. SUMMARY OF STATUTORY REFERENCES.

RSA 147-A:4, II	Established an application fee not to exceed \$7,500 for each Hazardous Waste permit, permit modification and permit renewal application and mandated the fee be deposited into the Fund
RSA 147-A:5, III	Established a program fee and a course fee to cover costs associated with operating a Hazardous Waste Coordinator Certification Program and associated training
RSA 147-A:5, IV	Revised the fee associated with operation of the Small Quantity Generator Self-Certification Program
RSA 147-A:6-a	Established a Notification Fee for new hazardous waste generators required to notify DES of hazardous waste activities and mandated the fee be deposited into the Fund
RSA 147-A:16, III	Specifies criminal penalties shall be deposited into the Fund
RSA 147-A:17, II	Specifies civil forfeitures shall be deposited into the Fund
RSA 147-A:17-a, II	Specifies administrative fines shall be deposited into the Fund
RSA 147-B:1	Established the Hazardous Waste Cleanup Fund (Fund)
RSA 147-B:3, II	Specifies Fund interest received on investments made by the state treasurer shall be credited to the Fund
RSA 147-B:4	Authorized use of the Fund to support a state hazardous waste facility siting program
RSA 147-B:6, I	Authorized the use of the Fund for investigation and cleanup of hazardous waste sites
RSA 147-B:6, I-a.	Authorized the use of the Fund for matching grants to municipalities and regional planning groups for household hazardous waste collection programs
RSA 147-B:6, I-b	Authorized the use of the Fund for processing hazardous waste facility permits and enforcing and implementing the conditions of a permit
RSA 147-B:6, I-d	Authorized the use of the Fund for grants to political subdivisions for used oil collection centers, used oil educational programs, and the administration and enforcement of used oil collection requirements established in RSA 147-B:13
RSA 147-B:6, I-e	Authorized use of the Fund for expenses associated with operating a brownfields program established in RSA 147-F
RSA 147-B:6, I-f.	Authorized use of the Fund for operating the hazardous waste coordinator certification program
RSA 147-B:6, I-g	Authorized fees collected pursuant to RSA 147-A:5, IV (c) and RSA 147-A:6-a to be deposited in the Fund and use of the Fund for operating the small quantity generator self-certification program

RSA 147-B:6, IV	Authorized use of the Fund for permitting, administrative and enforcement costs associated with the Fund
RSA 147-B:6, VI	Authorized use of the Fund to support the Pollution Prevention Program established under RSA 21-O:15 through 21-O:22
RSA 147-B:8	Established a Generator Fee to be deposited into the Fund
RSA 147-B:10	Established strict liability for all costs incurred by the state in responding to a release or threatened release of hazardous waste or hazardous material
RSA 147-B:12	Established an Automotive Oil Fee to be deposited into the Fund in accordance with RSA 147-B:6,I-d
RSA 147-F:14, I-III	Established fees relative to the Brownfields Covenant Not To Sue Program
RSA 485:3-b	Established an expedited review fee for environmental site assessment reports based on the equalized assessed valuation of the property.
RSA 485:3-c	Established a groundwater management permit application fee.