

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

**IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 9: FEE REGULATION )**

**DOCKET NO. 16\_\_\_\_-R**

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

Comes now, the Arkansas Department of Environmental Quality (ADEQ), for its Petition to Initiate Rulemaking to Amend Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation No. 9: Fee Regulation, states:

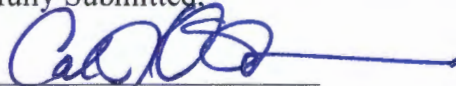
1. ADEQ initiates this rulemaking to make the following proposed regulatory amendments to Regulation No. 9 under the authority of Ark. Code Ann. §§ 8-4-201 and 8-4-202 for which ADEQ is charged with the administration and enforcement:

- A. To add the definition of “Q” or “Quantity” for clarification because it is used in formulas in Chapter 4 concerning the calculation of water permit fees;
- B. To clarify formulas in Chapter 4 concerning water permit fees to make the regulation easier to understand;
- C. To incorporate a proposed fee calculation under Reg.9.403 for minor municipal and non-municipal facilities with NPDES permits including limits for toxic pollutants based solely on a Total Maximum Daily Load (TMDL); and
- D. To incorporate updates to the fee schedule to eliminate four (4) General Permits under Reg.9.404 no longer issued by the Office of Water Quality;

- E. To incorporate updates to Arkansas law that require revisions to Chapter 4 concerning contribution fees to the Nonmunicipal Domestic Sewage Treatment Works Trust Fund, specifically Acts 94 and 575 of 2015; and
  - F. To make minor, non-substantive stylistic and formatting corrections throughout the Regulation.
2. Caleb Osborne, Associate Director of the Office of Water Quality at ADEQ, will be available to answer questions concerning this proposed rulemaking.
3. Exhibits attached to this petition and incorporated by reference include:
- A. A mark-up version of the regulation showing the proposed changes as Exhibit A;
  - B. A copy of the Governor's approval as Exhibit B;
  - C. A copy of the Legislative Questionnaire as Exhibit C;
  - D. A copy of the Financial Impact Statement as Exhibit D;
  - E. A copy of the Economic Impact/Environmental Benefit Analysis pursuant to Reg. 8.812 as Exhibit E; and
  - F. A proposed Minute Order as Exhibit F.

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,

By: 

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