

less, except that in no case shall the fee be greater than \$1000.00 nor less than \$60.00:

Fee = \$9.4 Q₁ where Q₁ = net increase in allowable emission rate (tpy) of predominant pollutants.

(c) For Class I, II and III solid waste landfill permits, the modification fee shall be 40% of the calculated initial permit application fee or a fee based on the net increase in the design volume using the following formula, whichever is less, except that in no case shall the fee be greater than \$1000.00 not less than \$60.00:

Fee = \$2.35 V₁ where V₁ = increase design volume in 1000's of cubic yards

An additional charge of \$150.00 will be assessed if a pre-investigation of the landfill site is required.

(d) For Class IV solid waste landfill permits, the modification fee shall be \$50.00.

(e) Permit modification fees shall not be assessed for minor administrative changes.

f. Permit Renewal Fee. If a permit issued under the authority of the enabling Legislation contains an expiration date and is consequently subject to renewal not later than the date of expiration, the permit renewal fee shall be assessed using the following guidelines:

(1) If, at the time of renewal,

(a) significant permit revisions (as defined in Section 3) to the existing permit are requested by the applicant; or

(b) significant permit revisions are required to comply with new or revised state of federal laws and/or regulations; the renewal permit shall be considered the same as an initial permit for purposes of this permit fee regulation.

COMMISSIONERS

Handwritten signatures of commissioners and the Chairman, Phil Deisch, on a set of lines.

SUBMITTED BY: Phil Deisch DATE PASSED: 1/24/86

MINUTE ORDER NO. 86-

(2) If, at the time of renewal, there is no significant revision to the permit, and there is no significant increase in the rate of permitted allowable emissions or effluent flow, the renewal permit shall be considered as a "reissued permit" for the purposes of these regulations, and subject to a fee equal to the annual review fee for the facility.

g. Late Payment Charge. A late payment charge shall be assessed to facilities failing to pay the annual review fee within 45 days of the billing date, and shall be assessed at the rate of 10% of the annual review fee per month (or fraction thereof) the fee is late.

LATE PAYMENT CHARGE = 10% OF ANNUAL REVIEW FEE (x) #MONTHS LATE

4. Section 11 is revised to read:

"SECTION 11. REVIEW OF FEES. The Department shall undertake a biennial re-evaluation of the permit fee schedule as contained in SECTION 10 above within 60 days of receiving its approved budget for the next biennium. The study shall reflect the current needs of the Department to perform essential permitting, compliance, and monitoring activities; the resources available; the balance of the permit fee fund from the previous biennium; anticipated state and federal appropriations; status of delegation of federal programs; and any other factors deemed relevant to the study by the Department. In the event the Department has not received delegation of the NPDES program by January 1, 1988, the provisions of this regulation pertaining to wastewater permit fees shall automatically expire, and shall be reauthorized only after opportunity for public hearing and approval by the Commission and by the Governor of the State."

5. Section 13 is revised to read:

"SECTION 13. APPEALS. If any applicant/permittee disagrees with the Department decision on an assessment of fees, the applicant/permittee may appeal such decision in accordance with Arkansas Stats. 82-1906 (Act 472 of 1949, as amended) and Regulation No. 8."

COMMISSIONERS

[Handwritten signatures of commissioners]

CHAIRMAN

SUBMITTED BY: Phil Deisch DATE PASSED: 1/24/86

6. Section 14 is revised to read:

"SECTION 14. EFFECTIVE DATE. This permit fee regulation and any amendment thereof shall be in full force and effect twenty days after filing with the Secretary of State."

Promulgated on this 24 day of January, 1986.

BY ORDER OF THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

BY Jerry Hill
Jerry Hill, Chairman

Attest:

Phyllis Garnett
Phyllis Garnett, Director

Approved:

Bill Clinton
Bill Clinton, Governor
State of Arkansas

COMMISSIONERS

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Jerry Hill
CHAIRMAN

SUBMITTED BY: Phil Deisch DATE PASSED: 1/24/86