QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY  Arkansas Department of Environmental Quality
DIVISION  Water Division, Air Division, Solid Waste Division
DIVISION DIRECTOR  Martin Maner, Keith Michaels, Steve Martin, respectively
CONTACT PERSON  Jennifer Tucker
ADDRESS  8001 National Drive, P.O. Box 8913, Little Rock, AR  72219-8913
PHONE NO.  501-682-0885  FAX NO.  501-682-0891  E-MAIL  tuckerj@adeq.state.ar.us

INSTRUCTIONS
A.  Please make copies of this form for future use.
B.  Please answer each question completely using layman terms. You may use additional sheets, if necessary.
C.  If you have a method of indexing your rules, please give the proposed citation after “Short Title of this Rule” below.
D.  Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

What is the short title of this rule?  Regulation 9:  Permit Fee Regulations

2.  What is the subject of the proposed rule?  Water, Air and Solid Waste Permit Fees

3.  Is this rule required to comply with federal statute or regulations?  Yes  X  No

If yes, please provide the federal regulation and/or statute citation.

Federal Water Pollution Control Act, (a.k.a. “Clean Water Act”) 33 U.S.C. § 1251 et seq., and Clean Air Act, 42 U.S.C. § 7401 et seq. These programs are delegated to the State of Arkansas and administered pursuant to the Arkansas Water and Air Pollution Control Act, A.C.A. § 8-4-101 et seq. This regulation provides funding which facilitates implementation of these programs.

4.  Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes  ____  No  X

If yes, what is the effective date of the emergency rule?  ________________________________
When does the emergency rule expire? __________________________________________

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes_____ No____

5. Is this a new rule? Yes_____ No__X____ If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes_____ No__X____ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes__X____ No____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Water and Air Pollution Control Act, A.C.A. § 8-4-101 et seq.; Arkansas Solid Waste Management Act, A.C.A. § 8-6-201 et seq.; specifically, A.C.A. § 8-4-202; § 8-1-103; § 8-7-209; § 8-4-304; and § 8-4-311.

7. What is the purpose of this proposed rule? Why is it necessary? The purpose of this regulation is to develop and implement a system of fees for permits issued by the ADEQ pursuant to the provisions of the Arkansas Water and Air Pollution Control Act, A.C.A. § 8-4-101 et seq., and the Arkansas Solid Waste Management Act, A.C.A. § 8-6-201 et seq. These provisions and A.C.A. § 8-1-101 et seq. authorize the ADEQ to assess permit fees to facilitate implementation and defray the costs of operating these programs.

8. Will a public hearing be held on this proposed rule? Yes__X____ No____

If yes, please complete the following:

Date: __January 13, 2004__

Time: __To be announced via public notice the week of December 7, 2003__

Place: __APC&E Commission Room, State Police Headquarters, Little Rock__

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) __

____10 business days after the date of the public hearing; on or about January 28, 2004

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

________________________________________

April 15, 2004

11. Do you expect this rule to be controversial? Yes_____ No__X____ If yes, please explain.
EXHIBIT B

Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. Arkansas Environmental Federation (unknown)