

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

Department Arkansas Department of Environmental Quality

Divisions Mining Division

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Title or Subject: Arkansas Pollution Control and Ecology Commission Regulation No. 15 Arkansas Open-Cut Mining and Reclamation Code.

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 proposed changes incorporate changes in state law based on Act 609 of 2011. No complaints were involved.
2. What are the top three benefits of the proposed rule or regulation? 1. Provides additional enforcement options to insure compliance with state law. 2. Provides clarification and removes unclear language from the current regulation.
3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo? The regulation would not be up-to-date with state law leading to possible confusion as to requirements for open-cut mine operators.
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. N/A

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. No additional costs will occur to state government with this proposed regulation.
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 regulation is for open-cut mining operations. There are 217 permits currently issued to small businesses.
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. No additional requirements on 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. No different requirements for different sized entities.
10. Describe your understanding of the ability of small business owners to implement changes required by the proposed regulation. Proposed changes do not add any additional requirements to small business owners.
11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government? This regulation is similar to regulations in other states.
12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation. Two industry groups were provided draft copies of the proposed changes and after a 30 day review period, neither group submitted comments to the agency.