

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

**DEPARTMENT/AGENCY:** Arkansas Department of Environmental Quality

**DIVISIONS:** Air Division, Water Division, Solid Waste Division, Environmental Preservation and Technical Services Division

**DIVISION DIRECTOR:** Mike Bonds (Air Division), Martin Maner (Water Division), Steve Martin (Solid Waste Division); Dick Cassat (Environmental Preservation and Technical Services Division)

**CONTACT PERSON:** Mary Leath

**ADDRESS:** ADEQ; P.O. BOX 8913; LITTLE ROCK AR 72219-8913

**PHONE NO. :** (501) 682-0959 **FAX NO.:** (501) 682-0798 **E-MAIL:** [LEATH@ADEQ.STATE.AR.US](mailto:LEATH@ADEQ.STATE.AR.US)

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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- 1. What is the short title of this rule? Fee Regulation
- 2. What is the subject of the proposed rule? This rule affects permit fees in the Air, Water , and Solid Waste Divisions as well as laboratory certification fees.

- 3. Is this rule required to comply with federal statute or regulations? Yes   X   No

If yes, please provide the federal regulation and/or statute citation.

Clean Air Act; however, no specific changes required by the Clean Air Act.

- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes            No   X

If yes, what is the effective date of the emergency rule? Not Applicable

When does the emergency rule expire? It remains in effect until revised.

\_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No X

5. Is this a new rule? Yes \_\_\_\_\_ No X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes X No \_\_\_\_\_ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Concerns two Rules: Simultaneously repealing Regulation No. 13, Laboratory Certification Fees Regulation and amending Regulation No. 9 Permit Fees Regulation to add the provisions of the Laboratory Certification Fee Program.

Is this an amendment to an existing rule? Yes X No \_\_\_\_\_ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.  
A.C.A. Sections 8-1-106 and 8-2-201.

7. What is the purpose of this proposed rule? Why is it necessary?  
Regulation Number 9 covers permit fees issued by the Air, Water, and Solid Waste programs and incorporates the provisions of the laboratory certification fee program which was previously contained in Regulation Number 13. Proposed changes include:
- a. Adding a Regulatory section entitled "Permit Fees for Certain Small Businesses Subject to Part 70 Permitting Requirements" which allows ADEQ the flexibility to consider the ability to pay of a small business which has met other qualifications when determining if a permit fee reduction is appropriate;
  - b. Incorporating the provisions of the Laboratory Certification Fee Program into Regulation Number 9;
  - c. Streamlining selected Solid Waste permit fees.

8. Will a public hearing be held on this proposed rule? Yes X No \_\_\_\_\_  
If yes, please complete the following:

Date: The week of January 16, 2006. The exact date will be determined by ADEQ's Public Outreach and Assistance Division.

Time: The exact time will be determined by ADEQ's Public Outreach and Assistance Division.

Place: Arkansas Department of Environmental Quality, 8001 National Drive, Building D Training Room, Little Rock, Arkansas.

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
The period for receiving all written comments shall conclude ten (10) business days after the public hearing pursuant to Regulation No. 8, Part 3, Section 3.2.3. The exact date will be determined when the exact hearing date is established.

10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
\_\_\_\_\_

10 days after filing with the Arkansas Secretary of State, the State Library and the Bureau of Legislative Research.

11. Do you expect this rule to be controversial? Yes \_\_\_\_\_ No X If yes, please explain.
12. Please give the names of persons, groups, or organizations that you expect to comment on these rules?  
Please provide their position (for or against) if known.  
AEF: