



The State of New Hampshire

DEPARTMENT OF ENVIRONMENTAL SERVICES

Robert R. Scott, Commissioner

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May 22, 2025

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 147-B:11-a, accept the 2024 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, 2024.

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 2,186 active hazardous waste generators in the state, ranging from very small businesses to major manufacturing facilities. Together, they generated 10,528,690 pounds of hazardous waste in FY 2024. 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 1,640 sites. Of those sites, 937 have been closed, 703 sites are active.

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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 21 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.

A handwritten signature in black ink, appearing to read "Robert R. Scott", is written over a horizontal line.

Robert R. Scott, Commissioner

Dept. of Environmental Services

Attachment

cc: Hon. Sharon Carson, 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

2024 Annual Report



Waste Management Division

October 2024

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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 a historical summary of Fund finances for the state fiscal years 2020 through 2024. This report is respectfully submitted to:

Her Excellency, Governor Kelly Ayotte
and the Honorable Council
Councilor Joseph D. Kenney, District 1
Councilor Karen Liot Hill, District 2
Councilor Janet Stevens, District 3
Councilor John Stephen, District 4
Councilor David K. Wheeler, District 5
Hon. Sharon Carson, 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 New Hampshire 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 New Hampshire Department of Environmental Services (NHDES) Waste Management Division.

For several years, demands on the Fund have been increasing without a corresponding increase in revenue. In the long-term this trend could negatively impact NHDES' ability to ensure proper management of hazardous waste and the cleanup of hazardous waste discharges. The Fund is resourced, in part, by fees assessed on hazardous waste generated in New Hampshire (RSA 147-B:8, I). The hazardous waste generator fee has not been increased since 2007. In addition, specific hazardous waste management programs are funded by dedicated fees, including fees for attending Hazardous Waste Coordinator Certification (HWCC) training (RSA 147-A:5, III(b)) and participating in the small quantity generator (SQG) self-certification program (RSA 147-A:5, IV(b)). HWCC fees have not increased since 2014 and SQG self-certification fees have not increased since 2007.

Furthermore, Brownfields fees (RSA 147-F:9, II(e) and RSA 147-F:14, II), Groundwater Management Permit Fees (RSA 485:3-c) and Expedited Review fees (RSA 485:3-b), all of which are deposited into the Fund, have not been increased since 2007. In the coming years, additional revenue to the Fund will be needed for NHDES to fulfill its responsibilities of ensuring proper management of hazardous waste and cleaning up hazardous waste discharges in order to protect public health.

There are currently 2,186 active hazardous waste generators in the state, ranging from very small businesses to major manufacturing facilities. Together, they generated 10,528,690 pounds of hazardous waste in FY 2024. 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. NHDES' database of sites contaminated by hazardous waste includes 1,640 sites. Of those sites, 937 have been closed, and 703 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 21 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

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.
- 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 (NHDES) Waste Management Division.

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 2024. Generator fees received in the FY 2024 biennium totaled \$573,189. 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 nonrefundable 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 2024 totaled \$21,275.

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 New Hampshire Department of Safety. Automotive oil fees received in the FY 2024 totaled \$136,600.

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 2024 totaled \$6,483.

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 2024 totaled \$299,104.

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 2024 totaled \$285,737.

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 2024 totaled \$154,228.

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 2024 totaled \$523,199.

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 or penalties received in FY 2024 totaled \$89,443.

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 2024 totaled \$80,311.

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 New Hampshire 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 New Hampshire Department of Justice (DOJ) also invoices the Fund for its services. Currently, there are 2,186 active hazardous waste generators in the state that produced 10,528,690 pounds of hazardous waste in FY 2024. The cost to the Fund associated with permitting, administration and enforcement in FY 2024 totaled \$356,858 (\$314,918 NHDES and \$41,940 DOJ). For a breakdown of each fiscal year's expenses, see the tables in Sections D and E, on pages 9 and 10 of this report.

II. Hazardous Waste Transporter Registration

The Fund is used to support the administration and enforcement of the Hazardous Waste Transporter Registration Program. Hazardous waste transporters must register with NHDES under Env-Hw 600 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, and providing technical assistance as needed. There are currently 142 registered hazardous waste transporters. 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 2024, SRCIS responded to four hazardous waste related complaints and six hazardous waste related incidents. The cost to the Fund associated with emergency response and complaint investigations in FY 2024 totaled \$62,246.

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 2024 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 2024, the HHW Collection Program awarded 22 grants covering 156 communities. These grants served a population of 1,063,955. The amount of grant awards distributed under the HHW Collection Program in FY 2024 totaled \$181,471. In FY 2024, the HHW Collection Program also presented three times at NHDES' Solid Waste Operator Training, attended virtual and in-person meetings of the Long-Term Seacoast Commission on Drinking Water's HHW Subcommittee, and tracked legislative bills relating to HHW.

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, nonprofits 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 New Hampshire 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 2024 totaled \$172,848.

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 21 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 listed CERCLIS sites in New Hampshire, including 224 archived sites (no further federal involvement) and 78 active sites. The 78 active CERCLIS sites include the 21 active NPL 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 2024, there were 1,640 sites in NHDES' hazardous waste site database (937 closed and 703 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 2024 totaled \$1,050,456.

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, in part, shifted to PFAS-specific funding sources; however, the Fund still bears some of the cost. 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 343 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 2024 totaled \$141,409.

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 2024, the NHPPP conducted 16 in-person site visits, responded to 144 information requests, taught P2 Solutions for Breweries for the University of New Hampshire, participated in a regional cleaning and sanitizing project through UMass Lowell's Toxics Use Reduction Institute (TURI), represented NHDES at the biweekly Interstate Mercury Education and Reduction Institute (IMERC) meetings, presented "Pollution Prevention and Brewery Wastewater" at the Granite State Rural Water Association's High Strength Discharge Training Class, wrote grants to fund additional P2 efforts, and hired a P2 Specialist and a P2 Coordinator. The cost to the Fund associated with the NHPPP in FY 2024 totaled \$172,848.

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 2024, the HWCC program conducted 33 classes and trained 965 individuals. The cost to the Fund associated with the Hazardous Waste Coordinator Certification Program in FY 2023 totaled \$303,541.

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 1,899 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 its hazardous waste management procedures, conduct a self-inspection of its facility and certify compliance to NHDES every three years. To manage staff workload and minimize staffing requirements, the state is divided up into three 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 2024, the program managed 617 Self-Certification and Declaration of Compliance Forms. The cost to the Fund associated with the SQG Self-Certification Program in FY 2024 totaled \$243,805.

D. FISCAL YEAR 2024 BALANCE REPORT

FISCAL YEAR 2024
Hazardous Waste Cleanup Fund
Cash Receipts and Disbursements
June 30, 2024

BALANCE FORWARD FROM PREVIOUS FISCAL YEAR	\$3,234,219
REVENUE	
Generator Fees	573,189
Notification Fees	21,275
Automotive Oil Fees	136,600
Hazardous Waste Permit Fees	6,484
Brownfields Program Fees	299,104
Hazardous Waste Coordinator Certification Program Fees	285,737
Small Quantity Generator Self-Certification Program Fees	154,228
Cost Recovery	523,199
Fines and Penalties	89,443
Interest	80,311
Total Revenue	\$2,169,620
EXPENDITURES	
Permitting, Administration and Enforcement	314,918
Transfer to NH Dept. of Justice	41,940
Emergency Response/Complaint Investigation	62,246
Asbestos Abatement and Oversight	0
Household Hazardous Waste Collection Program	181,471
Used Oil Collection Program	165,678
State Site Remediation	1,050,456
Brownfields Program	141,409
New Hampshire Pollution Prevention Program	172,848
Hazardous Waste Coordinator Certification Program	303,541
Small Quantity Generator Self-Certification Program	243,805
Total Expenses	\$2,678,312
ENDING BALANCE	\$2,725,527

E. HISTORICAL FINANCIAL SUMMARY 2020-2024

Revenue	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Generator Fees	452,150	450,329	480,078	428,352	573,189
Notification Fees	21,652	19,050	11,700	16,710	21,275
Automotive Oil Fees	88,499	75,307	84,792	137,168	136,600
HW Permit Fees	7,800	10,550	5,850	5,150	6,484
Brownfields Fees	239,745	259,750	319,952	294,222	299,104
HWCC Fees	225,046	263,430	267,100	271,308	285,737
SQG Fees	167,916	166,310	179,680	167,830	154,228
Cost Recovery	271,739	244,012	300,817	840,307	523,199,
Fines and Penalties	346,777	2,797,656	115,271	0	89,443
Interest	46,052	30,088	22,407	109,202	80,311
TOTAL REVENUE	\$1,867,376	\$4,316,483	\$1,787,647	\$2,270,249	\$2,169,620

Expenditures	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Permitting, Administration and Enforcement (NHDES)	231,220	243,504	253,445	357,479	314,918
Permitting, Administration and Enforcement (DOJ)	58,874	57,377	56,139	68,456	41,940
Emergency Response / Complaints	71,101	60,472	163,650	45,592	62,246
Asbestos Abatement and Oversight	0	6,959	0	0	0
HHW Collection	299,253	287,337	351,981	328,074	181,471
Used Oil	161,521	121,383	90,871	158,548	172,848
State Site Remediation	631,960	666,531	944,607	1,102,535	1,050,456
Brownfields	113,247	177,720	354,686	161,247	141,409
NHPPP	214,441	128,125	173,667	73,092	172,848
HWCC	277,704	253,724	313,567	440,222	303,541
SQG Self-Certification	244,837	223,591	245,867	157,514	243,805
TOTAL EXPENDITURES	\$2,304,158	\$2,226,723	\$2,948,260	\$2,892,759	\$2,678,312

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.