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The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



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Robert R. Scott, Commissioner

August 16, 2019

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 2019 Hazardous Waste Cleanup Fund Annual Report.

EXPLANATION

The New Hampshire Department of Environmental Services hereby submits its annual report on the activities and finances of the Hazardous Waste Cleanup Fund (Fund) for State Fiscal Year 2019. The report also includes an historical summary of Fund finances for state fiscal years 2015 through 2019.

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 DES 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 2,216 active hazardous waste generators in the state, ranging from very small businesses to major manufacturing facilities. Together, they generated 13,510,441 pounds of hazardous waste in 2019. 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 1,400 sites. Of those sites, 867 have been closed, and 533 sites are active.

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.

DES 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
Dept. of Environmental Services

Attachment

cc: Hon. Donna M. Soucy, President of the Senate
Hon. Stephen J. Shurtleff, 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

2019

Annual

Report



Waste Management Division

August 16, 2019

EXECUTIVE SUMMARY

Pursuant to RSA 147-B:11-a, this document presents the Annual Report on the activities and finances of the Hazardous Waste Cleanup Fund (Fund) for the state fiscal year ending June 30, 2019. The report also includes an historical summary of Fund finances for state fiscal years ending June 30, 2015 through June 30, 2019. This report is respectfully submitted to:

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
Councilor Michael J. Cryans, District 1
Councilor Andru Volinsky, District 2
Councilor Russell E. Prescott, District 3
Councilor Theodore L. Gatsas, District 4
Councilor Debora B. Pignatelli, District 5
Hon. Donna M. Soucy, President of the Senate
Hon. Stephen J. Shurtleff, 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 DES 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 2,216 active hazardous waste generators in the state, ranging from very small businesses to major manufacturing facilities. Together, they generated 13,510,441 pounds of hazardous waste in FY 2019. 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 1,400 sites. Of those sites, 867 have been closed, 533 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

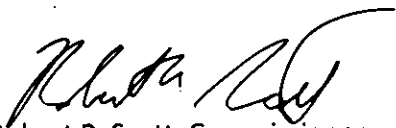
handling of used oil and hazardous wastes; and pollution prevention services. Vital cleanup activities include: direction and oversight of privately financed site investigation and site cleanup; working with developers in our state brownfields covenant-not-to-sue and federal brownfields grant programs 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.

Since March of 2016, DES has been evaluating and addressing the occurrence of per- and polyfluoroalkyl substances (PFAS) in drinking water supply wells throughout New Hampshire. This effort has involved the use of staff from programs throughout DES, the contracted support of consultants to provide expertise in the review of complex hydrogeological modelling performed by responsible parties, and the collection and analysis of hundreds of drinking water samples. Additional PFAS impacted drinking water supply wells are being discovered on a monthly basis due to the widespread use of PFAS in industry and the presence of PFAS in Class B Aqueous Film Forming Foam for firefighting. DES anticipates widespread detections of PFAS in groundwater and drinking water as Groundwater Management Permit holders include PFAS analysis in their calendar year 2019 and 2020 groundwater quality monitoring programs. The full magnitude of the occurrence of PFAS in groundwater and drinking water supply wells will be better understood at the end of State Fiscal Year 2020 upon completion of a statewide groundwater and drinking water quality assessment program funded by the Drinking Water and Groundwater Trust Fund and the collection of PFAS data submitted in connection with monitoring of Groundwater Management Permit sites and landfills.

DES 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

TABLE OF CONTENTS

	<u>Page</u>
A. INTRODUCTION - HAZARDOUS WASTE CLEANUP FUND	1
B. REVENUE	
I. Generator Fees	2
II. Notification Fees	2
III. Automotive Oil Fees	2
IV. Hazardous Waste Permit Fees	2
V. Brownfields, Groundwater and Expedited Site Assessment Programs	2
VI. Hazardous Waste Coordinator Certification Program Fees	2
VII. Small Quantity Generator Self-Certification Program Fees	3
VIII. Cost Recovery	3
IX. Fines and Penalties	3
X. Interest	3
C. ACTIVITY AND EXPENDITURES	
I. Permitting, Administration and Enforcement	4
II. Hazardous Waste Transporter Registration	4
III. Emergency Response and Complaint Investigations	4
IV. Asbestos Disposal Site Oversight	5
V. Household Hazardous Waste Collection Program	5
VI. Used Oil Collection Program	5
VII. Superfund National Priorities List Site Remediation	6
VIII. State Site Remediation	6
IX. Brownfields Program	7
X. New Hampshire Pollution Prevention Program	8
XI. Hazardous Waste Coordinator Certification Program	8
XII. Small Quantity Generator Self-Certification Program	8
D. FISCAL YEAR ANNUAL BALANCE REPORT 2019	10
E. HISTORICAL FINANCIAL SUMMARY 2015-2019	11
F. SUMMARY OF STATUTORY REFERENCES	12

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 (DES).

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 \$.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 (\$.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 2019. Generator fees received in FY 2019 totaled \$602,357.

II. Notification Fees

A \$150 non-refundable fee is assessed to new hazardous waste generators that are required to notify DES of their hazardous waste activities under RSA 147-A:6-a. Notification fees received in FY 2019 totaled \$5,200.

III. Automotive Oil Fees

A fee of \$.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 FY 2019 totaled \$86,163.

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 to a high of \$7,500 for a Standard Permit. Hazardous waste permit fees received in FY 2019 totaled \$10,050.

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 DES' review work on the plans and submittals from program participants; and a time and materials fee to reimburse DES 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 2019 totaled \$305,000.

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 2019 totaled \$308,781.

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 2019 totaled \$175,930.

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 DES are deposited into the Fund. Cost recovery received in FY 2019 totaled \$1,120,447.

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 2019 totaled \$298,313.

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 2019 totaled \$144,410.

C. ACTIVITY AND EXPENDITURES

I. Permitting, Administration and Enforcement

DES 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 – 1100); compliance monitoring and enforcement of DES issued administrative penalty actions; review of hazardous waste transportation manifest data and the collection of generator fees based on that data; and the administrative oversight of these functions. The NH Department of Justice (DOJ) also invoices the Fund for its services. Currently, there are 2,216 active hazardous waste generators in the state that produced 13,510,441 pounds of hazardous waste in FY 2019. The cost to the Fund associated with permitting, administration and enforcement in FY 2019 totaled \$288,639 (\$227,375 DES and \$61,264 DOJ).

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 DES 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. In FY 2019, DES issued 141 registrations. No inspections of transport vehicles in conjunction with the NH State Police were completed in FY 2019 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. Expenses specifically charged to the Fund associated with hazardous waste transportation in FY 2019 totaled \$0.

III. Emergency Response and Complaint Investigations

DES 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 DES of their waste activities and are therefore operating without proper regulatory controls in place. In FY 2019, SRCIS responded to 10 hazardous waste related complaints and 10 hazardous waste related incidents. The

cost to the Fund associated with emergency response and complaint investigations in FY 2019 totaled \$74,452.

IV. Asbestos Disposal Site Oversight

DES 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. DES 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 DES monitors these facilities for compliance with applicable requirements. In addition, DES 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 disturbing 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. The cost to the Fund in FY 2019 associated with asbestos disposal sites totaled \$0.

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 2019, the HHW Collection Program awarded 20 grants covering 158 communities. These grants served a population of 1,073,246. Program staff participated in presentations at several schools, the New Hampshire Drinking Water Festival, two Solid Waste Management Bureau solid waste facility operator training workshops and six training modules at Solid Waste Operator Basic Training events and attended two Household Hazardous Waste Roundtables. The cost to the Fund associated with the household hazardous waste collection program in FY 2019 totaled \$307,733.

VI. Used Oil Collection Program

The Fund pays for the operation of a used oil collection 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 2019 totaled \$125,644.

VII. Superfund National Priorities List Site Remediation

DES 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, DES 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 DES. 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 DES is the lead agency in overseeing a site, DES 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. During FY 2019, there were 20 active National Priority List (NPL) Superfund sites and one additional site proposed for listing 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 DES 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 287 New Hampshire listed CERCLIS sites, including 212 archived sites (no further Federal involvement) and 75 active sites. The 75 active CERCLIS sites include the 20 active Superfund NPL sites and one site proposed for NPL listing.

The Fund provides funding to support DES oversight of hazardous waste release sites that are being investigated, remediated, and monitored by responsible parties. At the end of FY 2019, there were 1,400 sites in DES' hazardous waste site database (867 closed and 533 active). DES 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. DES 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 2019 totaled \$557,305.

Since March of 2016, DES has been evaluating and addressing the occurrence of per- and polyfluoroalkyl substances (PFAS) in drinking water supply wells throughout New Hampshire. This effort has involved the use of staff from programs throughout DES, the contracted support of consultants to provide expertise in the review of complex hydrogeological modelling performed by responsible parties, and the collection and analysis of hundreds of drinking water samples. Additional PFAS impacted drinking water supply wells are being discovered on a monthly basis due to the widespread use of PFAS in industry and the presence of PFAS in Class B Aqueous Film Forming Foam for firefighting. DES anticipates widespread detections of PFAS in groundwater and drinking water as Groundwater Management Permit holders include PFAS analysis in their calendar year 2019 and 2020 groundwater quality monitoring programs. The full magnitude of the occurrence of PFAS in groundwater and drinking water supply wells will be better understood at the end of State Fiscal Year 2020 upon completion of a statewide groundwater and drinking water quality assessment program funded by the Drinking Water and Groundwater Trust Fund and the collection of PFAS data submitted in connection with monitoring of Groundwater Management Permit sites and landfills.

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. The total number of brownfields sites identified as of June 30, 2019 is 272.

The cooperative agreement between DES 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 2019 totaled \$264,111.

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 2019, the NHPPP conducted 23 site visits, responded to 111 information requests and presented at several schools, the New Hampshire Drinking Water Festival and two Solid Waste Facility Operator training workshops. The cost to the Fund associated with the New Hampshire Pollution Prevention Program in FY 2019 totaled \$177,153.

XI. Hazardous Waste Coordinator Certification (HWCC) Program

DES 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 DES. 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 DES to renew their certification. In FY 2019, the HWCC program conducted 30 classes and trained 944 individuals. The cost to the Fund associated with the Hazardous Waste Coordinator Certification Program in FY 2019 totaled \$362,781.

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 DES, but many more have not been inspected. With 1,879 SQGs in the state, DES 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 DES 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 2019, the program managed 729 Self-Certification and Declaration of Compliance Forms. The cost to the Fund associated with the SQG Self-Certification Program in FY 2019 totaled \$184,444.

D. FISCAL YEAR 2019 ANNUAL BALANCE REPORT

FISCAL YEAR 2019
 Hazardous Waste Cleanup Fund
 Cash Receipts and Disbursements
 June 30, 2019

BALANCE FORWARD FROM FY 2018		\$2,005,679
REVENUE		
Generator Fees		602,357
Notification Fees		5,200
Automotive Oil Fees		86,163
Hazardous Waste Permit Fees		10,050
Brownfields Program Fees		305,000
Hazardous Waste Coordinator Certification Program Fees		308,781
Small Quantity Generator Self-Certification Program Fees		175,930
Cost Recovery		1,120,447
Fines and Penalties		298,313
Interest		144,410
Total Revenue		3,056,651
EXPENDITURES		
Permitting, Administration and Enforcement		227,375
Transfer to NH Dept. of Justice		61,264
Emergency Response/Complaint Investigation		74,452
Household Hazardous Waste Collection Program		307,733
Used Oil Collection Program		125,644
State Site Remediation		557,305
Brownfields Program		264,111
New Hampshire Pollution Prevention Program		177,153
Hazardous Waste Coordinator Certification Program		362,781
Small Quantity Generator Self-Certification Program		184,444
Total Expenses		\$2,342,262
ENDING BALANCE FY 2019		\$2,720,068

*Ending balance does not reflect unspent encumbered funds in the amount of \$989,558 for which work orders have not been issued.

E. HISTORICAL FINANCIAL SUMMARY 2015-2019

Revenue	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Generator Fees	379,368	462,855	497,626	563,365	602,357
Notification Fees	35,550	16,050	23,100	27,770	5,200
Automotive Oil Fees	95,467	98,409	82,225	79,805	86,163
HW Permit Fees	14,400	7,500	8,200	7,400	10,050
Brownfields Fees	312,350	411,200	282,500	316,374	305,000
HWCC Fees	310,195	293,100	282,495	285,670	308,781
SQG Fees	192,185	171,390	168,315	180,630	175,930
Cost Recovery	516,938	325,371	584,599	558,164	1,120,447
Fines and Penalties	170,860	631,976	422,567	225,802	298,313
Interest	0	0	18,951	0	144,410
TOTAL REVENUE	\$2,027,313	\$2,417,851	\$2,370,578	\$2,244,980	3,056,651

Expenditures	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Permitting, Administration and Enforcement (DES)	248,243	212,120	232,034	249,383	227,375
Permitting, Administration and Enforcement (DOJ)	61,581	64,338	67,872	57,889	61,264
HW Transporter Registration	58	345	0	0	0
Emergency Response / Complaints	111,128	115,682	85,467	81,340	74,452
HHW Collection	298,924	308,736	268,196	309,398	307,733
Used Oil	36,348	44,809	109,645	75,892	125,644
State Site Remediation	612,206	683,537	926,432	1,042,044	557,305
Brownfields	189	0	36,856	78,764	264,111
NHPPP	202,229	208,339	217,172	168,254	177,153
HWCC	313,098	312,500	289,551	265,801	362,781
SQG Self-Certification	222,297	210,551	168,494	166,690	184,444
TOTAL EXPENDITURES	\$2,106,301	\$2,160,957	\$2,401,719	\$2,495,455	2,342,262

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.