

Robinson, Kelly

From: Osborne, Caleb
Sent: Thursday, October 13, 2016 9:29 AM
To: Robinson, Kelly
Subject: FW: ADEQ - APC&EC Reg. No. 9: Fee Regulation

Please include these comments from BLR in the public comments for Reg. 9.

From: Miller-Rice, Rebecca [<mailto:miller-ricer@blr.arkansas.gov>]
Sent: Monday, October 03, 2016 12:34 PM
To: Osborne, Caleb
Subject: ADEQ - APC&EC Reg. No. 9: Fee Regulation

Good afternoon –

I have finished reviewing the above-referenced rule and just had a few questions.

- (1) Reg.9.403(B)(1) – I just wanted to make sure that I understood this amendment correctly. It is not a change to the fee charged, but merely a rewriting/simplification of the formula?
- (2) Reg.9.403(C)(1)(a) – Can you please provide me with the precise statutory authority on which the Department/Commission relies to reduce the maximum fee?
- (3) Reg.9.403(C)(3) – Can you please provide me with the precise statutory authority on which the Department/Commission relies in implementing this fee?
- (4) Reg.9.407 – The amendment seems to merely set forth that the fee is authorized by statute; it does not state if the fee is required, will be collected, and/or how it will be calculated, despite Ark. Code Ann. § 8-4-203(b)(4) appearing to set forth some parameters. Is there a reason that this fee has not been expounded upon further as the other fees contained in the Regulation have been?

Thank you so much for any help you can provide in answering my questions.

Rebecca

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