

# **EXHIBIT D**

## **Economic Impact/Environmental Benefit Analysis**

## MEMORANDUM

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**TO:** Arkansas Pollution Control and Ecology Commission  
**FROM:** Charles R. Nestrud  
**DATE:** August 25, 2009  
**SUBJECT:** Economic Impact/Environmental Benefit Analysis

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McGeorge Contracting Co., Inc (McGeorge) has determined by on-site inspections of McGeorge's Outfalls 001 and 002 and the receiving streams, McGeorge Creek, Willow Springs and Little Fourche Creek, that the proposed amendment to Regulation No. 2 does not affect small businesses. The surrounding watershed of McGeorge Creek, Willow Springs and Little Fourche Creek is, in places a low lying, marshy area, with heavily wooded riparian watershed. The watershed also includes commercial, industrial, mining, residential and agricultural uses. The uses of McGeorge Creek, Willow Springs and Little Fourche Creek are limited by physical factors such as lack of consistent flow, soft silt and clay substrate, and the impacts of commercial, light industrial and other development activities. No regulatory burden is imposed on small businesses in the area of the stream reaches that are proposed for dissolved mineral changes, such as fees, reporting requirements or obtaining regulatory permits. No small businesses are located along McGeorge Creek, Willow Springs and Little Fourche Creek which can be adversely affected by this amendment to Regulation No. 2. Therefore, the determination of whether the proposed rule can be less costly for small businesses is not before the Commission. Therefore, McGeorge 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.