

Exhibit E:

Economic Impact/

Environmental Benefit Analysis

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

Rule Number & Title: Regulation 9 – Fee Regulation

Petitioner: Arkansas Department of Environmental Quality,
Office of Water Quality

Contact/Phone/Electronic mail: Caleb Osborne
(501) 682-0655
osbornec@adeq.state.ar.us

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) Minor municipal and Nonmunicipal facilities with National Pollution Discharge Elimination System (NPDES) permits under Reg.9.403 for limits of toxic pollutants based solely on Total Maximum Daily Load (TMDL) to allow ADEQ to assess lower water permit fees for qualifying facilities, which would be a positive economic impact. The public generally will benefit from the addition of “Q” or “Quantity” because it is used in the calculation of water permit fees and the clarification of formulas in Chapter 4 that make the regulation easier to understand. b) The estimated number of entities affected is 41.

Sources and Assumptions: Permitted facilities already comply with the requirements of the revised federal rules, and the change from individual financial assurance to a trust fund will be less burdensome on businesses.

2. What are the economic effects of the proposed rule? State: 1) the estimated increased or decreased cost for an average facility to implement the proposed rule; and 2) the estimated total cost to implement the rule. 1) The proposed change to APC&EC Reg.9.403 allows ADEQ to lower NPDES permit fees for some minor municipal and non-municipal facilities with permit limits for toxic pollutants based solely on a Total Maximum Daily Load. The change to APC&EC Reg.9.404 simplifies the fee schedule for NPDES general permits and removes outdated information. Acts 94 and 575 of 2015, codified at Ark. Code Ann. § 8-4-203, require revisions concerning contribution fees to the Nonmunicipal Domestic Sewage Treatment Works Trust Fund. 2) ADEQ does not expect a cost to implement the regulatory amendment.

Sources and Assumptions: Acts 94 and 575 of 2015 specify maximum annual trust fund contributions to the Nonmunicipal Domestic Sewage Treatment Works Trust Fund.

3. *List any fee changes imposed by this proposal and justification for each.* None.

4. *What is the probable cost to ADEQ 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 to ADEQ are anticipated.

Sources and Assumptions: N/A

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.*

None.

Sources and Assumptions: N/A

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

No.

Sources and Assumptions: N/A

2B. ENVIRONMENTAL BENEFIT

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

None.

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

None.

Sources and Assumptions: N/A

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

None.

Sources and Assumptions: N/A

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

None.

Sources and assumptions: N/A