



Air Emissions Fee

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

What Is This Fee?

The Air Emissions Fee was originally adopted in fiscal year (FY) 1992 (state fiscal years begin September 1 and end August 31). The fee is based on tons of pollution emitted. Authority for the fee is provided under the Texas Health and Safety Code, Section 382.0621. Rules for administration of the fee are found in Title 30 of the Texas Administrative Code (TAC), Section 101.27 (for ways to obtain a copy of the rules, see this document's last paragraph). The Texas Natural Resource Conservation Commission (predecessor to the TCEQ) adopted this fee in order to recover the increased cost of Titles IV and V programs related to the Federal Clean Air Act Amendments of 1990.

How Is This Fee Assessed?

The TCEQ annually assesses this fee for accounts that trigger one or more of the nine criteria associated with the fee rule. The reporting limit per pollutant is 4,000 tons. This fee is a self-report/billed fee (that is, facilities report their emissions to the TCEQ, and the agency calculates the fee due and sends a bill).

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

If 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 “fiscal year,” which runs from September 1 to August 31.

Where Do I Send Correspondence and Forms or Get More Information?

For facility information, address/contact changes, and fee packets:

Texas Commission on Environmental Quality
Industrial Emissions Assessment Section, MC-170
P.O. Box 13087
Austin, TX 78711-3087

To contact one of the fee auditors, call:
512/239-1459.

For account balance information, call:
Texas Commission on Environmental Quality
Financial Administration Division
Revenues Section
512/239-0354

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 (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.