

**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  
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**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**

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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?  \_\_\_\_\_

EXHIBIT B

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  If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes \_\_\_\_\_ No  If yes, a copy of the repealed rule is to be included with your completed questionnaire.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  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  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  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)