

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: H3/21/07*

# A Bill

HOUSE BILL 2761

5 By: Representative Saunders  
6  
7

## For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE PHASE I ENVIRONMENTAL  
10 SITE ASSESSMENT CONSULTANT ACT; TO MAINTAIN A  
11 PUBLIC LIST OF PHASE I ENVIRONMENTAL SITE  
12 ASSESSMENT CONSULTANTS; AND FOR OTHER PURPOSES.  
13  
14

### Subtitle

15 THE PHASE I ENVIRONMENTAL SITE  
16 ASSESSMENT CONSULTANT ACT.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code Title 8, Chapter 7, Subchapter 13 is amended  
23 to read as follows:

24 § 8-7-1301. Title.

25 This subchapter shall be known and may be cited as the ~~"Environmental~~  
26 ~~Site Assessment Consultant and Hazardous Substance Response Contractor~~  
27 ~~Certification Act"~~ "The Phase I Environmental Site Assessment Consultant  
28 Act".  
29

30 § 8-7-1302. Purpose.

31 It is the purpose of this subchapter to authorize the Arkansas  
32 Department of Environmental Quality to establish and administer a  
33 certification program to+

34 ~~(1) Certify Phase I environmental site assessment consultants;~~

35 ~~(2) Certify comprehensive site assessment consultants and~~  
36 ~~response action contractors undertaking investigations and response actions,~~



1 respectively, under the Arkansas Hazardous Waste Management Act of 1979, § 8-  
 2 7-201 et seq., the Emergency Response Fund Act, § 8-7-401 et seq., the  
 3 Remedial Action Trust Fund Act, § 8-7-501 et seq., or the Voluntary Cleanup  
 4 Act, § 8-7-1101 et seq.; and

5           ~~(3) Require as a condition of certification that such~~  
 6 ~~contractors and consultants demonstrate that they have the qualifications~~  
 7 ~~required to undertake such activities.~~ maintain a list of Phase I consultants  
 8 who meet the minimum qualifications for an environmental professional who  
 9 undertakes a Phase I environmental site assessment, referred to as "all  
 10 appropriate inquiry" under the Small Business Liability Relief and  
 11 Brownfields Revitalization Act, Pub. L. No. 107-118, as it exists on January  
 12 1, 2007 or a Phase I environmental site assessment under the American Society  
 13 for Testing and Materials standard E1527-05 as in effect on January 1, 2007.

14  
 15           § 8-7-1303. Definitions.

16           As used in this subchapter:

17           ~~(1) "Commission" means the Arkansas Pollution Control and~~  
 18 ~~Ecology Commission;~~

19           ~~(2) "Comprehensive site assessment" means an assessment to~~  
 20 ~~determine the rate, extent, and characteristics of contamination at a site~~  
 21 ~~addressed under the Arkansas Hazardous Waste Management Act of 1979, § 8-7-~~  
 22 ~~201 et seq., the Emergency Response Fund Act, § 8-7-401 et seq., the Remedial~~  
 23 ~~Action Trust Fund Act, § 8-7-501 et seq., or the Voluntary Cleanup Act, § 8-~~  
 24 ~~7-1101 et seq.;~~

25           ~~(3) "Comprehensive site assessment consultant" means a person~~  
 26 ~~that performs a comprehensive environmental site assessment for a fee or in~~  
 27 ~~conjunction with other services for which a fee is charged;~~

28           ~~(4) "Department" means the Arkansas Department of Environmental~~  
 29 ~~Quality;~~

30           ~~(5) "Director" means the Director of the Arkansas Department of~~  
 31 ~~Environmental Quality;~~

32           ~~(6) "Environmental site assessment" means a Phase I~~  
 33 ~~environmental site assessment or a comprehensive site assessment;~~

34           ~~(7) "Environmental site assessment consultant" means a person~~  
 35 ~~that performs a Phase I environmental site assessment or comprehensive~~  
 36 ~~environmental site assessment for a fee or in conjunction with other services~~

1 ~~for which a fee is charged;~~

2 ~~(8) "Hazardous substance" has the same meaning as that term is~~  
 3 ~~set out in § 8-7-503;~~

4 ~~(9) "Hazardous waste" has the same meaning as that term is set~~  
 5 ~~out in § 8-7-203;~~

6 ~~(10)(1) "Person" means any individual, corporation, company,~~  
 7 ~~firm, partnership, association, trust, joint-stock company or trust, venture,~~  
 8 ~~state or federal government or agency, or any other legal entity however~~  
 9 ~~organized;~~

10 ~~(11)(2) "Phase I consultant" means a person that performs a~~  
 11 ~~Phase I environmental site assessment for a fee or in conjunction with other~~  
 12 ~~services for which a fee is charged; and~~

13 ~~(12)(3) "Phase I environmental site assessment" means a Phase I~~  
 14 ~~environmental site assessment as that term is used in the American Society~~  
 15 ~~for Testing and Materials standard E1527-00 as in effect on January 1, 2005;~~  
 16 ~~an assessment defined as "all appropriate inquiry" under the Small Business~~  
 17 ~~Liability Relief and Brownfields Revitalization Act, Pub. L. No. 107-118, and~~  
 18 ~~the rules promulgated under that federal act or a Phase I environmental site~~  
 19 ~~assessment as that term is used in the American Society for Testing and~~  
 20 ~~Materials standard E1527-00 as in effect on January 1, 2005; and.~~

21 ~~(13) "Response action contractor" means a person that is:~~

22 ~~(A) Required to obtain a contractor's license pursuant to~~  
 23 ~~§ 17-25-101 et seq.; and~~

24 ~~(B) Responsible for undertaking the physical removal,~~  
 25 ~~treatment, or disposal of hazardous substances or environmental media~~  
 26 ~~contaminated with hazardous substances associated with a response action at a~~  
 27 ~~site addressed under the Arkansas Hazardous Waste Management Act of 1979, §~~  
 28 ~~8-7-201 et seq., the Emergency Response Fund Act, § 8-7-401 et seq., the~~  
 29 ~~Remedial Action Trust Fund Act, § 8-7-501 et seq., or the Voluntary Cleanup~~  
 30 ~~Act, § 8-7-1101 et seq., for a fee or in conjunction with other services for~~  
 31 ~~which a fee is charged.~~

32  
 33 § 8-7-1304. Powers and duties.

34 (a) The Arkansas Department of Environmental Quality shall:

35 ~~(1) Establish and administer the Environmental Site Assessment~~  
 36 ~~Consultant and Hazardous Substance Response Contractor Certification Program~~

1 ~~for response action contractors and environmental site assessment~~  
2 ~~consultants; and~~

3 ~~(2) Issue, deny, revoke, condition, or suspend the certification~~  
4 ~~of response action contractors and environmental site assessment consultants~~  
5 ~~under the terms established in this subchapter. maintain and make available~~  
6 ~~to the public a list of Phase I consultants who meet the minimum~~  
7 ~~qualifications for an environmental professional who undertakes a Phase I~~  
8 ~~environmental site assessment, referred to as "all appropriate inquiry" under~~  
9 ~~the Small Business Liability Relief and Brownfields Revitalization Act, Pub.~~  
10 ~~L. No. 107-118, and the rules promulgated under that federal act.~~

11 ~~(b) The Arkansas Pollution Control and Ecology Commission shall~~  
12 ~~promulgate necessary regulations to effect the purpose and implementation of~~  
13 ~~the certification program, including, but not limited to:~~

14 ~~(1) Provisions governing categories of certification;~~  
15 ~~(2) Applications for certification;~~  
16 ~~(3) Continuing education requirements;~~  
17 ~~(4) Professional and technical standards for certification;~~  
18 ~~(5) Renewals of certifications;~~  
19 ~~(6) Procedures for peer committee review and other actions~~  
20 ~~affecting the status of certification; and~~

21 ~~(7) Establishment of reasonable fees. The Arkansas Pollution~~  
22 ~~Control and Ecology Commission shall promulgate rules to implement this~~  
23 ~~subchapter.~~

24  
25 ~~8-7-1305. Applicability.~~

26 ~~(a)(1) Six (6) months after the adoption of rules by the Arkansas~~  
27 ~~Pollution Control and Ecology Commission to implement this subchapter, a~~  
28 ~~person shall not provide services as an environmental site assessment~~  
29 ~~consultant or a response action contractor unless those services are~~  
30 ~~performed under the direction and responsible charge of an individual who has~~  
31 ~~obtained a certification under this subchapter.~~

32 ~~(2)(A) Until the Environmental Site Assessment Consultant and~~  
33 ~~Hazardous Substance Response Contractor Certification Program is implemented,~~  
34 ~~the Arkansas Department of Environmental Quality should develop and maintain~~  
35 ~~a list of those environmental site assessment consultants and response action~~  
36 ~~contractors that indicate to the department an intent to apply for~~

1 ~~certification enumerated under this subchapter.~~

2 ~~(B) After the certification program is implemented, the~~  
3 ~~department shall develop and maintain a list of those environmental site~~  
4 ~~assessment consultants and response action contractors that have a~~  
5 ~~certification under this subchapter.~~

6 ~~(C) The department shall make available to the public the~~  
7 ~~lists required under subdivisions (a)(2)(A) and (B) of this section.~~

8 ~~(b) The provisions of this section do not prohibit the engagement of~~  
9 ~~an associate, an apprentice or assistant, or a subcontractor if an individual~~  
10 ~~who is certified under this subchapter supervises that associate, apprentice~~  
11 ~~or assistant, or subcontractor and maintains responsibility for the work of~~  
12 ~~that associate, apprentice or assistant, or subcontractor.~~

13 ~~(c) This subchapter does not apply to services provided by:~~

14 ~~(1) An employee of a business or public agency relative to the~~  
15 ~~hazardous substance or hazardous waste management, release investigation, or~~  
16 ~~response responsibilities of his or her employer, exclusively, while the~~  
17 ~~employee is acting in the course of his or her employment;~~

18 ~~(2) An employee of a public agency with the responsibility of~~  
19 ~~regulatory enforcement, emergency response, or protection of public health~~  
20 ~~and welfare or the environment while the employee is acting in the course of~~  
21 ~~that employment; or~~

22 ~~(3) A person that is a transporter of hazardous wastes that are:~~

23 ~~(A) Designated as the specific responsibility of the~~  
24 ~~transporter of hazardous wastes under the applicable state or federal~~  
25 ~~regulations; or~~

26 ~~(B) Necessary to perform the service of transportation of~~  
27 ~~hazardous waste in accordance with the applicable state and federal~~  
28 ~~regulations.~~

29 ~~(d) Any environmental site assessment activities performed by a person~~  
30 ~~certified as an environmental site assessment consultant under this~~  
31 ~~subchapter that would constitute the "practice of engineering" as defined in~~  
32 ~~§ 17-30-101 shall be performed under the responsible charge of and signed and~~  
33 ~~sealed by a professional engineer registered in the State of Arkansas.~~

34 ~~(e) Any environmental site assessment activities performed by a person~~  
35 ~~certified as an environmental site assessment consultant under this~~  
36 ~~subchapter that would constitute the "public practice of geology" as defined~~

1 in § 17-32-102 shall be performed under the responsible charge of and signed  
2 and sealed by a professional geologist registered in the State of Arkansas.

3  
4 ~~8-7-1306. Certification categories.~~

5 ~~(a) The Arkansas Pollution Control and Ecology Commission shall~~  
6 ~~establish by regulation categories of certification under this subchapter.~~

7 ~~(b) Categories of certification shall include:~~

8 ~~(1) Phase I environmental site consultant;~~

9 ~~(2) Comprehensive environmental site assessment consultant; and~~

10 ~~(3) Response action contractor.~~

11  
12 ~~8-7-1307. Certification criteria and procedure.~~

13 ~~(a)(1) The Arkansas Pollution Control and Ecology Commission shall~~  
14 ~~establish by rule criteria for certification as an environmental site~~  
15 ~~assessment consultant.~~

16 ~~(2) The criteria shall incorporate United States Environmental~~  
17 ~~Protection Agency requirements including minimum qualifications for an~~  
18 ~~environmental professional who undertakes Phase I environmental site~~  
19 ~~assessments of "all appropriate inquiry" as defined under the Small Business~~  
20 ~~Liability Relief and Brownfields Revitalization Act, Pub. L. No. 107-118, and~~  
21 ~~the rules promulgated under that federal act that are not inconsistent with~~  
22 ~~this subchapter.~~

23 ~~(3) Upon demonstration of compliance with the criteria, the~~  
24 ~~applicant shall be eligible for certification as a Phase I environmental site~~  
25 ~~assessment consultant under this subchapter.~~

26 ~~(b) The criteria for initial certification of a Phase I environmental~~  
27 ~~site assessment consultant or a comprehensive site assessment consultant, or~~  
28 ~~both, shall provide that:~~

29 ~~(1) The license issued to a registered professional engineer or~~  
30 ~~engineering intern meets the requirements for an environmental site~~  
31 ~~assessment consultant certificate if:~~

32 ~~(A) Any professional engineer or engineering intern who~~  
33 ~~performs Phase I environmental site assessment or comprehensive site~~  
34 ~~assessment, or both:~~

35 ~~(i) Registers with the Arkansas Department of~~  
36 ~~Environmental Quality;~~

1                                   ~~(ii) Submits demonstration of knowledge, training,~~  
2 ~~or experience, or any combination of knowledge, training, and experience, as~~  
3 ~~determined by regulations issued under this subchapter; and~~

4                                   ~~(iii) Pays the applicable fees; or~~

5                                   ~~(B) A professional engineer licensing board has or~~  
6 ~~develops a program recognized by the department as substantially similar to~~  
7 ~~the Environmental Site Assessment Consultant and Hazardous Substance Response~~  
8 ~~Contractor Certification Program that requires demonstration of knowledge,~~  
9 ~~training, or experience, or any combination of knowledge, training, and~~  
10 ~~experience, in the field of Phase I environmental site assessments or~~  
11 ~~comprehensive site assessments that satisfies the requirements of the~~  
12 ~~professional licensing board;~~

13                                   ~~(2) The license issued to a professional geologist or geologist-~~  
14 ~~in training meets the requirements for an environmental site assessment~~  
15 ~~consultant certificate if:~~

16                                   ~~(A) Any professional geologist or geologist in training~~  
17 ~~who performs a Phase I environmental site assessment or comprehensive site~~  
18 ~~assessment, or both;~~

19                                   ~~(i) Registers with the department;~~

20                                   ~~(ii) Submits demonstration of knowledge, training,~~  
21 ~~or experience, or any combination of knowledge, training, and experience, as~~  
22 ~~determined by regulations issued under this subchapter; and~~

23                                   ~~(iii) Pays the applicable fees; or~~

24                                   ~~(B) A professional geologist licensing board has or~~  
25 ~~develops a program recognized by the department as substantially similar to~~  
26 ~~the Environmental Site Assessment Consultant and Hazardous Substance Response~~  
27 ~~Contractor Certification Program that requires demonstration of knowledge,~~  
28 ~~training, or experience, or any combination of knowledge, training, and~~  
29 ~~experience, in the field of Phase I environmental site assessments or~~  
30 ~~comprehensive site assessments that satisfies the requirements of the~~  
31 ~~professional licensing board;~~

32                                   ~~(3) Any person who provides proof of:~~

33                                   ~~(A) Certification by another state recognized by the~~  
34 ~~department as substantially equivalent for performing environmental site~~  
35 ~~assessments; or~~

36                                   ~~(B) Completion of training and receipt of certification or~~

1 other form of recognition of successful completion of training provided by  
2 organizations found by the department to provide training necessary to  
3 perform environmental site assessments; or

4           ~~(4)(A) Any person who demonstrates competence by achieving a~~  
5 ~~passing score on an examination administered by the department in accordance~~  
6 ~~with the rules issued under this subchapter or relevant and appropriate~~  
7 ~~criteria as the commission shall deem appropriate, or both.~~

8           ~~(B) Any examination administered by the department in~~  
9 ~~accordance with the rules issued under this subchapter is the property of the~~  
10 ~~department and shall remain confidential and shall not be subject to~~  
11 ~~disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.~~

12           ~~(c) Certification as a comprehensive site assessment consultant shall~~  
13 ~~serve as certification to perform both Phase I environmental site assessments~~  
14 ~~and comprehensive site assessments.~~

15           ~~(d)(1) The commission shall establish by rule criteria for~~  
16 ~~certification as a response action contractor.~~

17           ~~(2) The criteria for initial certification of a response action~~  
18 ~~contractor shall provide that the applicant has:~~

19           ~~(A) A valid license issued by the Contractors Licensing~~  
20 ~~Board;~~

21           ~~(B) Demonstrated that he or she has received the training~~  
22 ~~and medical monitoring required by the Occupational Safety and Health~~  
23 ~~Administration for handling hazardous substances;~~

24           ~~(c) Either:~~

25           ~~(i) Completed training and received a certificate or~~  
26 ~~other form of recognition of successful completion of training provided by an~~  
27 ~~organization found by the department to provide training necessary to perform~~  
28 ~~response actions; or~~

29           ~~(ii) Proof of certification by another state~~  
30 ~~recognized by the department as having an adequate certification program for~~  
31 ~~response action contractors; and~~

32           ~~(D)(i) Demonstrated competency by achieving a passing~~  
33 ~~score on an examination administered by the department in accordance with the~~  
34 ~~rules issued under this subchapter or relevant and appropriate criteria as~~  
35 ~~the commission shall deem appropriate, or both.~~

36           ~~(ii) Any examination administered by the department~~



1 in accordance with the rules issued under this subchapter is the property of  
2 the department and shall remain confidential and shall not be subject to  
3 disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

4 (e) ~~The commission shall promulgate rules for renewal of an  
5 environmental site assessment consultant certificate that shall provide that  
6 certification be renewed upon demonstration of the following criteria:~~

7 (1) ~~For a professional:~~

8 (A) ~~Engineer or an engineering intern, a valid license to  
9 practice engineering and approved continuing education hours; and~~

10 (B) ~~Geologist or geologist in training, a valid license to  
11 practice geology and approved continuing education hours;~~

12 (2) ~~For a person with a certificate based on certification by  
13 another state or organization, demonstration of a current certificate from  
14 the approved state or organization and approved continuing education hours;  
15 and~~

16 (3) ~~For those persons whose certification is based on training  
17 from an approved training organization or testing administered by the  
18 department, proof of approved continuing education hours.~~

19 (f) ~~The commission shall promulgate rules for renewal of a response  
20 action contractor certificate that shall provide that certification be  
21 renewed upon demonstration of the following criteria:~~

22 (1) ~~A valid license from the Contractors Licensing Board;~~

23 (2) ~~Current training and medical monitoring as required by the  
24 Occupational Safety and Health Administration for handling hazardous  
25 substances;~~

26 (3) ~~For those persons whose certificate is based on  
27 certification by another state or organization:~~

28 (A) ~~Demonstration of a current certificate from the  
29 approved state or organization; and~~

30 (B) ~~Proof of approved continuing education;~~

31 (4) ~~For those persons whose certification is based on training  
32 from an approved training organization, proof of approved continuing  
33 education; and~~

34 (5) ~~Other relevant and appropriate criteria as the commission  
35 may deem appropriate.~~

36

1           ~~8-7-1308. Unlawful acts.~~

2           ~~It is unlawful for any person to:~~

3           ~~(1) Make any false statement or representation in any application for~~  
4 ~~certification;~~

5           ~~(2) Render inaccurate any certification issued under this subchapter;~~  
6 ~~or~~

7           ~~(3) Solicit or perform the services for which certification under this~~  
8 ~~subchapter is required without holding a current and valid certificate under~~  
9 ~~this subchapter.~~

10  
11           ~~8-7-1309. Disciplinary actions and suspension or revocation of~~  
12 ~~certification.~~

13           ~~(a) A response action contractor or environmental site assessment~~  
14 ~~consultant holding a certificate issued under this subchapter may be subject~~  
15 ~~to a disciplinary action or the certificate may be subject to suspension,~~  
16 ~~condition, or revocation if he or she:~~

17           ~~(1) Engages in activities subject to licensure under this~~  
18 ~~subchapter and is no longer entitled to the certification by reason of his or~~  
19 ~~her failure to maintain the license or certificate on which the certification~~  
20 ~~was issued; or~~

21           ~~(2) Demonstrably fails to produce acceptable work for specific~~  
22 ~~activities for which the response action contractor or environmental site~~  
23 ~~assessment consultant has been certified under this subchapter.~~

24           ~~(b)(1) If the Director of the Arkansas Department of Environmental~~  
25 ~~Quality has sufficient evidence that a response action contractor,~~  
26 ~~professional engineer, professional geologist, or other environmental site~~  
27 ~~assessment consultant licensed by a state board should be subject to~~  
28 ~~disciplinary action or have his or her certification suspended, conditioned,~~  
29 ~~or revoked, the director shall submit the evidence to the licensing board of~~  
30 ~~the contractor or professional involved.~~

31           ~~(2) The Contractors Licensing Board may investigate the matter~~  
32 ~~and take such action as it finds to be appropriate and report its findings to~~  
33 ~~the director.~~

34           ~~(3) If following its procedures for resolving disciplinary~~  
35 ~~proceedings and licensing matters the Contractors Licensing Board finds that~~  
36 ~~action is necessary, the Contractors Licensing Board shall provide~~

1 ~~appropriate information regarding the actions taken to the director.~~

2 ~~(4) The director shall consider the information by the~~  
3 ~~Contractors Licensing Board to determine appropriate action on the~~  
4 ~~certification.~~

5 ~~(5) If the department has sufficient evidence under this~~  
6 ~~subsection that a response action contractor or environmental site assessment~~  
7 ~~consultant should have his or her certification suspended, conditioned, or~~  
8 ~~revoked, the director shall provide notice of a proposed action under~~  
9 ~~applicable rules of the Arkansas Pollution Control and Ecology Commission.~~

10 ~~(6) The director's decision shall be subject to adjudication~~  
11 ~~before the commission in accordance with administrative procedures adopted by~~  
12 ~~the commission.~~

13 ~~(7)(A) If the Contractors Licensing Board finds that the issue~~  
14 ~~presented is not within the Contractors Licensing Board's jurisdiction or~~  
15 ~~otherwise elects not to pursue the matter, the Contractors Licensing Board~~  
16 ~~shall notify the director.~~

17 ~~(B) If the Contractors Licensing Board gives notice to the~~  
18 ~~director under subdivision (b)(7)(A) of this section, the peer review~~  
19 ~~procedures outlined in subsection (c) of this section shall apply.~~

20 ~~(c)(1) The procedure described in this subsection shall apply to~~  
21 ~~disciplinary action or suspension, condition, or revocation of the~~  
22 ~~certification of an environmental site assessment consultant that does not~~  
23 ~~have a professional license issued by a state board and under the Contractors~~  
24 ~~Licensing Board.~~

25 ~~(2) Under this subsection, if the department has sufficient~~  
26 ~~evidence that a response action contractor or environmental site assessment~~  
27 ~~consultant should have his or her certification suspended, conditioned, or~~  
28 ~~revoked, the director shall provide notice of a proposed action and advise~~  
29 ~~the person of his or her right to a peer review and a hearing within the time~~  
30 ~~period provided under applicable rules of the commission.~~

31 ~~(3) If a request for peer review is made within the allotted~~  
32 ~~time frame, the commission shall appoint a peer review committee established~~  
33 ~~in accordance with the rules of the commission, including, but not limited~~  
34 ~~to, representation of at least three (3) certified response action~~  
35 ~~contractors or environmental site assessment consultants in good standing.~~

36 ~~(4)(A) The peer review committee shall conduct an investigation~~

1 ~~in accordance with procedures established by rules and regulations developed~~  
2 ~~for these purposes by the commission.~~

3 ~~(B) The peer review committee shall submit its report to~~  
4 ~~the director and to the consultant or contractor.~~

5 ~~(5) The director shall consider the peer review committee report~~  
6 ~~in making a decision.~~

7 ~~(6) Under this subsection, if the department has sufficient~~  
8 ~~evidence that a response action contractor or environmental site assessment~~  
9 ~~consultant should have his or her certification suspended, conditioned, or~~  
10 ~~revoked, the director shall provide notice of a proposed action under~~  
11 ~~applicable rules of the commission.~~

12 ~~(7) The director's decision shall be subject to adjudication~~  
13 ~~before the commission in accordance with administrative procedures adopted by~~  
14 ~~the commission.~~

15  
16 ~~8-7-1310. Rules and regulations—Appeals and hearings.~~

17 ~~(a) The procedures of the Arkansas Pollution Control and Ecology~~  
18 ~~Commission for promulgating any rules and regulations, the conduct of~~  
19 ~~hearings, notice, review of actions on certificates, right of appeal,~~  
20 ~~presumptions, finality of actions, and related matters shall be as provided~~  
21 ~~in §§ 8-4-202, 8-4-210—8-4-214, and 8-4-218—8-4-229 and in the rules and~~  
22 ~~regulations applicable to administrative procedures of the Arkansas~~  
23 ~~Department of Environmental Quality and the commission.~~

24 ~~(b) After notice and hearing, the commission shall adopt regulations~~  
25 ~~under this subchapter for the administration and implementation of a~~  
26 ~~certification program for contractors and consultants.~~

27  
28 § 8-7-1311. Fees.

29 (a)(1) Under regulations promulgated by the Arkansas Pollution Control  
30 and Ecology Commission, the Arkansas Department of Environmental Quality may  
31 assess fees to ~~participating contractors and~~ Phase I consultants who apply to  
32 be placed on the list maintained under § 8-7-1304 .

33 (2) Fees shall be reasonable and appropriate and subject to  
34 periodic review.

35 (b) All fees collected under this subchapter shall be deposited in the  
36 Hazardous Waste Permit Fund, § 19-6-434.

1 (c) Fees collected under this subchapter shall be used for the  
2 purposes of administering this subchapter.

3  
4 /s/ Saunders  
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