

# IMPORTANT NOTICE

## PROPOSED EMISSIONS FEE RULE CHANGES FOR FISCAL YEAR 2012

### *Proposed Revision to 30 Texas Administrative Code (TAC) Section (§) 101.27*

#### **Background and Reason for Rulemaking**

Federal requirements under 40 Code of Federal Regulations (CFR) Part 70, § 70.9 states that the revenue from annual fees collected from sources that are subject to the permitting requirements of Title IV or V must be sufficient to fund the direct and indirect costs for administering the federal operating permits program. Beginning in FY 2012, emissions fee revenue, combined with fund balances, is projected to be insufficient to adequately fund the federal operating permits program.

The commission is proposing revisions to 30 TAC § 101.27. The proposed revisions would increase the base rate from \$25 per ton to \$35 per ton in the emissions fee calculation for Fiscal Year 2012 and allow annual adjustments of the base rate, as required for adequate fee revenue up to a predetermined cap of \$45 per ton. The commission is also soliciting comments on the removal of the carbon monoxide fraction from the calculation. If the fraction were removed, the base rate would be set at a lower initial amount. The proposal is projected to collect an additional \$9 million in fees for Fiscal Year 2012. Copies of the proposed rulemaking can be obtained from the commission's Web site at [http://www.tceq.texas.gov/nav/rules/propose\\_adopt.html](http://www.tceq.texas.gov/nav/rules/propose_adopt.html).

#### **Hearings**

The commission is soliciting comments on the proposed rule revision. Two hearings for public comment regarding proposal of this emissions fee rule revision are scheduled. The first is in Houston on April 4, 1:00 p.m. at the Houston Galveston Area Council at 3555 Timmons. The second is on April 7, 2011, at 2:00 p.m. in Building F at the commission's central office.

#### **Submittal of Comments**

The comment period closes April 11, 2011. Comments may be submitted to Charlotte Horn, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <http://www5.tceq.texas.gov/rules/ecomments/>. All comments should reference Rule Project Number 2011-006-101-EN.

#### **Contact**

For further information, please contact the Emissions Assessment Section.

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