

Hazardous Waste Fees

Fees Pursuant to Regulation No. 23 (Hazardous Waste Management)

PERMIT FEES:

Permitted hazardous waste treatment, storage, and disposal facilities ("TSDFs") are assessed an initial application fee and an annual permit maintenance fee in one of three categories:

- 1) **Commercial facilities:** Those facilities which receive and process waste from off-site generators in return for a fee or other form of remuneration.
- 2) **Non-commercial facilities:** Those facilities which manage, treat, and/or dispose of their internally-generated hazardous wastes. A non-commercial facility may receive up to 5% of its annual managed waste from off-site, typically from a sister facility owned or operated by the same parent company.
- 3) **Post-closure permits.** These permits are issued for the long-term (30 years) care and stewardship of waste management units which have been closed out with wastes left in place (e.g., landfill cells, closed surface impoundments, or other units where groundwater has been or may be contaminated, or where future use of the land is restricted in order to ensure that the closed unit does not pose a further risk to health or the environment).

- *Commercial TSDFs* are assessed an initial or renewal application fee of \$20,000, and an annual permit maintenance fee of \$15,000 per year.
- *Noncommercial TSDFs* are assessed an initial or renewal application fee of \$15,000, and an annual permit maintenance fee of \$11,250.
- *Post-Closure facilities* are assessed an initial application and a renewal fee equal to the cost of a hazardous waste management permit for their status -- either as a commercial or non-commercial facility.

Unsolicited modifications to a facility's permit during the time their permit application is being reviewed and a permit prepared are assessed a modification fee of \$3,000 for commercial and \$2,250 for noncommercial facilities. Class II and Class III modifications (considered as "major modifications" under the terms of Regulation No. 8, and defined by class in Table I at Regulation No. 23 Section 270.42) are assessed at 50% of the base permit application fee.

Hazardous waste permits are issued for a period of ten (10) years, and must be renewed at the end of that time.

WASTE MANAGEMENT ACTIVITY FEES

In addition to the basic permit fees, each permitted TSDF is assessed a waste management activity fee, based on the type of storage, treatment, or disposal that occurs at the facility. This fee is assessed based upon the design capacity of the facility, not the actual waste throughput each year.

These are paid at the same time as the permit fees, and are deposited into the Hazardous Waste Permit Fee Fund.

These fees (permit, modification, and waste management activity) are capped pursuant to Regulation No. 23 Section 6(h) at \$80,000 per year (per permit) for noncommercial facilities, and \$100,000 per year for commercial facilities.

Type of Permit	Commercial Facility	Non-Commercial Facility
Permit for Construction & Operation*		
Basic permit application fee:	\$20,000	\$15,000
Unsolicited application amendment fee	\$3,000	\$2,250
Permit Renewal fee	\$20,000	\$15,000
Annual Permit Maintenance fee	\$15,000	\$11,250
Post-Closure Care Permit		

Basic permit application fee	\$20,000	\$15,000
Unsolicited application amendment fee	\$3,000	\$2,250
Permit Renewal fee	\$20,000	\$15,000
Annual Permit Maintenance fee	\$15,000	\$11,250
Underground Injection Control (UIC) subject to RCRA Corrective Action, basic application	\$75,000	\$60,000
Permit Renewal Fee	\$30,000	\$20,000
Annual Permit Maintenance Fee	\$10,000	\$7,500
Class II or III Permit Modification Fee*	\$10,000	\$7,500
<p>* Note: A Waste Management Activity Fee is added to each of these permit fees. The Waste Management Activity Fee is assessed based upon the permitted maximum design capacity for each waste management unit addressed by the permit.</p> <p>The maximum annual amount of fees (exclusive of unsolicited application amendment fees) collected per facility shall not exceed \$80,000 per year for non-commercial facilities, or \$100,000 per year for commercial facilities.</p>		
Waste Management Activity Fees		
Permitted Activity	Commercial Facility	Non-Commercial Facility
Container Storage (per 100 gallons or equivalent volume)	\$10	\$7.50
Tank Treatment or Storage (per 1000 gallons or equivalent volume)	\$100	\$75
Waste Pile Storage and/or Disposal (per cubic yard or equivalent volume)	\$10	\$7.50
Surface Impoundment Treatment, Storage, or Disposal (per 1000 gallons or equivalent volume)	\$60	\$45
Land Treatment/Land Farm Treatment or Disposal (per acre)	\$10,000	\$7,500
Landfill Disposal (per acre-foot)	\$5,000	\$4,000
Incineration, Boilers, Industrial Furnaces, and other Thermal Treatment (per ton/hour, based on feed rate)	\$3,000	\$2,250
Open Burning/Open Detonation of Waste Explosives (per pound per day)	\$2	\$1.50
Other Physical, Chemical, or Biological Treatment (per gallon/day or equivalent volume)	\$20	\$15

COMMERCIAL HAZARDOUS WASTE FACILITY OPERATOR FEES

A.C.A. 8-7-219 (3)(B) requires that persons charged with the direct supervision of operations at a commercial TSDF must be certified by the Department. A \$100 fee is assessed for the initial review and processing of an application for such certification; and \$25 for the annual renewal and update of this certification.

CLOSURE PLAN FEES

Closure plans that are not submitted as part of a permit application or modification request are assessed a processing and review fee depending on whether the facility is commercial or noncommercial, and on the number of units and type of waste management activity being closed out. This fee is capped at \$20,000 for commercial facilities, \$15,000 for noncommercial facilities.

Permitted Activity (per unit)	Commercial Facility	Non- Commercial Facility
Container Storage Areas & Tank Units		
Initial Fee	\$5,000	\$4,000
Modification Fee	\$3,000	\$2,250
Incinerators, Boilers, Industrial Furnaces, and other Thermal Treatment		
Initial Fee	\$6,000	\$4,500
Modification Fee	\$3,000	\$2,250
Waste Pile, Land Treatment, Surface Impoundment, and Landfill units		
Initial Fee	\$15,000	\$11,250
Modification Fee	\$5,000	\$3,750
Open Burning/Open Detonation Units		
Initial Fee	\$10,000	\$7,500
Modification Fee	\$5,000	\$3,750
Other Treatment Units		
Initial Fee	\$10,000	\$7,500
Modification Fee	\$5,000	\$3,750
<p>The maximum initial closure plan fee which may be assessed is \$20,000 for commercial facilities, and \$15,000 for non-commercial facilities.</p> <p>A modification fee is not applicable if an amendment to the closure plan is made necessary by changes in applicable regulations which become effective subsequent to submission of the closure plan for approval.</p>		

MONITORING & INSPECTION FEES

This fee is assessed on a stepwise scale based on the facility's reported generation of hazardous waste during the previous calendar year:

Monitoring & Inspection Fee	
Activity	Fee
Commercial TSDF	\$2,250
Non-Commercial TSDF	\$1,500
Generator - 0 to 2,639	\$0
Generator - 2,640 to 26,400	\$150
Generator - 26,402 to 249,999	\$500
Generator - 250,000 lbs. or more	\$1,000
Transporter Transfer Facility	\$50

CORRECTIVE ACTION DOCUMENT & TECHNICAL REVIEW FEE ("CADR FEES")

The Corrective Action Document Review and Technical Review Fee (CADR Fee) was established in June, 1994 as a means to fund the additional engineering and geology staff necessary to carry out the Department's responsibilities for implementing the federal Corrective Action program established under the federal HSWA amendments. The fee was initially set at \$60 per staff hour, which covered the average hourly salary for a staff engineer or geologist, plus fringe and indirect costs for that position. The fee is indexed for inflation based on the annual Consumer Price Index as determined by the U.S. Department of Labor, and is currently (as of April 2011) being assessed at **\$89.31 per hour**.

The CADR Fee is capped at \$15,000 per year for each solid waste management unit (SWMU), or group of SWMUs that are being addressed as a single project. HWD staff monitor the hours spent on each project, and the fee is invoiced on a quarterly basis or when the unbilled fees reach \$2,500, whichever comes first. In cases where the facility is already paying for third-party contract oversight for a cleanup project, the fee is capped at \$2,500.

HAZARDOUS WASTE GENERATION FEES

Pursuant to the Arkansas Remedial Action Trust Fund Act of 1985, Arkansas assesses a fee on the generation of hazardous wastes within the state, as well as on the treatment, storage, and/or disposal of these wastes. These fees are deposited into the Hazardous Substance Remedial Action Trust fund, used to pay for the state's matching costs for cleanups at Superfund sites within the state, as well as for 100% of the long term stewardship and monitoring of these sites once the federal cleanup activities have been completed. The fee also pays for cleanups under State authority at hazardous substance sites identified on the state's site priority list published in Regulation No. 30.

These fees are summarized below:

Remedial Action Trust Fund ("Superfund") Fee	
Generation (lbs.)	Fee
0 to 29,999	\$ 0
30,000 to 99, 999	\$750
100,000 to 199,999	\$1,500
200,000 to 299,999	\$3,000
300,000 to 399,999	\$5,000
400,000 to 499,999	\$7,500
500,000 or more	\$10,000

Fees Pursuant to Regulation No. 32 (Environmental Professional Certification)

Environmental Professional Certification Fees

Any person who applies to the Department for listing on the ADEQ web site as an environmental professional (Phase I consultant) is assessed a \$25 fee for application review and administrative costs. Such listing is not required in order to perform environmental site assessments in Arkansas.

Any person who applies to be certified as a Controlled Substance Contaminated Property Remediation Contractor is assessed a \$200 application fee for review of the application and associated administrative and processing costs, and \$200 biennially thereafter for renewal of such certification.