

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

**IN THE MATTER OF AMENDMENTS TO        )  
REGULATION NO. 9, FEE REGULATION    ) DOCKET NO. 11 \_\_\_-R**

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION  
NO. 9, FEE REGULATION**

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

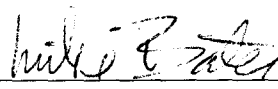
1. The Department requests that the Commission Initiate Rulemaking to amend Regulation Number 9, Fee Regulation.
2. The proposed regulatory amendments precipitated by the above reference involve the following:
  - (a) Substantive changes under section 9.502 exclude carbon dioxide and methane from being chargeable emissions under air permit fees.
  - (b) Minor typographical errors have been corrected within the body of the regulation.  
  
A blank extra page labeled 5-4 has been deleted, page numbers have been added to the table of contents, and a numbering error has been corrected under section 9.503(B).
3. The proposed changes to Regulation Number 9 have been sent for review by the Arkansas Economic Development Commission (AEDC) as required Under Act 143 of 2007.
4. The Department intends to monitor the demands on its resources due to the implementation of the Greenhouse Gas permitting requirements. If the costs of these

demands outpace the fees collected to support this effort, additional rulemaking to adjust the fee schedule may be pursued at a subsequent date.

5. Mike Bates or other Air Division staff from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined 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 incorporated by reference. A memo regarding compliance with Act 143 of 2007 and an analysis of the impact to small business required pursuant to Act 143 of 2007 (formerly Executive Order 05-04), is attached as Exhibit "D" and hereby incorporated by reference. This rulemaking is not exempt from the Economic Impact/Environmental Benefit Analysis requirement under Reg. 8.812. An Economic Impact/Environmental Benefit Analysis is attached as Exhibit "E." A proposed minute order is attached as Exhibit "F" and is hereby incorporated by reference.

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

Respectfully Submitted,  
ARKANSAS DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
5301 Northshore Drive  
North Little Rock, Arkansas 72118

By:   
Mike Bates