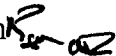




ARKANSAS
Department of Environmental Quality

Memorandum

TO: Charles Moulton, Interim Hearing Officer
Arkansas Pollution Control and Ecology Commission

FROM: Mike Bates, Chief, Air Division 

DATE: May 7, 2012

SUBJECT: Proposed Revisions to Regulation Number 9, Fee Regulation

The Arkansas Department of Environmental Quality (ADEQ) proposes revisions to Regulation Number 9, Fee Regulation. Regulation Number 9 establishes permit fees for water, air, and solid waste permitting.

The proposed regulatory amendments exclude carbon dioxide and methane from being chargeable emissions under air permit fees under Regulation 9.502. Under current proposed changes to Regulation Numbers 19 and 26, greenhouse gases, including carbon dioxide and methane, will be permitted. No major fee changes will occur as a result of these proposed regulatory amendments. The pollutant "greenhouse gas" is the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are regulated in Arkansas and will continue to be assessed current fees. Carbon dioxide has not previously been included in the regulatory definition of "air contaminant" nor permitted by the Department. The Department does not believe there is a need to assess a fee for this pollutant at this time. The Department does not currently include methane emissions in permits and likewise does not charge for methane emissions. The decision to not charge for methane emissions was made in 1998. The proposed changes to Regulation Number 9 will keep the fee structure for methane the same, codifying the current practice of the Department. Upon adoption of the proposed changes to Regulation Numbers 19 and 26, permits associated with GHGs could have resulted in substantial fees being levied for carbon dioxide and methane, the most common and abundant components of GHG. With the exclusion of carbon dioxide and methane from being chargeable emissions within air permit fees, these fees will not exist.

Minor typographical errors have been corrected within the body of the regulation. A blank extra page labeled 5-4 has been deleted, page numbers have been added to the table of contents, and a numbering error has been corrected under Regulation 9.503(B).