

10 Shipment / 12 Month Lookback: a Lookback that includes the shipment being tested for compliance, as well as either:

- the nine (9) prior shipments of the relevant Waste Category delivered under the contract, or
- all prior shipments of the relevant Waste Category delivered under the contract during the preceding twelve (12) months, whichever involves fewer shipments.

Above Minimum: the actual price paid (or to be paid) to dispose of nonparty compact waste is higher than the TCEQ Fees would be for the same waste.

Actual Shipment Price: the total contract fees actually paid by a customer for disposal of compact waste, before the application of any state or county fees but after accounting for all applicable charges, credits, surcharges, and after-applied true-ups actually applied. If there is a future credit to the customer that is certain to be applied but has not yet been paid by the license holder, it should be included in the Actual Shipment Price. If there are potential future adjustments that have not yet been applied, or future charges to the customer that have not yet been applied, they should not be included in the Actual Shipment Price. If and when any such adjustments are made, then the license holder shall re-submit its reports retroactively, unless TCEQ agrees that a different method for handling the adjustments is comparably accurate.

Alternative Minimum Price: a price per cf for a shipment of waste that is equal to or greater than the lesser of:

- the TCEQ Fees for the same shipment plus \$1.00/cf, or
- an amount per cf sufficient to bring the 10-Shipment/12-Month Lookback to an amount greater than or equal to the amount that would have been charged for the same waste had each shipment in the Lookback been charged at the applicable TCEQ Fees plus \$1.00/cf.

Below Minimum: the actual price paid (or to be paid) to dispose of nonparty compact waste is equal to or lower than the TCEQ Fees would be for the same waste.

Lookback: a calculation of the aggregate payments under a particular contract for all waste of a particular Waste Category disposed during a specified period of time.

Minimum Price Requirement: the requirement in Tex. Health & Safety Code sec. 2456 that contract fees for nonparty waste must be greater than the TCEQ disposal fees set by rule by TCEQ.

Nominal Shipment Price: the total amount to be charged for a shipment under the contract, applying all contract provisions except those which adjust the price to bring the contract into compliance with the Minimum Price Requirement.

TCEQ Fees: the amount that would be charged for specified waste using the compact waste disposal fees set by rule by TCEQ pursuant to Tex. Health & Safety Code sec. 245. In all calculations, the license holder may use, at its option, the compact waste disposal fees in effect at the time the applicable contract was negotiated, or the compact waste disposal fees in effect at the time the shipment of waste was delivered, but the license holder must clearly indicate which TCEQ Fees it is using.

Two-Year Lookback: A Lookback that includes all shipments of the relevant Waste Category delivered under the contract during the preceding 24 months.

Waste Category: a waste type having its own base volume charge in the TCEQ Rate Schedule:

- Class A LLW – Routine (this Waste Category includes all Class A waste other than Class A LLW – Shielded below),
- Class A LLW Shielded (this Waste Category includes all Class A LLW with package dose rates > 100 mR/hr at 30 cm);
- Class B and C LLW;
- Sources (this Waste Category includes all Class A sealed sources; Class B or C sealed sources are included in the Class B and C LLW Category above); and
- Biological Waste (untreated).