

# **Exhibit D:**

## **ADEQ's Statement of Basis and Purpose**

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

**IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 9: FEE REGULATION ) DOCKET NO. 16-006-R**

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S  
STATEMENT OF BASIS AND PURPOSE**

Under Ark. Code Ann. § 8-1-103, the Arkansas Pollution Control and Ecology Commission (APC&EC) is granted the power and responsibility to establish by regulation reasonable fees for the initial issuance, annual review, and modification of water, air, and solid waste permits.

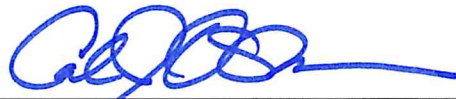
Proposed changes include:

1. **Amend the definitions.** The definition of “Q” or “Quantity” was added for clarification because it is used in formulas in Chapter 4 concerning the calculation of water permit fees;
2. **Amend Chapter 4 Formulas for Clarification.** Clarification to formulas in Chapter 4 concerning water permit fees were made to improve understandability;
3. **Incorporate a proposed fee calculation for minor municipal and non-municipal facilities with National Pollutant Discharge Elimination System (NPDES) permits** under Reg.9.403 for limits of toxic pollutants based solely on Total Maximum Daily Load (TMDL) to allow ADEQ to assess lower water permit fees for qualifying facilities;
4. **Update the fee schedule in Chapter 4** to reflect permits currently offered by the Office of Water Quality and eliminate four (4) General Permits under Reg.9.404 no longer issued by the Office of Water Quality;

5. **Incorporate Updates to Arkansas Law.** Acts 94 and 575 of 2015 were enacted by the Arkansas General Assembly and require revisions to Chapter 4 concerning contribution fees to the Nonmunicipal Domestic Sewage Treatment Works Trust Fund; and
6. **Stylistic and Formatting Corrections.** To make minor, non-substantive stylistic and formatting corrections throughout the Regulation.

These rules are necessary to serve the public interest and ensure compliance with both state and federal law.

Respectfully submitted,



---

Caleb Osborne, Associate Director  
Office of Water Quality  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118  
(501) 682-0655  
osbornec@adeq.state.ar.us