

**ECONOMIC IMPACT STATEMENT
OF PROPOSED RULES OR REGULATIONS
EO 05-04 and Act 143 of 2007: Regulatory Flexibility**

Department Arkansas Department of Environmental Quality

Division Legal

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Title or Subject: Arkansas Pollution Control and Ecology Commission Regulation No. 8, Administrative Procedures

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.
APC&EC Regulation No. 8 sets forth the administrative procedures for the Commission and the Department. The regulation has not been updated since 2000 and is used every day by environmental practitioners appearing before the Commission and members of the public that are interested in providing comments on or challenging decisions of the Department and Commission. The regulation needed to be updated to include legislation that had been passed since 2000 and improve the regulation for use by the practitioners and the public.
2. What are the top three benefits of the proposed rule or regulation?
 - a. The amendments to Regulation No. 8 has reorganized the regulation to make it easier for practitioners to follow the administrative procedures and more accessible for the general public.
 - b. Reg. 8.204, Non-Compliance Determination, which deals with disclosure statements required by state law, has been clarified and updated based on recent legislation.
 - c. Overall, several sections of the regulation have been revised and expanded to improve the regulation, i.e. Reg. 8.103, Definitions, has been expanded to include more definitions of terms used throughout the regulation.
3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo?
Taking no action to update Regulation No. 8 would leave the regulation organized in a manner that is not easy to follow and would make it difficult for practitioners and the public to bring matters before the Commission.
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.

This regulation addresses only administrative procedures. There are no market-based alternatives or voluntary standards that could be considered in place of administrative procedures.



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.
This is a proposed amendment to an existing regulation that clarifies administrative procedures, but does not create new substantive requirements. There will be no increase in costs to state government over current levels for collecting information, completing paperwork, filing recordkeeping, auditing and inspecting.
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.
This is a proposed amendment to an existing regulation that clarifies administrative procedures, but does not create new substantive requirements. The number of small businesses affected by the amendments will remain the same as with the current version of the regulation.
7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary.
The proposed regulation does not create any barriers to entry.
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 will be imposed by the amendments to Regulation No. 8. No fees or other costs will be increased by the revisions to the administrative procedures.
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 are very comparable to similar rules and regulations in other states and the federal government.
12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation.
ADEQ submitted the proposed rules for review to members of the Arkansas Bar Association Environmental Law Section and the Arkansas Environmental Federation, both comprised of practitioners and business representatives. The proposed rules were also submitted to interested members of the public for review. The Department held two stakeholder meetings to obtain comments from practitioners and the public. The Department addressed concerns submitted during the stakeholder meetings.