



Beneficial Land Use and Surface Disposal Fees

This document is for guidance only; it does not take the place of any laws or regulations.

What Are These Fees?

The Sludge Team of the Texas Commission on Environmental Quality assesses an annual fee based on the amount of Class B sewage sludge, domestic septage, and/or water treatment sludge that is applied to land for beneficial use (“land-applied”) or disposed of on the surface (“surface-disposed”).

Details about these fees can be found in Title 30 of the Texas Administrative Code (TAC), Chapter 312. Authority for the fees comes from Texas Health and Safety Code, Section 361.013; Texas Water Code, Chapter 26; and from Title 30 TAC, Section 312.9.

Facilities subject to these fees include the following:

- Beneficial Land Use (BLU) sites authorized by the Sludge Team to land-apply any combination of Class B sewage sludge, domestic septage, and/or water treatment plant sludge;
- surface disposal sites (landfills accepting sludge only—“monofills”) that are permitted by the Sludge Team to accept Class B sewage sludge, domestic septage, and/or water treatment plant sludge; and
- wastewater treatment plants permitted to land-apply Class B sewage sludge on the same tract on which the plant is located, through provisions found in the facility’s municipal wastewater permit.

All three of the above-mentioned types of facilities are required to submit an annual report that includes the information used to assess the annual fee. The reporting year for all three types of facilities extends from August 1 through July 31. The permittee/registrant has one month to compile and submit the annual report, due by September 1.

How Are the Fees Assessed?

The minimum fee assessed to each registrant or permittee is \$100, regardless of whether the site is active

or inactive during any part of the reporting period from August 1 through July 31. The fees are assessed as described in the following list.

Beneficial Land Use

- When water treatment sludge is land-applied by itself, the fee is \$0.20 per dry ton.
- When Class B sewage sludge, domestic septage, or both are applied to the land for beneficial reuse, the fee is \$0.75 per dry ton.
- When water treatment sludge is applied to the land for beneficial reuse, in combination with Class B sewage sludge and/or domestic septage, the fee is \$0.75 per dry ton.

Disposal

- When water treatment sludge, and/or Class B sewage sludge, and/or domestic septage is surface-disposed in a monofill permitted by the Sludge Team, the fee is \$1.25 per dry ton.
- When sewage sludge is fired in a sewage sludge incinerator, the fee is \$1.25 per dry ton.

Using information from the annual report, the TCEQ generates the billing invoice that goes to each registrant or permittee.

The description column of the billing statement contains the registered site number or permit number and the fiscal year on the first line. The second line contains the type of waste billed and amount reported as dry tons (DRYTON) or gallons (for example, BENEF USE: Class B DRYTON XXXX.XX).

When the volume(s) reported result in a fee of less than \$100.00, the term MINFEE indicates that the minimum fee of \$100.00 is being assessed.

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.

Tip—to Help You Avoid Late Fees. Send your payment in “good order” as described in the preceding paragraph, and mail it **7 to 10 working days before** the due date.

Will I Be Charged Late Fees?

If payment is not received in time to be credited to your account by the due date, the TCEQ will charge penalties and interest, as provided for in Chapter 12 of the agency rules. A penalty of 5 percent of the fee due will be assessed if the fee is not paid by the due date. If not paid within 30 days after the due date, an additional 5 percent penalty will be assessed.

After the bill is 60 days overdue, the TCEQ will assess interest charges until the balance is paid. Interest will be charged at the variable rate of prime plus 1 percent. The prime rate for the calendar year is the prime rate published in the *Wall Street Journal* on the first business day of the calendar year.

Limit on Retroactive Charges. Late charges will not be applied retroactively to outstanding fees assessed before March 1, 1997.

What If I Think the Billing Is Incorrect?

If you want to dispute the amount of your fee, you must do so in writing, and this written claim must arrive at the TCEQ before the due date of your billing statement. You can telephone TCEQ offices to clarify questions you may have about your fee amount. (For phone numbers, see the heading “Where Do I Send Correspondence or Get More Information.”) But remember, **you still MUST submit your claim IN WRITING** before the due date. In the correspondence, please provide your account name, account number, and the description of the suspected error.

Disputing a portion of the bill does not delay the due date of the uncontested portion.

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 “I Have More than One Account ...”), and your account may not be credited in time to avoid late fees.

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.

What Does “FY” Mean on My Statement?

“FY” stands for the TCEQ’s “fiscal year,” which runs from September 1 through August 31. However, the reporting period for beneficial land use/surface disposal is August 1 through July 31.

Where Do I Send Correspondence or Get More Information?

For facility information, address changes, and reports:

Texas Commission on Environmental Quality
Water Quality Division
Wastewater Permitting Section-Agriculture Team,
MC-148
P. O. Box 13087
Austin TX 78711-3087
Phone: 512/239-4710; fax: 512/239-4430

For account balance information, call:

Texas Commission on Environmental Quality
Financial Administration Division
Revenue Section
512/239-0355

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:

- on the Internet, go to the TCEQ's Web site at www.tceq.state.tx.us and click on the link to "Rules" or "Publications";
- fax orders to 512/239-4488, or order by voice at 512/239-0028, the TCEQ's publications unit; or
- write to TCEQ Publications, MC 195, P.O. Box 13087, Austin, TX 78711-3087.