

Texas Commission on Environmental Quality (commission) proposes amendments to §§213.9, 213.13, 213.14, and 213.26 - 213.28.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

The purpose of the proposed amendments is to implement legislative changes to Texas Water Code (TWC), §26.0461(b), (d), (e), and (h) and the addition of Subsection (d-1) regarding Fees for Edwards Aquifer Plans, as enacted by House Bill 3098, 80th Legislature, 2007. Texas Water Code, §26.0461(b) and (e), as amended, authorizes the commission to assess fees for contributing zone plans. Texas Water Code, §26.0461(d), as amended, and new subsection (d-1), raises the cap on any fee imposed under §26.0461 from \$5,000 to \$6,500 for plans forty acres or less in size and sets a cap of \$13,000 for plans more than forty acres in size. In addition, Texas Water Code, §26.0461(e), as amended, authorizes the commission to base fees imposed under §26.0461 on the type of activity subject to regulation. Lastly, Texas Water Code, §26.0461(h), as amended, provides the commission with flexibility in spending fee revenue for support activities of the Edwards Aquifer Protection Program.

SECTION BY SECTION DISCUSSION

Subchapter A, Edwards Aquifer in Medina, Bexar, Comal, Kinney, Uvalde, Hays, Travis, and Williamson Counties

The proposed amendment to §213.9, Exceptions, will increase the fee for submittal of an Edwards Aquifer protection plan exception from \$250 to \$500.

The proposed amendment to §213.13, Fees Related to Requests for Extensions, will increase the fee for an Edwards Aquifer protection plan extension from \$100 to \$150.

The proposed amendment to §213.14, Fee Schedule, contains the criteria for calculating the application fee for the review of an Edwards Aquifer protection plan and modifications to a plan. The water pollution abatement plan fee schedule for single-family residential dwellings has been revised to reflect seven categories based on size in acres with fees set at \$650 for one single-family dwelling on less than five acres, \$1,500 for multiple single-family dwellings and parks on less than five acres, \$3,000 for five to less than ten acres, \$4,000 for ten to less than forty acres, \$6,500 for forty to less than one hundred acres, \$8,000 for one hundred to less than five hundred acres, and \$10,000 for five hundred acres or greater. The fee schedule for commercial and other sites where regulated activities will occur has also been revised to reflect six categories based on size in acres with fees set at \$3,000 for less than one acre, \$4,000 for one to less than five acres, \$5,000 for five to less than ten acres, \$6,500 for ten to less than forty acres, \$8,000 for forty to less than one hundred acres, and \$10,000 for one hundred acres and greater. The cap for fees for organized sewage collection systems and underground and aboveground storage tank facilities has been raised to \$6,500.

Subchapter B, Contributing Zone to the Edwards Aquifer in Medina, Bexar, Comal, Kinney, Uvalde, Hays, Travis, and Williamson Counties

The proposed amendment to §213.26, Exceptions, will increase the fee for submittal of an Edwards Aquifer contributing zone plan exception from \$250 to \$500.

The proposed amendment to §213.27, Contributing Zone Plan Application and Exception Fees, will establish the same criteria for calculating the application fee for the review of an Edwards Aquifer contributing zone plan and modifications to a plan as designated by the proposed amendment to §213.14.

The contributing zone plan fee has been revised from a flat fee of \$250 regardless of the size of development and the new fee schedule is reflective of the same specific fee categories based on size in acres as designated in amended §213.14 for water pollution abatement plans with the exception of plans for organized sewage collection systems and underground and aboveground storage tank facilities, as these activities are exempt from application requirements in the contributing zone under current rules.

The proposed amendment to §213.28, Fees Related to Requests for Contributing Zone Plan Approval Extensions, will increase the fee for submittal of an Edwards Aquifer contributing zone plan extension from \$100 to \$150.

FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

Jeff Horvath, Analyst, Strategic Planning and Assessment Section, has determined that for the first five-year period the proposed rules are in effect, significant fiscal implications are anticipated for the agency. Other units of state or local government conducting activities in the geographical areas subject to the proposed rules will also be subject to the proposed fee changes and may also experience fiscal implications as a result of the administration or enforcement of the proposed rules. Any fiscal implications would depend upon the type of project and its size, and where the project is located over the Edwards Aquifer.

The proposed rulemaking implements House Bill 3098, 80th Legislature, 2007, and establishes a new fee structure for regulated activities conducted in the Edwards Aquifer recharge or contributing zones. The new fee structure will allow the agency to more equitably distribute fee increases based upon the size of developments and the varying workload demands of projects of differing sizes and complexities. The

proposed tiered fee structure will also replace a flat fee structure for regulated activity in the contributing zone of the Edwards Aquifer.

The agency is anticipated to experience an increase in fee revenue as a result of the implementation of the proposed rules. The increased fee revenue will provide funding for Edwards Aquifer program activities such as monitoring surface water and storm water, as well as groundwater quality in the Edwards Aquifer program area. The increased amount of regulated activity in the Edwards Aquifer region, especially the contributing zone, has necessitated hiring additional TCEQ staff to keep up with the workload of plan reviews. The legislature appropriated over \$640,000 in additional funding for the fiscal 2008-2009 biennium from increased fee revenue to ensure compliance with regulations for development over the Edwards Aquifer region. Fee revenue is deposited into the Water Resource Management Account 153, and funding for the Edwards Aquifer program is from the same account. Depending upon the level of development over the Edwards region, fee revenue is expected to increase in amounts necessary to cover the additional appropriations beginning after the proposed rules are in effect, toward the end of fiscal 2008.

State agencies conducting activities in the geographical areas subject to these rules will be subject to the effects of changes to fee schedules similar to any other party conducting regulated activities. At this time, the Texas Department of Transportation (TxDOT) currently maintains a two-year contract with TCEQ in the amount of \$70,000 per year for review of TxDOT Edwards Aquifer plans. The current contract will expire on August 31, 2008. The contract amounts provided by TxDOT are expected to increase in subsequent contracts due to the increased fee structure proposed in this rulemaking.

The Edwards Aquifer boundaries lie in the following eight counties: Williamson, Travis, Hays, Comal, Bexar, Medina, Kinney, and Uvalde. All counties, municipalities, school districts, river authorities, water districts, or other districts located within the jurisdictional boundaries of the Edwards Aquifer recharge, transition, or contributing zones will also be affected by the proposed rules. No new requirements will be imposed upon units of state or local government other than an increase in fees. The commission receives approximately 750-800 plans for review each year, and it is estimated that between 15% and 20% of these plans are from local governments. Any costs to affected local governments would depend upon their future development activities and the size of the site, although fiscal implications will be more significant for those conducting regulated activities over the contributing zone of the Edwards Aquifer.

The proposed amendments will affect the Edwards Aquifer Protection Program fees in the following ways: 1) The contributing zone plan fee has been revised from a flat fee of \$250 regardless of the size of development and will be replaced with the same tiered water pollution abatement plan fee schedule proposed for the recharge zone with the exception of plans for organized sewage collection systems and underground storage tank facilities. These activities are exempt from application requirements in the contributing zone under current rules; 2) The proposed rule will increase the fee for an Edwards Aquifer recharge protection plan extension from \$100 to \$150; 3) The proposed rule will increase the fee for submittal of an Edwards Aquifer contributing zone protection plan extension from \$100 to \$150; 4) The proposed rule will increase the fee for submittal of an Edwards Aquifer recharge protection plan exception from \$250 to \$500; and 5) The proposed rule will increase the fee for submittal of an Edwards Aquifer contributing zone protection plan exception from \$250 to \$500; and 6) The cap for fees for organized sewage collection systems and underground and aboveground storage tank facilities has been raised to \$6,500.

Fees for Edwards Aquifer protection plans located in the recharge zone will increase from between \$150 to \$1,500 per plan for smaller developments and from between \$3,000 to \$5,000 per plan for larger developments. In addition, fees for Edwards Aquifer protection plans located in the contributing zone will increase from between \$400 to \$6,250 per plan for smaller developments and from between \$7,750 to \$9,750 per plan for larger developments.

PUBLIC BENEFITS AND COSTS

Mr. Horvath also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from the changes seen in the proposed rules will be improved protection of the quality of water resources in newly developed urban and suburban areas in the Edwards Aquifer Region, a reduction in the risk to human health and safety from degradation of water quality, the preservation of aquatic and related biological resources, and the maintenance of the quality of public and recreational resources.

No significant fiscal implications are anticipated for businesses or individuals conducting regulated construction activities over the Edwards Aquifer recharge zone as a result of the proposed rules for the first five years the rules are in effect. However, for those businesses or individuals conducting regulated activities over the Edwards Aquifer contributing zone, fiscal implications may be more significant depending upon the size of the site. The majority of plan reviews conducted each year by the commission are from large businesses.

Any entity conducting construction activity in the Edwards Aquifer regulated zones must submit an Edwards Aquifer protection plan to either the TCEQ Austin Regional Office or the San Antonio Regional Office for review and approval prior to beginning the regulated activity. An Edwards Aquifer protection plan indicates specific best management practices that will be utilized during and after construction to protect the Edwards Aquifer and connected surface streams within the jurisdictional boundaries of the Edwards Aquifer recharge, transition, or contributing zones from contamination from surface water runoff.

The cost implications of the proposed fees for any Edwards Aquifer project will vary on a case-by-case basis depending upon the type of project and its size. Fees for Edwards Aquifer plans located in the recharge zone will increase from between \$150 to \$1,500 per plan for smaller developments and from between \$3,000 to \$5,000 per plan for larger developments.

The rules propose a tiered fee structure rather than a flat fee as is currently assessed for each contributing zone plan. This tiered fee structure is identical to that proposed for the recharge zone. Therefore, more significant fiscal impacts are anticipated for businesses, individuals, or industries who propose to develop in the Edwards Aquifer contributing zone. Fees for Edwards Aquifer plans located in the contributing zone will increase from between \$400 to \$6,250 per plan for smaller developments and from between \$7,750 to \$9,750 per plan for larger developments.

The Edwards Aquifer contributing zone typically represents more rural areas and is generally less densely populated than the recharge zone. Any increased costs to businesses or local governments are anticipated

to be recovered through an increase in costs to consumers of goods and services, though this increase is not anticipated to be significant.

SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

No adverse fiscal implications are expected for small or micro-businesses conducting construction or other regulated activities located in the Edwards Aquifer region as a result of the proposed rules. It is not known how many small or micro-businesses will conduct regulated construction activities over the Edwards Aquifer in the future. The commission receives approximately 750 to 800 plans for review each year, and it is estimated that between 10% and 15% of these plans are from small or micro-businesses. The proposed fee structure will affect those small or micro-businesses over the contributing zone more significantly. However, based upon current data from agency staff the majority of residential development plans in the contributing zone are for large subdivision developments between 40 and 100 acres and are not owned by small or micro-businesses. The majority of commercial development plans in the contributing zone are between 10 and 40 acres in size are mostly for school districts, multifamily dwellings, and public utilities and are not owned by small or micro-businesses. Agency staff therefore do not anticipate adverse fiscal implications for small or micro-businesses who wish to conduct construction activities over the Edwards Aquifer.

The purpose of the proposed rulemaking is to establish a new fee structure that will allow the agency to more equitably distribute fee increases based upon the size of developments and the varying workload demands of projects of differing sizes and complexities. The increased amount of regulated activity in the Edwards Aquifer region, especially the contributing zone, has necessitated hiring additional TCEQ staff to keep up with the workload of plan reviews. If fees were not increased, the alternative would be to re-

prioritize and re-allocate other funds, either in the Water Resource Management Account or from General Revenue, but these alternatives would have unacceptable consequences for other water related program areas, while legislative authority to support the selected alternative has clearly been established. In order to maintain the water quality integrity of the Edwards Aquifer, it is imperative that all regulated activity be conducted in compliance with Chapter 213; therefore, there are no proposed alternative regulatory methods.

SMALL BUSINESS REGULATORY FLEXIBILITY ANALYSIS

The commission has reviewed this proposed rulemaking and determined that a small business regulatory flexibility analysis statement is not required because the proposed rules do not adversely affect a small or micro-business in a material way for the first five years that the proposed rules are in effect.

LOCAL EMPLOYMENT IMPACT STATEMENT

The commission has reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rules do not adversely affect a local economy in a material way for the first five years that the proposed rules are in effect.

DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rulemaking under the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the action is not subject to §2001.0225 because it does not meet the definition of “a major environmental rule” as defined in the statute. “A major environmental rule” means a rule, the specific intent of which, is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the

economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Furthermore, the proposed rulemaking does not meet any of the four applicability requirements listed in Texas Government Code, §2001.0225(a). Texas Government Code, §2001.0225 only applies to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

The amendments to TWC, §26.0461 authorize the commission to base fees on the type of activity subject to regulation, assess fees for contributing zone plans, and raises the maximum fee from \$5,000 to \$6,500 for plans forty acres or less in size. The amendments also set a maximum fee of \$13,000 for plans more than forty acres in size and provide flexibility in the use of spending fee revenue to support the Edwards Aquifer Protection Program. Because the proposed rules are not specifically intended to protect the environment or to reduce risks to human health from environmental exposure, this rulemaking is not a major environmental rule. The amendments to TWC, §26.0461 are not anticipated to adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The amendments simply alter the fee structure by increasing the amounts based on the activities regulated. The commission invites public comment regarding this draft regulatory impact analysis determination.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a takings impact analysis for this rule pursuant to Texas Government Code, Chapter 2007 to determine whether the proposed rules constitute a taking. The following is a summary of that analysis. The specific purpose of the rulemaking is to amend the regulations set forth in Chapter 213 to adjust the amount of fees imposed for processing plans or amendments to plans subject to review and approval under the commission's Edwards Aquifer rules. The proposed rules would substantially advance the stated purpose by increasing the fees as required by statutes. Promulgation and enforcement of this rule will not affect private real property.

Promulgation and enforcement of these rules will not restrict or limit the owner's right to the property that would otherwise exist in the absence of the rulemaking. Owners of property that is used for activities having the potential for polluting the Edwards Aquifer and owners of property that are hydrologically connected to surface water are presently required to submit to the Executive Director for approval an Edwards Aquifer Protection Plan application or an application to modify an approved plan. An owner must also submit an application fee at the time the original application or an application to modify an approved plan is filed. This rulemaking only affects the amount of the fees charged by the commission to review plans under the Edwards Aquifer Protection Program. The proposed rulemaking will not affect a landowner's right in private property because it does not burden nor restrict or limit the owner's right to property. Also, this proposed rulemaking should not reduce the market value by 25% or more beyond that which would otherwise exist in the absence of the regulation. Therefore, this action does not create a burden on any affected private real property.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the proposed rules and found that they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(b)(2) or (4), nor will they affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(a)(6). Therefore, the proposed rules are not subject to the Texas Coastal Management Program.

ANNOUNCEMENT OF HEARING

Public hearings on this proposal will be held in Austin on December 10, 2007, at 10:00 a.m. at the Texas Commission on Environmental Quality complex located at 12100 Park 35 Circle in Building E, Room 201S. The hearings will be structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the hearing; however, agency staff will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Lesley Williamson, Office of Legal Services, at (512) 239-2461. Requests should be made as far in advance as possible.

SUBMITTAL OF COMMENTS

Written comments may be submitted to Lesley Williamson, 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.state.tx.us/rules/ecomment>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Rule Project Number 2007-032-213-CE. The comment period closes January 7, 2008.

Copies of the proposed rulemaking can be obtained from the commission's Web site at

http://www.tceq.state.tx.us/nav/rules/propose_adopt.html. For further information, please contact Tracy

Miller, Field Operations Support Division, (512) 239-4127.

**SUBCHAPTER A: EDWARDS AQUIFER IN MEDINA, BEXAR, COMAL, KINNEY, UVALDE,
HAYS, TRAVIS, AND WILLIAMSON COUNTIES**

§§213.9, 213.13, 213.14

STATUTORY AUTHORITY

The amendments are proposed under Texas Water Code (TWC), §5.102, authorizing the commission to perform any acts authorized by the TWC or other law which are necessary and convenient to the exercise of its jurisdiction and powers; TWC, §5.103, authorizing the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §26.011, authorizing the commission to control the quality of water in the state; TWC, §26.0461, authorizing fees for the Edwards Aquifer program; TWC, §26.121, prohibiting the discharge of waste into water in the state except as authorized by the commission; and TWC, §26.341, regarding the state policy to protect the quality of groundwater and surface water from pollution by substances in underground and aboveground storage tanks and Texas Health and Safety Code, §366.012, authorizing the commission to “adopt rules governing the installation of on-site sewage disposal systems.”

The amendments implement TWC, §§5.102, 5.103, 26.011, 26.0461, 26.121, and 26.341 and Texas Health and Safety Code, §366.012.

§213.9. Exceptions.

(a) Granting of exceptions. Exceptions to any substantive provision of this chapter related to the protection of water quality may be granted by the executive director if the requestor can demonstrate

equivalent water quality protection for the Edwards Aquifer. No exception will be granted for a prohibited activity. Prior approval under this section must be obtained from the executive director for the exception to be authorized.

(b) Procedure for requesting an exception. A person requesting an exception to the provisions of this chapter relating to the protection of water quality must file an original and three copies of a written request with the executive director at the appropriate regional office stating in detail:

(1) the name, address, and telephone numbers of the requestor;

(2) site and project name and location;

(3) the nature of the exception requested;

(4) the justification for granting the exception as described in subsection (a) of this section; and

(5) any other pertinent information that the executive director requests.

(c) Fees related to requests for exceptions. A person submitting an application for an exception, as described in this section, must pay \$500 [\$250] for each exception request. The fee is due and payable at the time the exception request is filed, and should be submitted as described in §213.12 of this title (relating to Application Fees). If the exception request fee is not submitted in the correct amount, the executive director is not required to consider the exception request until the correct fee is submitted.

§213.13. Fees Related to Requests for Extensions.

The person submitting an application for an extension of an approval of any plan under this chapter must pay \$150 [\$100] for each extension request. The fee is due and payable at the time the extension request is filed, and should be submitted as described in §213.12 of this title (relating to Application Fees). If the extension fee is not submitted in the correct amount, the executive director is not required to consider the extension request until the correct fee is submitted. The extension request must be submitted to the appropriate regional office and must include a copy of the Edwards Aquifer protection plan and approval letter that is the subject of the extension request.

§213.14. Fee Schedule.

(a) Water Pollution Abatement Plans. For water pollution abatement plans and modifications to those plans, the application fee shall be based on the classification and total acreage of the site where regulated activities will occur as specified in Table 1 of this subsection.

Figure 30 TAC §213.14(a)

[Figure 30 TAC §213.14(a)]

Table 1

CLASSIFICATION/NUMBER OF ACRES	FEE
One single-family residential dwelling on less than 5 acres	\$650
Multiple single-family residential dwellings and parks	
Less than 5 acres	\$1,500
5 acres to less than 10 acres	\$2,500
10 acres to less than 40 acres	\$4,000
40 acres to less than 100 acres	\$6,500
100 acres to less than 500 acres	\$8,000
500 acres or more	\$10,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	
Less than 1 acre	\$3,000
1 acre to less than 5 acres	\$4,000
5 acres to less than 10 acres	\$5,000
10 acres to less than 40 acres	\$6,500
40 acres to less than 100 acres	\$8,000
100 acres or more	\$10,000

(b) Organized sewage collection systems. For sewage collection system plans and modifications, the application fee shall be based on the total number of linear feet of all lines for which approval is sought. The fee shall be \$.50 per linear foot, with a minimum fee of \$650 [\$500] and a maximum fee of \$6,500 [\$5,000].

(c) Underground and aboveground storage tank facilities. For underground or permanent aboveground storage tank system facility plans and modifications, the application fee shall be based on

the number of tanks or piping systems for which approval is sought. The fee shall be \$650 [\$500] per tank or piping system, with a minimum fee of \$650 [\$500] and a maximum fee of \$6,500 [\$5,000].

**SUBCHAPTER B: CONTRIBUTING ZONE TO THE EDWARDS AQUIFER IN
MEDINA, BEXAR, COMAL, KINNEY, UVALDE, HAYS, TRAVIS, AND WILLIAMSON
COUNTIES**

§§213.26 - 213.28

STATUTORY AUTHORITY

The amendments are proposed under Texas Water Code (TWC), §5.102, authorizing the commission to perform any acts authorized by the TWC or other law which are necessary and convenient to the exercise of its jurisdiction and powers; TWC, §5.103, authorizing the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §26.011, authorizing the commission to control the quality of water in the state; TWC, §26.0461, authorizing fees for the Edwards Aquifer program; TWC, §26.121, prohibiting the discharge of waste into water in the state except as authorized by the commission; and TWC, §26.341, regarding the state policy to protect the quality of groundwater and surface water from pollution by substances in underground and aboveground storage tanks and Texas Health and Safety Code, §366.012, authorizing the commission to “adopt rules governing the installation of on-site sewage disposal systems.”

The amendments implement TWC, §§5.102, 5.103, 26.011, 26.0461, 26.121, and 26.341 and Texas Health and Safety Code, §366.012.

§213.26. Exceptions.

(a) Granting of exceptions. Exceptions to any substantive provision of this subchapter related to the protection of water quality may be granted by the executive director if the requestor can demonstrate equivalent water quality protection for surface streams which enter the recharge zone of the Edwards Aquifer. Prior approval under this section must be obtained from the executive director for the exception to be authorized.

(b) Procedure for requesting an exception. A person requesting an exception to the provisions of this subchapter relating to the protection of water quality must file an original and one copy of a written request with the executive director at the appropriate regional office stating in detail:

(1) the name, address, and telephone numbers of the requestor;

(2) site and project name and location;

(3) the nature of the exception requested;

(4) the justification for granting the exception as described in subsection (a) of this section; and

(5) any other pertinent information that the executive director requests.

(c) Fees related to requests for exceptions. A person submitting an application for an exception, as described in this section, must pay \$500 for each exception request. The fee is due and payable at the

time the exception request is filed, and should be submitted as described in §213.27 of this title (relating to Application Fees). [A complete application for an exception, as described in this section, must be submitted with the appropriate fee as specified in §213.28 of this title (relating to Contributing Zone Plan Application and Exception Fees).] If the exception request fee is not submitted in the correct amount, the executive director is not required to consider the exception request until the correct fee is submitted.

§213.27. [Contributing Zone Plan] Application [and Exception] Fees.

(a) The person submitting an application for approval or modification of any contributing zone plan [or exception] under this subchapter must pay an application fee in the amount set forth in subsection (b) of this section [of \$250]. The fee is due and payable at the time the application is filed. The fee must be sent to either the appropriate regional office or the cashier in the agency headquarters located in Austin, accompanied by an Edwards Aquifer Contributing Zone Fee Application Form, provided by the executive director. Application fees must be paid by check or money order, payable to the "Texas Commission on Environmental Quality." If the application fee is not submitted in the correct amount, the executive director is not required to consider the application until the correct fee is submitted.

(b) For contributing zone plans and modifications to those plans, the application should be based on the classification and the total acreage of the site where regulated activities will occur as specified in Table 2 of this subsection.

Figure 30 TAC §213.27(b)

Table 2

CLASSIFICATION/NUMBER OF ACRES	FEE
One single-family residential dwelling on less than 5 acres	\$650
Multiple single-family residential dwellings and parks	
Less than 5 acres	\$1,500
5 acres to less than 10 acres	\$2,500
10 acres to less than 40 acres	\$4,000
40 acres to less than 100 acres	\$6,500
100 acres to less than 500 acres	\$8,000
500 acres or more	\$10,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	
Less than 1 acre	\$3,000
1 acre to less than 5 acres	\$4,000
5 acres to less than 10 acres	\$5,000
10 acres to less than 40 acres	\$6,500
40 acres to less than 100 acres	\$8,000
100 acres or more	\$10,000

§213.28. Fees Related to Requests for Extensions [Contributing Zone Plan Approval Extension].

The person submitting an application for an extension of an approval of any contributing zone plan under this subchapter must pay \$150 [\$100] for each extension request. The fee is due and payable at the time the extension request is filed, and should be submitted as described in §213.27 of this title (relating to [Contributing Zone Plan] Application [and Exception] Fees). If the extension fee is not submitted in the correct amount, the executive director is not required to consider the extension request

until the correct fee is submitted. The extension request must be submitted to the appropriate regional office and must include a copy of the contributing zone plan application and approval letter that is the subject of the extension request.