

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 9, REGULATION FOR)
PERMIT FEES)

DOCKET NO. 04-__-R

PETITION TO INITIATE RULEMAKING FOR REGULATION NO. 9,
PERMIT FEE REGULATION

The Arkansas Department of Environmental Quality (hereinafter “ADEQ”), for its Petition to Initiate Rulemaking to Amend Regulation No. 9, states:

1. This rulemaking is being proposed primarily to revise the Title V escalator provision contained in Chapter 5 entitled Air Permit Fees. Specifically, the Department proposes an amendment to Reg.9.502 to allow the Director of ADEQ to hold permit fee rates constant if a certain balance is maintained in fee funds. Currently, the fee escalates yearly regardless of need or fund balance. The amendment would give the Department the flexibility to avoid automatic fee increases that are not related to economic need.
2. Other housekeeping changes proposed by the Department include expanding the definition of Department to include the language “or its successor.”
3. Mike Bonds, Chief of the Department’s Air Division, and/or Deborah Pitts, attorney for ADEQ will be available to answer questions concerning this proposed rulemaking. A version of the regulation showing the proposed changes is attached as Exhibit “A” and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B”, and a copy of a financial impact statement for the proposed revision is attached as Exhibit “C”, both of

which are hereby incorporated by reference. A proposed minute order is attached as Exhibit “D” and is hereby incorporated by reference.

WHEREFORE, the ADEQ requests that the Commission adopt the proposed Minute Order, and initiate the rulemaking on Regulation No. 9.

Respectfully submitted,

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