

**SUBCHAPTER G: FEES AND REPORTING**  
**§§326.85, 326.87, 326.89**  
**Effective May 26, 2016**

**§326.85. Purpose and Applicability.**

(a) Purpose.

(1) Fees. The commission is mandated by Texas Health and Safety Code, §361.013, to collect a fee for solid waste disposed of within the state, and from transporters of solid waste who are required to register with the state. The fee amount may be raised or lowered in accordance with spending levels authorized by the legislature.

(2) Reports. The commission requires reports to track the amount of waste being stored and processed to track the amount of processing capacity and reserve (future) disposal capacity in Texas, and to enable equitable assessment and collection of fees.

(b) Applicability.

(1) Fees. The owner or operator of a medical waste processing facility, with the exception of facilities authorized as transfer station only, is required to pay a fee to the agency based upon the amount of waste received. For the purpose of this subchapter, "waste received" means the total amount of the waste (measured in tons or cubic yards) received by a facility at the gate, excluding only those wastes that are recycled or exempted from payment of fees under this subchapter or by law.

(2) Reports. All registered facility owners or operators must submit reports to the executive director covering the types and amounts of waste processed at the facility or processing location; other pertinent information necessary to track the amount of waste generated, recovered, or recycled; and the amount of processing capacity of facilities. The information requested on forms provided by the executive director shall not be considered confidential or classified information unless specifically authorized by law, and refusal to submit the form with complete and accurate information by the applicable deadline shall be considered as a violation of this section and subject to appropriate enforcement action and penalty.

(3) Interest penalty. Owners or operators of a facility failing to make payment of the fees imposed under this subchapter when due shall be assessed penalties and interest in accordance with Chapter 12 of this title (relating to Payment of Fees).

Adopted April 27, 2016

Effective May 26, 2016

**§326.87. Fees.**

(a) Each owner or operator of a medical waste processing facility, with the exception of a facility authorized as a transfer station only is required to comply with the following:

(1) Fee rates and measurement options. For purposes of this subsection, uncompacted waste means any waste that is not a liquid or a sludge, has not been mechanically compacted by a collection vehicle, has not been driven over by heavy equipment prior to collection, or has not been compacted subsequent or prior to collection by any type of mechanical device other than small, in-house, compactor devices owned and/or operated by the generator of the waste. Compacted waste is a liquid, sludge, or similar waste or any waste that has been reduced in volume by a collection vehicle or by any other means including, but not limited to, dewatering, composting, incineration, and similar processes. The volume or weight reported on the quarterly solid waste summary report must be consistent with the volume or weight of the waste received, as defined in §326.85(b)(1) of this title (relating to Purpose and Applicability). The volume or weight of the waste received shall be determined prior to processing of the waste.

(A) Tons. The recommended method for measuring and reporting waste received at the gate is in tons. The operator must accurately measure and report the number of cubic yards or tons of waste received. For waste reported in tons, the fee rate is \$0.47 per ton received and will be calculated by the executive director by using this rate.

(B) Cubic yards (compacted). For waste reported in compacted cubic yards, the fee rate is \$0.15 per cubic yard received and will be calculated by the executive director using this rate.

(C) Cubic yards (uncompacted). For waste reported in uncompacted cubic yards, the fee rate is \$0.095 per cubic yard received and will be calculated by the executive director using this rate.

(2) Fee calculation. The fee shall be calculated by the executive director using information obtained from the quarterly solid waste summary report. The total cubic yards or tonnage reported to the executive director in the quarterly solid waste summary report shall be derived from gate tickets (weight or volume) or invoices and records of recycled materials or any other information deemed relevant by the executive director. A billing statement will be generated quarterly by the executive director and forwarded to the applicable owner or operator or a designated representative.

(3) Fee payment due date. All solid waste fees shall be due within 30 days of the date the payment is requested.

(4) Method of payment. The required fee shall be submitted in the form of a check or money order made payable to the commission and delivered or mailed to the return address designated by the executive director in the billing statement.

(5) Penalties. Failure of the facility owner or operator to submit the required fee payment by the due date shall be sufficient cause for the commission to revoke the registration and authorization to process waste. The commission may assess interest penalties for late payment of fees and may also assess penalties (fines) in accordance with Texas Water Code, §7.051, or take any other action authorized by law to secure compliance.

(6) Exemptions. A fee will not be charged on solid waste resulting from a public entity's effort to protect the public health and safety of the community from the effects of a natural or man-made disaster or from structures that have been contributing to drug trafficking or other crimes if the disposal facility at which that solid waste is offered for disposal has donated to a municipality, county, or other political subdivision the cost of disposing of that waste.

(b) All transporters and mobile on-site treatment unit operators are required to comply with the following;

(1) Transporters are required to pay an annual registration fee to the commission based upon the total weight or volume of untreated medical waste transported. Mobile treatment unit owners or operators are required to pay an annual fee to the commission based upon the total weight of medical waste treated on-site under each registration by rule.

(2) The amount of the annual fee shall be based upon the total weight or volume of untreated medical waste transported under each registration by rule for transporters or total weight of medical waste treated on-site under each mobile treatment unit registration by rule.

(3) The annual fees shall be determined as follows.

(A) For a total annual weight transported of 1,000 pounds of medical waste or less, the fee is \$100.

(B) For a total annual weight transported greater than 1,000 pounds of medical waste but equal to or less than 10,000 pounds of medical waste, the fee is \$250.

(C) For a total annual weight transported greater than 10,000 pounds of medical waste but equal to or less than 50,000 pounds of medical waste, the fee is \$400.

(D) For a total annual weight transported greater than 50,000 pounds of medical waste, the fee is \$500.

(E) For all medical waste reported on a volume basis, the fee is \$500.

(4) Fees assessed in subsection (a) of this section by the executive director shall be paid by the registrant within 30 days of the date of the billing statement and shall be submitted in the form of a check or money order made payable to the agency cashier.

Adopted April 27, 2016

Effective May 26, 2016

### **§326.89. Reports.**

(a) Medical waste processing facilities with the exception of transfer stations are required to comply with the following for report submittal.

(1) Report frequency. Quarterly, each owner or operator of a medical waste processing facility, with the exception of facilities authorized as transfer station only shall report to the executive director the information requested on the report form for the appropriate reporting period. Annually, the owner or operator shall submit a summary of the information to show the yearly totals and year-end status of the facility or process, as requested on the report form, for the appropriate reporting period. The owner or operator shall file a separate report for each facility that has a unique authorization number.

(2) Report form. The report shall be on a form furnished by the executive director or reproduced from a form furnished by the executive director or by an electronic or hard copy form provided by the executive director. The owner or operator must assure that the data entered on the form are applicable for the particular facility and period for which the data are reported.

(3) Report information. In addition to a statement of the amount of waste received for processing, the report shall contain other information requested on the form, including the facility owner's or operator's name, address, and phone number; the authorization number; the facility type, size, and capacity; and other information the executive director may request.

(4) Reporting units. The amount of waste received for processing shall be reported in tons (2,000 pounds) or in cubic yards as received (compacted or uncompacted) at the gate.

(5) General weight/volume conversion factors for various types of waste shall be as follows:

(A) one ton = 2,000 pounds; and

(B) one drum = 55 gallons.

(6) Report due date. The required quarterly solid waste summary report shall be submitted to the executive director not later than 20 days following the end of the fiscal quarter for which the report is applicable. The fiscal year begins on September 1st, and concludes on August 31st.

(7) Method of submission. The required report shall be submitted electronically, hand delivered or mailed to the agency to the return address designated by the executive director in the billing statement distributed quarterly.

(8) Penalties. Failure of the facility owner or operator to submit the required report by the due date shall be sufficient cause for the commission to revoke the facility authorization and authorization to process waste. The commission may assess interest penalties for late payment of fees and may also assess penalties (fines) in accordance with Texas Water Code, §7.051 or take any other action authorized by law to secure compliance.

(b) Medical waste processing facilities. Each owner or operator of a medical waste processing facility is required to comply with the following:

(1) Report frequency. Annually, each owner or operator shall report to the executive director the information requested on the report form for the appropriate reporting period. An owner or operator shall file a separate report for each facility that has a unique authorization number. The operator shall ensure that the annual summary report quantities concur with the quantities from the quarterly reports for the appropriate reporting period.

(2) Report form. The form of the report shall be in accordance with subsection (a)(2) of this section.

(3) Report information. The information in the report shall be in accordance with subsection (a)(3) of this section.

(4) Reporting units. The units used in reporting shall be in accordance with subsection (a)(4) of this section.

(5) Report due date. The required annual report shall be submitted when requested by the executive director for the fiscal year which the report is applicable.

(6) Method of submission. The required report shall be submitted electronically, hand delivered, or mailed to the agency to the return address designated by the executive director in the billing statement distributed quarterly.

(7) Penalties. Failure of the owner or operator to submit the required report by the due date shall be sufficient cause for the commission to revoke the permit or registration and authorization to process waste. The commission may assess interest penalties for late payment of fees and may also assess penalties (fines) in accordance with Texas Water Code, §7.051 or take any other action authorized by law to secure compliance.

(c) Owners or operators of medical waste on-site mobile treatment units shall submit to the executive director an annual summary report of their activities for the calendar year from January 1st through December 31st of each year. The report shall be submitted no later than March 1st of the year following the end of the report period and shall contain all the information required in §326.55(b)(8) of this title (relating to Mobile Treatment Unit).

(1) A registrant failing to submit the annual summary report by the date due is subject to payment of the maximum fees specified in §326.87(b) of this title (relating to Fees).

(2) An owner or operator owing delinquent fees or failing to submit required reports will not be eligible to renew a registration to provide treatment of untreated medical waste until all fees and reports are submitted and accepted by the executive director.

(d) Transporters shall submit to the executive director an annual summary report of their activities for the preceding calendar year from January 1st through December 31st of each year. The report shall be submitted no later than March 1st of the following year. The report shall indicate the amount of waste shipped out of state, the amount of waste shipped into the state, and the amount of waste generated and unloaded in the state.

(1) The report shall include:

(A) the name(s) and address(es) of the facilities where the waste was deposited/unloaded;

(B) the authorization number of the facilities; and

(C) the amount of waste deposited/unloaded at each facility.

(2) A transporter failing to submit the annual summary report by the due date is subject to payment of the maximum fees specified in §326.87(b) of this title.

(3) A transporter owing delinquent fees or an applicant who has failed to submit required reports will not be eligible to renew their registration to transport untreated medical waste until all fees and reports are submitted and accepted by the executive director.

Adopted April 27, 2016

Effective May 26, 2016