



MEMORANDUM

TO: Arkansas Pollution Control and Ecology Commission

FROM: Al Eckert

DATE: January 12, 2007

SUBJECT: Economic Impact/Environmental Benefit Analysis

Clean Harbors Environmental Services, Inc. ("Clean Harbors") has determined by on-site inspection of Clean Harbors' Outfall 009 and Boggy Creek that the proposed amendment to Regulation No. 2 does not affect small businesses. The surrounding watershed of Boggy Creek is a low lying, swampy, heavily wooded area. The uses of Boggy Creek are limited by physical factors such as lack of consistent flow, mud and silt bottom and a heavily wooded Riparian Zone. Small businesses are not located within this area and therefore no regulatory burden is imposed on small businesses such as fees, reporting requirements or obtaining regulatory permits. Since no small businesses are located along Boggy Creek which can be adversely affected by this amendment to Regulation No. 2, the determination whether the rule can be less costly for small businesses is not before the Commission. Therefore, Clean Harbors submits that no economic impact statement regarding the proposal is required under Executive Order 05-04 and no review by the Arkansas Department of Economic Development is required.

EXHIBIT "D"

ECONOMIC IMPACT/ENVIRONMENTAL BENEFIT ANALYSIS
Answer to best of the proponent's ability, as required by ADPCEC Regulation 8, Chapter 3.5

STEP 1: DETERMINATION OF ANALYSIS REQUIREMENT
(to be included in petition to initiate rulemaking)

1A. Is the proposal expressly addressed by a Federal requirement? **NO**

Yes. See 1B.

No. Economic Impact/Environmental Benefit Analysis is not required.

1B. If 1A is YES, is proposed regulation equivalent, or more stringent, or less stringent than federal requirement?

- If equivalent – Economic Impact/Environmental Benefit Analysis is not required.
- If more stringent - Economic Impact/Environmental Benefit Analysis is required.
- If less stringent - Economic Impact/Environmental Benefit Analysis is not required, but does require federal agency approval prior to adoption if the proposal is part of an authorized state program.

STEP 2: THE ANALYSIS
(to be included in petition to initiate rulemaking, if required)

2A. ECONOMIC IMPACT

1. Who will be affected economically by this proposed rule, what are the costs associated with this rule, and who will bear the costs of this proposed rule? Define specific public and/or private entities.

2. What are the economic benefits associated with the proposed rule, who will benefit from this proposed rule and how?

3. List sources of information used to determine economic impacts to public and/or private entities.

4. List any fee changes imposed by this proposal, and justification for each.
5. What is the probable cost to ADEQ in manpower and associated resources to implement and enforce this proposed change, and what is the source of revenue supporting this proposed rule?
6. Is there a benefit or adverse impact to any other state agency to implement or enforce this proposed rule?
7. Are there any less costly, non-regulatory, or less intrusive methods that would achieve the same purpose of this proposed rule?

2B. ENVIRONMENTAL BENEFIT

1. What issues affecting the environment are addressed by this proposal?
2. How does this proposed rule protect, enhance, or restore the natural environment for the well being of all Arkansas?
3. What detrimental effect will there be to the environment or to the public health and safety if this proposed rule is not implemented?
4. What risks are addressed by the proposal and to what extent are the risks anticipated to be reduced?