



Facility Fee

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

What Is This Fee?

In general, an annual facility fee is assessed each facility that either holds a Class 1 industrial solid waste or hazardous waste permit or operates Class 1 industrial solid waste or hazardous waste management units subject to permit authorization as of September 1. The facility fee goes into the waste fee fund, which is used for regulation of industrial solid waste and hazardous waste, including payment to other state agencies for services provided.

This annual fee is authorized under the Texas Health and Safety Code, Section 361.135; and Title 30 Texas Administrative Code (TAC), Section 335.324.

How Is the Fee Assessed?

The fees are calculated as shown in Table 1.

What Is the Due Date of the Fee?

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.

Table 1. Fee Rates for Waste Management Units

Type of Waste Management Unit	Fee Rates	
	Hazardous Waste ^a	Nonhazardous Waste ^b
Storage/Processing	\$0.02/gallon	\$250/unit
Land Treatment	\$4,000/surface acre	\$400/surface acre
Waste Pile	\$4,000/surface acre	\$400/surface acre
Landfill	\$5,000/surface acre	\$500/surface acre
Surface Impoundment	\$5,000/surface acre	\$500/surface acre
Injection Well	\$10,000/well	\$1,000/well
Closed Disposal Unit	\$2,500 unit	\$250/unit
Other Unit ^c	\$2,500/ unit	\$250/unit

a. Minimum fee \$2,500, maximum \$25,000.

b. Minimum fee \$500, maximum \$5,000

c. Other unit is an incinerator, thermal processing unit, or other processing unit not otherwise listed above used for waste reduction, recycling, or hazard reduction and subject to compliance with permit requirements.

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 is 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. 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 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 “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. Remember, however, that the facility fee is based on the number of permitted units as of September 1.

Where Do I Send Correspondence or Get More Information?

If you feel that your *invoice* contains an *error*, write to:
Texas Commission on Environmental Quality
Office of Permitting, Remediation and Registration,
Waste Permits Division
Attn: IHW Fee Coordinator, MC-126
P.O. Box 13087
Austin TX 78711-3087
512/239-6855

For *facility information, address changes*, and reports related to *facility fees*:

Texas Commission on Environmental Quality
Waste Permits Division
Industrial & Hazardous Waste Permits Section, MC-130
P.O. Box 13087
Austin TX 78711-3087
512/239-6832

For *account balance information*, call:
Texas Commission on Environmental Quality
Financial Administration, Revenues Section
512/239-0366

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.