



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF SOLID & HAZARDOUS MATERIALS
 625 BROADWAY, 9th FLOOR, ALBANY, NY 12233-7252
 Phone: (518) 402-8610 • FAX: (518) 402-9024 (Attn: BHWR)

2008 HAZARDOUS WASTE REGULATORY FEE INFORMATION FORM

NOTE: Please carefully read the instructions before completing the form.

SECTION I - GENERAL		
NAME OF GENERATOR OR TSD FACILITY		EPA ID #
FACILITY MAILING ADDRESS		
CITY	STATE	ZIP CODE
LOCATION OF GENERATOR OR FACILITY (If different from above)		
AT LEAST ONE BLOCK MUST BE CHECKED (see definitions)		
<input type="checkbox"/> Generator Only <input type="checkbox"/> Treatment, Storage, Disposal (TSD) Facility Only <input type="checkbox"/> Generator and TSD Facility		
SECTION II - GENERATOR (Report all quantities in TONS) Please see the Instructions		
1.(a) TOTAL HAZARDOUS WASTE (other than wastewater) generated at this facility in 2008, including any exempted remedial or recycled waste..... _____ tons (b) Remedial Hazardous Waste exempted from Fees by 72-0402(1)(f) and 3(1)(m)* (if any) _____ tons (c) SUBTRACT Line (b) from Line (a)..... _____ tons		
2.(a) TOTAL HAZARDOUS WASTEWATER generated at this facility in 2008, including that treated by on-site systems and including exempted or recycled wastewater _____ tons (b) Remedial Hazardous Wastewater exempted from Fees by 72-0402(1)(f) and 3(1)(m)* (if any) _____ tons (c) SUBTRACT Line (b) from Line (a)..... _____ tons		
3. Recycled Waste: ECL 72-0403(2) contains an exemption from Surcharge Fees for recycled waste for those recycling more than 90% of hazardous waste or hazardous wastewater. Claims (including backup documentation) for the recycling exemption must be made by means of a written certification submitted to the Department in addition to this form (see instructions). If applicable, show the amounts claimed to be eligible for the 90% recycling exemption from Surcharge Fees for 2008: (a) Recycled Hazardous Waste _____ tons (b) Recycled Hazardous Wastewater _____ tons		
* 72-0402(1)(f) & 72-0403(1)(m) only exempt certain remedial wastes from formally approved Department programs		
SECTION III - TREATMENT, STORAGE AND DISPOSAL FACILITY (Complete This Section ONLY If Your Facility is a RCRA TSD Facility)		
1. Please check all applicable Hazardous Waste TSD Facility units. <input type="checkbox"/> Landfill <input type="checkbox"/> Surface Impoundment <input type="checkbox"/> Incinerator/Energy Recovery How Many Incinerators/Energy Recovery Units? _____		
2. TOTAL HAZARDOUS WASTE RECEIVED from OFF SITE during 2008 _____ tons Please summarize and convert the total to tons.		
3. TOTAL HAZARDOUS WASTE MANAGED in RCRA REGULATED TSD UNITS during 2008 _____ tons For RCRA TSD Facility Units: Summarize all totals and convert the totals to tons.		
4. Amount of hazardous waste stored on-site on December 31, 2008 _____ tons		
5. Is your facility under post-closure care? <input type="checkbox"/> Yes <input type="checkbox"/> No		
SECTION IV - CERTIFICATION		
I hereby affirm under penalty of perjury that the information provided in this form and attached statements and exhibits is true to the best of my knowledge and belief and accurately represents the hazardous waste activity at this site during 2008. This activity may be subject to regulatory base fees and surcharge fees.		
NAME:		TITLE:
(ORIGINAL ONLY - NO PHOTOCOPIES) SIGNATURE		DATE
CONTACT IF OTHER THAN ABOVE		TELEPHONE NUMBER:

A PAPER COPY OF THIS FORM MUST BE COMPLETED, SIGNED & RETURNED TO NYSDEC BY 3/2/2009



**2008 HAZARDOUS WASTE
REGULATORY FEE INFORMATION FORM
INSTRUCTIONS**

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM.
SUBMIT THE FORM WITH YOUR 2008 HAZARDOUS WASTE ANNUAL REPORT.

The attached form is NOT the Hazardous Waste Annual Report.

All Generators and TSD Facilities MUST complete this Hazardous Waste Regulatory Fee Information Form. The form must be filled out AFTER the Hazardous Waste Annual Report is completed.

You may be responsible for regulatory fees pursuant to Environmental Conservation Law (ECL) Sections 72-0401, 0402 and 0403, depending on the quantity and type of hazardous waste and hazardous wastewater generated and/or managed during calendar year 2008. The Hazardous Waste Regulatory Fee Information Form is used solely for assessing regulatory fees. All generators must submit both an Annual Report and a signed Regulatory Fee Information Form to the Department. Note that a signed paper copy of the Regulatory Fee Information Form still must be submitted to the Department along with the Declaration of Electronic Filing of the Annual Report Form, even if the Annual Report is submitted electronically.

These instructions explain which wastes should and should NOT be included in the Hazardous Waste Regulatory Fee Information Form waste totals. Errors or misrepresentation of quantities of hazardous waste may result in incorrect fees.

Surcharge fees on the generation of hazardous waste and hazardous wastewater were added to Section 72-0403 in 2003 by the Superfund and Brownfields legislation. These surcharge fees are in addition to the base fees that have been assessed on the generation of hazardous waste since 1983 pursuant to Section 72-0402.

The base and surcharge generator fees apply to the entire year's generation of hazardous waste. The existing administrative procedures and processes in 6NYCRR Parts 480, 481 and 483 will be used for the administration of the Section 72-0402 base fees and the Section 72-0403 surcharge fees.

The Hazardous Waste Regulatory Fee Information Form and Instructions are also posted on the Department's webpage at: <http://www.dec.ny.gov/chemical/9099.html>

Questions on the Hazardous Waste Regulatory Fee Information Form should be directed to the Bureau of Hazardous Waste Regulation at 518-402-8610. Questions on the Hazardous Waste Annual Report should be directed to the Hazardous Waste Manifest and Reporting Section at 800-452-1925 (in New York State) or 518-402-8730.

THE INFORMATION ON THIS FORM WILL BE USED TO CALCULATE HAZARDOUS WASTE REGULATORY FEES THAT MAY BE APPLICABLE TO YOUR FACILITY OR SITE.

SECTION I. GENERAL - Complete all information in Section I of the form. Please check your EPA ID # for correctness. The "Location of Generator or Facility" must reflect the actual location associated with the EPA ID #.

SECTION II. GENERATOR - (Generator Regulatory Fee Quantities) - January 1 to December 31, 2008

Section II, Line 1.(a) - On this line, show the total amount of **all hazardous waste (other than wastewater)** generated at this facility in 2008 (**including** any secondary generation, **and** any exempted remedial or recycled waste). Do not include Universal Waste on any line of this form. Total the amounts reported in Section I, Box F of your GM forms, as well as hazardous wastes not reported on the GM forms. This total must be converted to tons (2,000 pounds/ton). **NOTE:** An incorrect conversion could cause an incorrect fee assessment. **PLEASE DOUBLE CHECK** this total. **NOTE:** For non-hazardous wastewaters that are treated, resulting in hazardous waste sludge, include the quantities of the hazardous waste sludge in your hazardous waste total in Section II, Line 1.(a).

Section II, Line 2.(a) - On this line, show the total amount of **all hazardous wastewater** generated in 2008 **prior** to any treatment, pretreatment, or discharge (including any secondary generation, and any exempted remedial or recycled wastewater). The hazardous wastewater influent to any treatment process is the quantity of hazardous wastewater generated. Each source must meet the definition of "wastewater" on the last page. If the definition is not met, the waste is not wastewater and must be totaled in Line 1.(a) instead. If no hazardous wastewater is generated at your site enter "0." **NOTE:** Non-hazardous wastewaters that are treated, resulting in hazardous waste sludge, are **NOT** counted as hazardous wastewater. Include the hazardous waste sludge in your hazardous waste total in Section II, Line 1.(a).

Note: The base regulatory fee of \$3,000/yr. applies to generators of equal to or greater than 15 tons per year of hazardous wastewater. An additional surcharge regulatory fee of \$6,000/yr. applies to generators of equal to or greater than 15,000 tons per year of hazardous wastewater. As a result of a discrepancy in the ECL listing, generators of between 15 and 15,000 tons of hazardous wastewater were inadvertently billed the \$6,000 wastewater surcharge fee for the years 2003, 2004 and 2005. The Department has issued refunds to those facilities that paid those \$6,000 bills and that submitted Regulatory Fee Information Forms documenting less than 15,000 tons of hazardous wastewater for those years.

Section II, Lines 1.(b) and 2.(b) - Show the total amount of any exempt remedial Hazardous Waste listed in (i) through (vii) below on Line 1.(b). Show the total amount of any exempt remedial Hazardous Wastewater listed in (i) through (vii) below on Line 2.(b). Generators must be prepared to demonstrate that they qualify for any exemption claimed, and submit such documentation upon request. The wastes listed in (i) through (vii) below are the only remedial wastes exempted by ECL 72-0402(1)(f) and 72-0403(1)(m).

Wastes resulting from services which are provided:

- (i) under a contract with the Department, or with the Department's approval and in compliance with Department regulations, or pursuant to an order of the Department, the United States Environmental Protection Agency or a court, related to the cleanup or remediation of a hazardous material or hazardous waste spill, discharge, or surficial cleanup, pursuant to the Environmental Conservation Law (ECL), other than ECL Section 27-1313, or a removal action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 *et seq.*); or
- (ii) under a contract for, or with the Department's approval and in compliance with Department regulations for, the cleanup and removal of a petroleum spill or discharge, pursuant to subdivision seven of section 176 of the Navigation Law; or
- (iii) under the order of a court, the Department or the Department of Health, or the United States Environmental Protection Agency related to an inactive hazardous waste disposal site pursuant to ECL Section 27-1313, Section 1389-b of the Public Health Law, or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 *et seq.*); or
- (iv) voluntarily and without expectation of monetary compensation in accordance with subdivision one of ECL Section 27-1321; or
- (v) under permit or order requiring corrective action pursuant to title nine of ECL Article 27 or the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*); or
- (vi) under a brownfield site cleanup agreement with the Department pursuant to ECL Section 27-1409; or
- (vii) under an environmental restoration project state assistance contract with the department pursuant to ECL Section 56-0503.

Note that only certain remedial wastes from formally approved Department programs qualify for the exemption listed above. Note that the above exemption applies only to a very limited number of facilities. **Most facilities would report "0" for Lines 1.(b) and 2.(b). Also, do NOT include recycled waste on Lines 1.(b) and 2.(b).**

Section II, Lines 1.(c) and 2.(c) - For both of these lines, subtract Line (b) from Line (a) and show the total on Line (c). If "0" is shown for Line (b), show the same quantity on Line (c) as shown on Line (a).

Section II, Lines 3.(a) and 3.(b) - Recycled Waste - For Lines 3.(a) and 3.(b), show the amounts claimed to be eligible for the 90% recycling exemption from surcharge fees for 2008 for hazardous waste and hazardous wastewater, respectively. Any amounts reported to be recycled must also be included in the totals in Lines 1.(a) and 2.(a), [and Lines 1.(c) and 2.(c)] for hazardous waste and hazardous wastewater, respectively. Before completing these lines, see the requirements below.

ECL Section 72-0403(2) contains an exemption from surcharge fees only (not the base fees) for those recycling more than 90% of hazardous waste or hazardous wastewater. Section 72-0403(2) states:

“In any case where a generator recycles more than ninety percent of the amount of hazardous waste or more than ninety percent of the amount of hazardous wastewater it produces in any calendar year, as certified to the commissioner, upon which a fee is imposed pursuant to this section, any such fee imposed or to be imposed in such case shall be determined based upon the net amount of hazardous waste or hazardous wastewater generated, as applicable, which is not so recycled in such calendar year, rather than upon the gross amount of hazardous waste or hazardous wastewater generated in such calendar year.”

Claims for the recycling exemption must be made by means of written certification and backup documentation submitted to the Department. Hazardous waste must be addressed separately from hazardous wastewater, and vice versa. One must recycle at least 90% of the total amount of hazardous waste (other than wastewater) generated in 2008 to qualify for the exemption from the hazardous waste surcharge fee, and at least 90% of the total amount of hazardous wastewater generated in 2008 to qualify for the exemption from the hazardous wastewater surcharge fee.

If you believe the recycling exemption applies, submit written certification and documentation to substantiate such claim attached to the Regulatory Fee Information Form. The documentation must demonstrate that the recycling is legitimate and include details of the waste streams and the recycled material, including their physical characteristics and detailed chemical compositions, including, as a minimum, all hazardous constituents. Also include how, where and when the wastes are being recycled (including certificates of recycling, when applicable), what constituents and what quantity and percentage of the constituents are being recycled, and the end use of the recycled constituents. Explain how the recycled material is being managed as a commodity and to prevent releases to the environment. Show the amounts of any hazardous constituents in the recycled material as compared to a similar raw material. Document the economic and other benefits from the recycling.

As part of the above, for the case of burning for energy recovery, provide documentation showing that the waste 1) actually was burned for energy recovery (and was not burned in an incinerator or other disposal unit), 2) had significant fuel value (i.e., adequate BTUs/lb.), and 3) that the waste recycled contained no or minimal constituents that would be deleterious to and/or not treated by the burning process (e.g., mercury, and other materials that could harm the process and/or the environment).

The documentation must include the following written certification signed by the facility operator, owner, or his/her designated representative: “I hereby affirm under penalty of perjury that the information provided in this form and attached statements and exhibits is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.”

SECTION III. TREATMENT, STORAGE AND DISPOSAL FACILITY - This section must be completed ONLY if your facility is a Treatment, Storage, or Disposal (TSD) Facility. DO NOT complete this section if you are a Generator only.

A TSD Facility is a facility that has one or more hazardous waste units on site that require a permit for the treatment, storage, or disposal of hazardous waste pursuant to Title 9 of Article 27 of the ECL and the 6 NYCRR 370 Series. All TSD Facilities should have filed a Part A application for a hazardous waste permit and be permitted, seeking a permit, or in the process of closing any TSD units on site. Any TSD Facilities with TSD units not certified closed and approved by the Department are charged fees, regardless of the amount of waste presently managed. A TSD Facility fee is also applicable to a Post-closure facility.

Line 1: For the type of units listed on the form, check off the hazardous waste units requiring a permit located at the facility. Tank and container units do not need to be shown on Line 1 but must be included in the totals below.

Line 2: Show the total amount of hazardous waste received from off site.

Line 3: Show the total amount of hazardous waste managed in TSD Facility units required to obtain a permit. Exempt systems should NOT be included.

Line 4: Show the total amount of hazardous waste stored on site on December 31, 2008, in tons. This quantity is not found in your Hazardous Waste Annual Report and must be provided from facility records.

Line 5: Post-closure facilities are those facilities that have closed RCRA units for which Post-closure permits or orders are needed.

SECTION IV. CERTIFICATION - Generators and TSD Facilities MUST complete this section or the form will be rejected and returned. THE FORM MUST BE SUBMITTED WITH AN ORIGINAL SIGNATURE.

FORM SUBMISSION:

Please submit the completed Hazardous Waste Regulatory Fee Information Form to the Department with your Hazardous Waste Annual Report as described in the Hazardous Waste Annual Report instructions. If the Annual Report is submitted electronically, please submit the completed paper copy of the Hazardous Waste Regulatory Fee Information Form to the Department with the completed Declaration of Electronic Filing of the Annual Report Form.

The forms must be submitted to the following address and be received by **March 2, 2009**:

Hazardous Waste Manifest & Reporting Section
Division of Solid & Hazardous Materials
New York State Department of Environmental Conservation
625 Broadway, 9th Floor
Albany, NY 12233-7252

DEFINITIONS:

"Generator" means any person, by site, whose act or process produces hazardous waste as defined in 6NYCRR Part 371 or whose act first causes a hazardous waste to become subject to regulation. **NOTE: THIS INCLUDES HAZARDOUS WASTE RESULTING FROM A ONE-TIME OCCURRENCE. DEPENDING ON SITE ACTIVITIES, TSD FACILITIES MAY ALSO BE CLASSIFIED AS GENERATORS.**

"Hazardous waste" means a hazardous waste as defined in 6NYCRR Part 371.

"Hazardous wastewater" means a hazardous waste that is a wastewater.

"Non-wastewater" means all hazardous waste that is not "wastewater."

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. "Sludge" does not include the treated effluent from a wastewater treatment plant.

"Treatment, storage or disposal facility" (TSD Facility) means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal units (e.g., one or more landfills, surface impoundments, or combinations of them).

"Universal Waste" means any of the following hazardous wastes that are managed under the universal waste requirements of 6NYCRR Subpart 374-3:

- (i) Batteries as described in subdivision 374-3.1(b);
- (ii) Pesticides as described in subdivision 374-3.1(c);
- (iii) Thermostats as described in subdivision 374-3.1(d); and
- (iv) Lamps as described in subdivision 374-3.1(e).

(Note: Do not include Universal Waste on any line of this Regulatory Fee Information Form.)

"Wastewater" means liquid waste that contains: (a) a minimum of 95 percent water by weight; and (b) a maximum of one percent by weight of total organic carbon; and (c) a maximum of one percent by weight of total suspended solids (i.e., total filterable solids).

Weight Conversions: Use the following conversions unless you have knowledge of actual densities/specific gravities of your waste:

2000 lbs. = 1 ton (same as short tons)
1 cubic yard = 0.85 tons
1 kilogram = 2.2 lbs.
1 metric ton = 1,000 kilograms
1 liter = 0.26 gallons
1 gallon (water) = 8.3 lbs.