

**ECONOMIC IMPACT STATEMENT
OF PROPOSED RULES OR REGULATIONS
EO 05-04: Regulatory Flexibility**

Department Arkansas Department of Environmental Quality Division Water

Contact Person Martin Maner Date January 5, 2006

Contact Phone 501.682.0654 Contact Email maner@adeq.state.ar.us

Title or Subject: Arkansas Pollution Control and Ecology Commission Regulation Number 3, Licensing of Wastewater Treatment Plant Operators

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.
Act 729 of 2005 made several changes to the wastewater licensing program followed by the Commission and by the Department. The Department proposed this rulemaking primarily to make the provisions of Regulation 3 conform with the statutory changes effected by the Act. The proposed regulatory amendments precipitated by Act 729 of 2005 involve devising a definite procedure for suspending or revoking a wastewater operator's license. ADEQ engaged in a review of the regulation and proposed changes to Regulation Number 3 which include the following:
 - a. Table of Contents: Change the Title of 3.305 from "License Conversion" to "License Class Requirements";
 - b. Chapter Three: Adding requirements for Apprentice Industrial Operator; Deleting requirements for License Conversion; Deleting references to the last regulation revision;
 - c. Chapter Four: Adding clarification to the credit given for correspondence courses;
 - d. Chapter Six: Adding clarification about information supplied in the exam application; Adding acts that are to be considered for license suspension or revocation.
2. What are the top three benefits of the proposed rule or regulation?
 - a. Adding definite procedures for suspended or revoked licenses;
 - b. Deleting procedures that no longer apply;
 - c. Clarifying correspondence course hours.
3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo?
Operators with suspended or revoked licenses would be able to renew or upgrade those licenses as if they were in good standing.
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.
None

Impact of Proposed Rule or Regulation

5. Estimate the cost to state government of *collecting information, completing paperwork, filing recordkeeping, auditing and inspecting* associated with this new rule or regulation.
Minimal costs: Staff time spent on flagging the operator's record during suspension/revocation
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.
Small businesses that have any wastewater treatment plant operators. Estimate of those operators is less than 120.
7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary.
Yes, if exam application information submitted is falsified. Entry requirements for wastewater operators are not stringent. The concern is in setting a pattern for falsification of records.
8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance.
No additional requirements for small business owners.
9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not, necessary.
The requirements are the same for all size entities.
10. Describe your understanding of the ability of small business owners to implement changes required by the proposed regulation.
Small business owners should be able to implement changes as easily as other size entities.
11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government?
These changes compare to regulations in other states concerning revocation and suspension of operators' licenses.

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

Comments received from wastewater operators is that they approve of actions to be taken against operators not abiding by rules, regulations, and permit requirements.