

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF )  
REPEALING REGULATION NO. 13 )  
LABORATORY CERTIFICATION FEES )  
AND AMENDING REGULATION NO. 9 )  
PERMIT FEE REGULATIONS )

Docket No. 05-\_\_\_\_-R

PETITION TO INITIATE RULEMAKING TO SIMULTANEOUSLY REPEAL  
REGULATION NUMBER 13, LABORATORY CERTIFICATION FEES AND  
TO AMEND REGULATION NUMBER 9, PERMIT FEE REGULATIONS

The Arkansas Department of Environmental Quality (hereinafter ADEQ, or the Department), for its Petition to Initiate Rulemaking to simultaneously Repeal Regulation Number 13, Laboratory Certification Fees and to Amend Regulation Number 9, Permit Fee Regulations, states:

I. Regulation Number 13, Laboratory Certification Fees  
Regulation

1. The Department requests that the Commission Initiate Rulemaking to simultaneously Repeal Regulation 13 and amend Regulation Number 9, the Permit Fee Regulation, to incorporate the provisions of the Laboratory Certification Fees Regulation. A red-lined version of Regulation Number 13 showing the proposed changes is attached as Exhibit A and is hereby incorporated by reference.

2. The Department proposes adding the provisions of the Laboratory Certification Fee program to Regulation Number 9 including the following:

A. Chapter One: Adding a paragraph to Reg.9.102 to include the purpose for the State Environmental Laboratory Certification Program and adding a paragraph to Reg.9.103 to include the applicability of the laboratory certification provisions;

B. Chapter Two: Adding definitions which clarify the Laboratory Certification Fee Program;

C. Chapter Eight: Amending the chapter title to become the Laboratory Certification Fee Program and adding the provisions of Regulation 13 into new Regulatory sections

entitled Laboratory Certification Fees, Laboratory Certification Travel Fees, and Failure to Pay Laboratory Certification Fees.

3. A red-lined version of Regulation Number 9 showing the proposed changes outlined in Paragraph 2 is attached as Exhibit B and is hereby incorporated by reference.

## II. Regulation Number 9, Permit Fee Regulations

In addition to the proposed amendments outlined in Section I, the Department proposes to amend Regulation Number 9 to include the following:

4. Changing the Name of the Regulation to Fees Regulation;
5. Chapter Four: Making minor formatting changes and changing the references from "sand and gravel" to "aggregate facilities";
6. Chapter Five: Adding a Regulatory Section entitled Permit Fees for Certain Small Businesses Subject to Part 70 Permitting Requirements;
7. Chapter Six: Deleting the requirement for pre-application fees for Transfer Stations, Composting, and Materials Recovery Facilities and increasing the Application fee (in the same amount of the deletion) for Transfer Stations, Composting, and Materials Recovery Facilities; Adding a General Permit Application Fee for clarification; Adding a General Permit Annual Fee; and Adding a General Permit Transfer Fee. All changes are anticipated to be cost neutral;
8. Chapter Nine: Adding a new Chapter containing the Administrative Procedures including the Regulatory Provisions entitled Department Review of Fees, Appeals, and Effective Date.
9. The amendments to this regulation will have no financial impact on small businesses.
  - a. Solid Waste Permit Fee changes will have no effect on small businesses;
  - b. Air Permit changes may minimize the cost of complying with Air Regulations for small businesses who qualify; and
  - c. Laboratory Certification Fee Program changes will equalize the fee structure for in-state and out-of-state laboratories.

10. ADEQ employees, Mary Leath, Deborah Pitts, or Division Representatives will be available to answer questions concerning this proposed rulemaking. A red-lined version of Regulation 13 showing the proposed changes is attached as Exhibit A and is hereby incorporated by reference. A red-lined version of Regulation 9 showing the proposed changes as outlined in Sections I and II above is attached as Exhibit B and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "C", a copy of a financial impact statement for the proposed revision is attached as Exhibit "D", and a copy of the Economic Impact Statement of Proposed Rules or Regulations EO 05-04: Regulatory Flexibility is attached as Exhibit "E", and a copy of the letter drafted for the Administrative Hearing Officer to submit to the Arkansas Department of Economic Development to review Exhibits A, B, and E is attached as Exhibit "E", all of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit "F" and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Arkansas Pollution Control and Ecology Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed repeal of Regulation 13 and the proposed amendment to Regulation No. 9.

Respectfully Submitted,  
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By: Deborah Pitts