

"AN ACT TO AMEND SECTION 3 OF ACT 817 OF 1983 [ARK. STATS. 82-1918] TO INCREASE THE MAXIMUM INITIAL FEE THAT MAY BE ESTABLISHED BY THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY FOR PERMITS ISSUED BY THE DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY FROM \$2500 TO \$3500; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 3 of Act 817 of 1983, the same being Arkansas Statutes 82-1918, is hereby amended to read as follows:

"Section 3. The Department and Commission shall have the following powers and duties respectively:

(a) Following a public hearing, and based upon a record calculating the reasonable administrative costs of evaluating and taking action on permit applications and of implementing and enforcing the terms and conditions of permits and variances, the Commission shall establish by regulation reasonable fees for initial issuance, annual review, and modification of water, air, or solid waste permits required by Act 472 of 1949, as amended, and/or Act 237 of 1971. Said fees shall consist of initial fees, annual review fees, and modification fees, as defined in Section 2 of this Act.

(b) The regulations shall provide that the fees shall be assessed on a per facility basis for the following categories of permits: Air, water, and solid waste. The regulations shall provide that (1) the initial fee shall not exceed three thousand five hundred dollars (\$3500) per category of permit application per facility and that (2) the annual review and inspection fee and (3) the modification fee shall not exceed one thousand dollars (\$1,000) per category of permit per facility. The regulations may include a provision for appropriate adjustments in the fees to reflect carryover fee collections in excess of the administrative costs of issuance, renewal, inspection, modification, and monitoring associated with these permits.

(c) The Department shall collect such permit fees as established by the Commission and shall deny the issuance of an initial permit, a renewal permit, or a modification permit, if and when any such facility subject to control by the Department fails or refuses to pay said fees after reasonable notice as established by the regulations promulgated hereunder.

(d) The Department shall require that any fee defined herein be paid prior to the issuance of any permit."

SECTION 2. Repealer. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

APPROVED: 4/4/87

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