

ADDITIONAL INFO FOR AGENDA ITEM 7488

The Commissioners have requested more information regarding the consent agenda items.

ACTION REQUEST

The Utilities Department is seeking approval for payment of the Texas Commission Environmental Quality (TCEQ) fee for an amount up to \$65,000.00 utilizing Account No. 501701 53680

*BACKGROUND (Brief Summary)

The COTC typically receives an invoice from TCEQ for its water system fee in late November or early December. This fee fluctuates from year to year with the largest-to-date totaling \$52,261.40. When the invoice is received, there typically is not enough time to receive Commission approval before the payment due date. TCEQ's late payment fees are large, so we are requesting authorization to pay up to an amount of \$65,000.00 to avoid any penalty for late payment.

Please make sure that the background addresses the following:

- What is the expenditure for?

The expenditure is for payment of the TCEQ's Water System Fee...

What Is This Fee?

The Public Health Service (PHS) fee is assessed to cover some of the costs incurred by the Texas Commission on Environmental Quality (TCEQ) in providing services to public water systems (PWSs) in the state. These services include:

- Scheduling analyses of drinking water for chemical content.
- Collecting samples of drinking water for chemical analysis.
- Reviewing system data for the evaluation of sampling waivers.
- Inspecting PWSs.
- Reviewing plans for new systems and for major improvements to existing systems.
- Providing technical assistance as needed.

- ***Why it is important or needed?***

It is a mandatory fee that every Public Water System in the State of Texas is required by law to pay.

Who Is Responsible for the Payment of This Fee?

The owner of the PWS is responsible for paying the PHS fee. If the owner is leasing the system to another party, the owner is still legally responsible for payment. The TCEO can only suggest that the lessor (owner) and the lessee (renter) reach an agreement about which party will pay the fee.

Legal Authority. The authorization for this fee is the Texas Water Code, Section 5.103, and the Texas Health and Safety Code, Section 341.041. Rules implementing these sections appear in Title 30, Texas Administrative Code (30 TAC), Section 290.51.



Public Health Service Fee (Water System Fee)

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

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Types of Public Water Systems

- **Community Water System (CWS):** a PWS that has a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis.
- **Nontransient Noncommunity (NTNC):** a PWS that regularly serves at least 25 of the same individuals at least six months of the year but does not meet the definition of a CWS—e.g., schools, factories, and office buildings.
- **Transient Noncommunity (TNC):** a system that serves at least 25 individuals at least 60 days out of the year but does not meet the definition of an NTNC or a CWS—e.g., campgrounds and restaurants.

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Is This Fee New? If Not, Why Am I Being Billed for the First Time?

No, this fee is not new. This fee was charged and collected by the Texas Department of Health from Jan. 1, 1986, to March 1, 1992. Since then it has been administered by the TCEQ (or a TCEQ predecessor agency).

If your system is being billed for the first time, either your system is a new PWS or your system has recently met the minimum size to be considered a PWS. New PWSs will not be assessed a water system fee until water is supplied to the first connection.

Has There Been a Change in How This Fee is Calculated?

Yes. House Bill (HB) 1, Article IX, Section 18.01, 84th Texas Legislature, directed the agency to raise fee rates by rule to ensure that adequate revenue is available to support the agency's water appropriation.

When and How Is This Fee Assessed?

The PHS fee invoice is mailed each year in November to the Administrative or Financial Contact. The TCEQ bases the PHS fee on the number of total connections associated with each PWS.

Can This Fee Be Prorated?

No, this fee cannot be prorated. If your system is to operate for any part of the upcoming calendar year, then you must pay the full fee as calculated above.

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; payment must be received by the TCEQ 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 the TCEQ's mailing address shows through the envelope's window.

Pay Online. You may pay this fee online by credit card or ACH (electronic check). To do so, go to www.tceq.texas.gov/epay

Tip-To Help You Avoid Late Fees. Send your payment and payment coupon (top portion of billing statement) in the provided envelope, ensuring the TCEQ's mailing address shows through the window, and mail it 7 to 10 business days before the due date.

If I Have More Than One Account, May I Send One Check for the Total Amount?

No. You may send all your payments in one envelope, but you should 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 applied.

Will I Be Charged Late Fees?

If the TCEQ does not receive payment by the due date, the agency will charge penalties and interest, as stated in 30 TAC Section 12.3. A penalty of 5 percent will be assessed if the fee is not paid by the due date. After another 30 days, an additional 5 percent penalty will be assessed.

Should the account become 60 days overdue, the TCEQ will assess monthly interest charges at the variable rate of prime plus 1 percent (for the calendar year, as

published in the *Wall Street Journal* on the first business day of that year) until the balance is paid in full.

Recovery of Collection Costs. The TCEQ assesses a charge of up to 30 percent on accounts referred to its collection agency. This applies only to delinquent accounts referred for collection after 90 days of nonpayment.

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 it receives your request for adjustment more than one year after the date on which the fee was paid in full. Please call TCEQ offices to clarify questions you may have about your fee amount. (For phone numbers, see "More Questions?" below.)

In the correspondence, please provide your PWS ID, your account name and number, a description of the suspected error, your contact information, and, if necessary, appropriate documentation.

More Questions?**Water Supply Division**

Phone: 512-239-4691

Fax: 512-239-6050

PHS Fees

For fee assessment and calculation (including suspected errors):

PHS Fees Coordinator, MC-155

TCEQ

P.O. Box 13087

Austin, TX 78711-3087

Email: wufees@tceq.texas.gov

Inventory

For address changes, business closures, ownership disputes, physical location, and other technical information:

Drinking Water Inventory and

Protection Team, MC 155

TCEQ

P.O. Box 13087

Austin, TX 78711-3087

Email: pwsinven@tceq.texas.gov

Account-Balance Information

Financial Administration, Revenues Section

Phone: 512-239-0369

- The type of purchase (annual inspection, one-time purchase, replacement, etc.)

This fee comes due once every year in late November or early December.

- How much for the item and if it is budgeted or budget amendment is needed?

This fee fluctuates every year depending on TCEQ's billing parameters that are predicated on the number of connections of Public Water Systems in the State of Texas.

The exact fee amount for Texas City is not known until the bill from TCEQ is received.

The amount of \$65,000.00 is only an estimate that is based on the history of payments the COTC has made over past years. It is highly doubtful that the fee amount will even come close to \$65,000.00, but with the penalties for late payments reaching into thousands of dollars, it was thought best to err on the high side and have the money readily available, which would save time by preventing the need to go to Commission for approval with the exact amount, which possibly could miss the payment due date and subjecting the COTC to unnecessary late payment penalties. The funds for this required fee (estimated) is available in Account No.501701 53680