

**ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION
ECONOMIC IMPACT/ENVIRONMENTAL BENEFIT ANALYSIS**

**Rule Number & Title: Regulation 6: “Regulations for State Implementation of the
National Pollutant Discharge Elimination System (NPDES)”**

Petitioner: Division of Environmental Quality

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Date Analysis Prepared: 04/22/2024

2A. ECONOMIC IMPACT

1. Who will be affected economically by this proposed rule?

State: a) the specific public and/or private entities affected by this rulemaking, indicating for each category if it is a positive or negative economic effect; and b) provide the estimated number of entities affected by this proposed rule.

- a) No economic impacts to public or private entities are expected to be incurred by the proposed amendments to the regulation.
- b) No entities are expected to be economically impacted by the proposed amendments to the regulation.

2. What are the economic effects of the proposed rule?

State: a) the estimated increased or decreased cost for an average facility to implement the proposed rule; and b) the estimated total cost to implement the rule.

- a) The cost to implement the proposed rule is not expected to increase or decrease based on the proposed amendments to the rule.
- b) \$0.00

3. List any fee changes imposed by this proposal and justification for each.

The proposed amendments to the regulation does not contain any changes in fees.

4. What is the probable cost to DEQ in manpower and associated resources to implement and enforce this proposed change, and what is the source of revenue supporting this proposed rule?

No additional costs are anticipated to be incurred by the Division of Environmental Quality to implement and enforce the proposed amendments to the regulation. DEQ administers Regulation 6 through a federal grant for Clean Water Act activities and with the fees collected for NPDES permits.

5. Is there a known beneficial or adverse impact to any other relevant state agency to implement or enforce this proposed rule? Is there any other relevant state agency's rule that could adequately address this issue, or is this proposed rulemaking in conflict with or have any nexus to any other relevant state agency's rule? Identify state agency and/or rule.

The proposed amendments to the regulation will neither have any known beneficial or adverse impact to any other state agency nor have any conflict or nexus to another state agency's rules.

6. Are there any less costly, non-regulatory, or less intrusive methods that would achieve the same purpose of this proposed rule?

No.

2B. ENVIRONMENTAL BENEFIT

1. What issues affecting the environment are addressed by this proposal?

The proposed amendments to the regulation incorporate the revisions to 40 C.F.R. Parts 136, 122, 123, 125, and 127, and are necessary for DEQ to maintain primacy over the NPDES program and to implement the NPDES program properly.

2. How does this proposed rule protect, enhance, or restore the natural environment for the well-being of all Arkansans?

The proposed amendments to the regulation are critical in the protection of waters of the state through regulation of discharges of treated wastewater into those waters of the state.

3. What detrimental effect will there be to the environment or to the public health and safety if this proposed rule is not implemented?

Failure to adopt the federal regulations necessary for protection of waters of the state could endanger public health through allowance of the discharge of pollutants without consideration for the impact to waters of the state, especially those waters of the state that are used for recreational purposes or are a source for drinking water.

4. What risks are addressed by the proposal and to what extent are the risks anticipated to be reduced?

The risk of not updating this rule is that EPA could attempt to remove Arkansas's delegated

authority to issue NPDES permits under the federal Clean Water Act. Loss of delegated authority would result in EPA becoming the permitting authority for Arkansas.