

## **EXHIBIT A**

### **STATEMENT OF BASIS AND PURPOSE AND RESPONSIVENESS SUMMARY**

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY  
COMMISSION**

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

**DOCKET NO. 05-015-R**

**STATEMENT OF BASIS AND PURPOSE AND RESPONSIVENESS SUMMARY  
FOR REGULATION NO. 9, FEES REGULATION**

**I. STATEMENT OF BASIS AND PURPOSE:**

The Arkansas Pollution Control and Ecology Commission (the “Commission”) is given the power and responsibility to promulgate rules and regulations. Various statutes grant the Commission the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “Department”). These statutes include, but are not limited to, Ark. Code Ann. Sections 8-1-106, 8-1-203, 8-2-204, 8-4-201, 8-4-202, 8-4-311, 8-4-409, 8-5-501, 8-6-207, 8-6-602, 8-6-610, 8-6-704, 8-6-905, 8-6-1201, 8-6-1204, 8-6-1401, 8-6-1402, 8-6-1904, 8-7-226, 8-7-506, 8-7-802, 8-7-903, 8-7-1304, 8-7-1310, 8-9-304, 8-9-403, 8-9-609, 8-10-301, 8-10-303, 8-10-304, 15-57-316, 15-58-202, 15-58-205, 15-58-503, and 15-58-508.

The Commission is given the power and responsibility to establish a system of fees for the issuance of permits. Under Ark. Code Ann. Section 8-1-101, the Commission is authorized to establish a system of fees for the issuance of permits required by Ark. Code Ann. Sections 8-4-101 – 8-4-106, 8-4-210 – 8-4-229, 8-4-301 – 8-4-314, 8-6-201 – 8-6-212, 8-6-213, 8-6-214, 8-6-215 – 8-6-217, and 8-9-403 and to defray costs of other services provided. Under Ark. Code Ann. Section 8-2-204, the

Commission is authorized to establish by regulation reasonable fees for the certification procedures and expenses of administering the State Environmental Laboratory Certification Program.

It is the purpose of this regulation to develop and implement a system of fees for permits issued by the Arkansas Department of Environmental Quality pursuant to the provisions of the Water and Air Pollution Control Act (Act 472 of 1949, as amended, A.C.A. §8-4-101 et seq.) or the Solid Waste Management Act (Act 237 of 1971, as amended, A.C.A. §8-6-201 et seq.). Act 817 of 1983, as amended, Act 1254 of 1993, as amended, and Act 1052 of 1999 (A.C.A. § 8-1-101 et seq.) authorize the collection and enforcement of these fees and authorize their use to defray the costs of operating the Department.

It is also the purpose of this regulation to assess reasonable fees to establish and to administer the State Environmental Laboratory Certification Program Act (Act 876 of 1985, as amended, A.C.A. § 8-2-201 et seq.).

## **II. RESPONSIVENESS SUMMARY**

The Arkansas Department of Environmental Quality received no comments during the public comment period.

---

Marcus C. Devine  
ADEQ Director