

ECONOMIC IMPACT STATEMENT OF PROPOSED RULES OR REGULATIONS

EO 05-04 Regulatory Flexibility

Department: ADCP & E

Division: _____

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Title or Subject: Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas.

Benefits of the Proposed Rule or Regulation

1. Explain the need for the proposed change(s). Did any complaints motivate you to pursue regulatory action? If so, please explain the nature of such complaints.

The Rule establishes water quality standards for surface waters in the State of Arkansas that are promulgated to protect the designated use of those surface waters. The proposed rule will amend specific standards applicable to specified surface waters. The need for this rule change was not motivated by a complaint, but rather during the permit renewal of McGeorge Construction Company, Inc., a regulated entity whose wastewater discharge permit is impacted by the rule.

2. What are the top three benefits of the proposed rule or regulation?

- a. **The purpose of the proposed rule is necessary to amend the Arkansas Pollution Control and Ecology Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas, to modify the minerals criteria as follows:**

1. **Modify the dissolved minerals criteria for the McGeorge Creek to confluences with Willow Springs Branch as follows:**
 - *Sulfate from 41.3 mg/L to 25 mg/L*
 - *TDS from 138 mg/L to 432 mg/L*
2. **Modify the dissolved minerals criteria for Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek as follows:**
 - *Sulfate from 41.3 mg/L to 250 mg/L*
 - *TDS from 138 mg/L to 247 mg/L*
3. **Modify the dissolved minerals criteria for Little Fourche Creek between confluences with Willow Springs ranch and Fourche Creek as follows:**
 - *Sulfate : NO CHANGE*
 - *TDS from 138 mg/L to 179 mg/L*

- b. **The proposed rule is necessary to modify the dissolved mineral criteria for the above listed stream segments to levels that are appropriate and protective of the designated and existing uses. These water quality standard modifications will not adversely affect the aquatic life communities and existing fisheries.**

c. **This proposed rule is necessary to enable ADEQ to issue an NPDES Permit to McGeorge with permit limits for dissolved minerals that are appropriate to the McGeorge operations and protective of water quality.**

3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo?

McGeorge would not be able to operate.

4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed regulation and state the reason(s) for not selecting those alternatives.

Market based alternatives and voluntary standards were not considered because the existing rule needs to be changed.

Impact of Proposed Rule or Regulation

5. Estimate the cost to state government of collecting information, completing paperwork, filing, record/keeping, auditing and inspecting associated with this new rule or regulation.

NONE

6. What types of small businesses will be required to comply with the proposed rule or regulation? Please estimate the number of small businesses affected.

NONE

7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary.

NO

8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance.

NONE

9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not necessary.

NONE

10. Describe your understanding of the ability of small business owners to implement changes required by the proposed regulation.

No small business owners are impacted

11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government?

This rule is unique to Arkansas

12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation.

None, There are no small businesses impacted.