



TCEQ REGULATORY GUIDANCE

Financial Administration Division

RG-288 (Revised)

September 2002

Voluntary Cleanup Program Fee

This document is for guidance only. It does not take the place of any official rules and regulations.

What Is This Fee?

The Voluntary Cleanup Program (VCP) fee is assessed to cover costs incurred by the Texas Commission on Environmental Quality (TCEQ) in providing oversight, review, and approval of certain environmental cleanup projects. These projects, undertaken on a voluntary basis by owners of sites with environmental problems, typically have the goal of cleaning up the sites sufficiently to allow sale or development of the property. Program costs include all direct, indirect, overhead, salaries, equipment, utilities, legal, management, and support costs fairly attributable to the VCP.

Legal Authority. The VCP was created through House Bill 2296 of the 74th Texas Legislature. Collection of the VCP fee is authorized by Chapter 361.604 of the Health and Safety Code, which went into effect September 1, 1995. The VCP rules can be found in the Texas Administrative Code (TAC), Chapter 333, Subchapter A.

How Is the Fee Assessed?

The VCP applicant, also referred to as "the voluntary party," submits a \$1,000 fee with the application. After the initial \$1,000 is expended in review and oversight, the TCEQ will send invoices on a monthly basis to the voluntary party to cover state expenses. Because the amount of time required to provide oversight by TCEQ staff varies based on the complexity of the site, it is not possible to provide a specific total cost figure. The TCEQ's billing rates, which can change yearly, are published in the *Texas Register*. TCEQ will require an additional \$1,000 fee for adding or changing the parties listed in the applicant(s) section of the VCP application. This fee will be used to cover state expenses in the review and oversight process of the site. Once this fee is expended monthly invoices will resume.

I Have a Credit Balance on My Account. What Does This Mean?

The account will show a credit balance if the expenses charged to the project are less than the initial \$1,000 application fee. Subsequent expenses will further reduce this balance. Any credit balance remaining in the account after the project is closed will remain with the TCEQ. If your statement shows a credit balance, it was sent for informational purposes only. Please do not submit payment for a credit balance.

What Is the Due Date of the Fees? Where Do I Send the Payment?

The due date is 30 days after the "invoice date" shown on your billing statement; your payment must reach the TCEQ in time to be credited to your account by the due date. Return your payment with the payment coupon (the top portion of the billing statement) to the mailing address shown on the back of the coupon. Use the envelope provided for your convenience. Be sure to turn the coupon over so that TCEQ's mailing address shows through the envelope's window.

Enforcement Provisions. If the TCEQ does not receive your payment within 30 days of the invoice date, the agency can ask the state attorney general to take legal action "to recover the amount owed and reasonable legal expenses, including attorneys' fees, witness costs, court costs, and deposition costs." The VCP agreement may be terminated should the account become delinquent.

What If I Think the Billing Is Incorrect?

If you want to dispute the amount of your fee, you must do so in writing. The TCEQ may not adjust the amount due if your request for adjustment is *received* more than one year after the date on which the fee was paid in full. You can telephone TCEQ offices to clarify questions you may have about your fee amount. (For

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phone numbers, see the heading “Where Do I Send Correspondence or Get More Information?”)

In the correspondence, please provide your account name, account number, and the description of the suspected error.

Why Do I Have to Return the Coupon with My Payment?

The payment coupon (the top portion of your bill) contains an optical character reader (OCR) line. When we receive your payment, a computer reads your account number from that OCR line. Automated processing allows the agency to keep up with the large number of transactions handled. Without the coupon, your transaction cannot be handled by the faster, automated process. Processing “by hand” can be time-consuming (for example, see “If I Have More than One Account . . .”), and your account may not be credited correctly.

If I Have More Than One Account, May I Send One Check for the Total Amount?

You may send all your payments in one envelope, but please enclose a separate check for each coupon. If the number of checks does not equal the number of coupons, we won’t know which accounts to credit your payment to. We will not be able to process your transactions by the faster, automated process; instead, we will have to contact you by phone to find out how the payment should be credited. Processing “by hand” can become time-consuming (for example, playing “telephone tag”), and your account may not be credited in time to avoid late fees.

Where Do I Send Correspondence or Get More Information?

If you have *questions about the expenses charged* to your project or if you would like to inquire about the *work being done*, please call 512/239-5891 and ask for your VCP project manager.

Send *project information, address changes, and disputes* to:

Texas Commission on Environmental Quality
Voluntary Cleanup Program, MC 221
PO Box 13087
Austin, TX 78711-3087
512/239-5891

For *account balance* information, call:
Texas Commission on Environmental Quality
Financial Administration
Revenues Section
512/239-0343

For TCEQ rules, publications, and other information: You can find the official version of TCEQ rules in the Texas Administrative Code on the Secretary of State’s Web site at www.sos.state.tx.us.

Other ways to obtain a copy of the rules, and of TCEQ publications, include the following:

- Go to www.tceq.state.tx.us, and—under the “Site Navigation” bar—follow the links “Forms and Publications” and “Rules, Policy & Legislation.”
- You can also contact the TCEQ Publications Unit at 512/239-0028. Try to give rule, publication, or form *numbers* as well as the title; this information will help the TCEQ staff get the correct item to you as quickly as possible. You may also fax your order to 512/239-4488, or write to TCEQ Publications, MC 195; PO Box 13087; Austin, TX 78711-3087.

<p style="text-align: center;">TNRCC = TCEQ <i>Same Agency, New Name!</i> <i>(from Sept. 1, 2002)</i> Texas Natural Resource Conservation Commission Texas Commission on Environmental Quality</p>
