

**APC&EC REGULATION NO. 9**  
**FEE REGULATION**  
Proposed Amendments – Executive Summary  
September 23, 2016

The Arkansas Department of Environmental Quality (ADEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission (APC&EC) to Regulation No. 9 concerning Fee Regulation. The regulatory amendment is not pursuant to federal mandate. The Commission's authority for amending Regulation 9 is found in Ark. Code Ann. §§ 8-4-201 and 8-4-202.

Proposed changes to Regulation 9 include:

- **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;
- **Amend Chapter 4 Formulas for Clarification.** Clarification to formulas in Chapter 4 concerning water permit fees to make the regulation easier to understand;
- **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;
- **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;
- **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
- **Stylistic and Formatting Corrections.** To make minor, non-substantive stylistic and formatting corrections throughout the Regulation.