

**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 Air Division

Contact Person Mike Bates

Date August 14, 2009

Contact Phone (501) 682-0750

Contact Email bates@adeq.state.ar.us

Title or Subject: Arkansas Pollution Control and Ecology Commission Regulation Number 18

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 changes to Reg. 18.605 of Regulation 18 clarify what is required for open burning. It is not the intention of ADEQ to issue a permit for open burning that would have to follow the administrative procedure required under Regulation Number 8 of the Arkansas Pollution Control and Ecology Commission. The phrase "letters of authorization" more accurately describes the document issued by ADEQ for open burning and does not infer that the permitting process described in Regulation Number 8 must be followed. Making this change will help clarify for the citizens of Arkansas what is needed to obtain permission for open burning and is consistent with the procedures regarding open burning currently addressed at Reg. 18.603(I).

2. What are the top three benefits of the proposed rule or regulation?

The top three benefits of the proposed regulation amendments to Reg. 18.605 of Regulation 18 are as follows:

1) The amendment clarifies that a permit issued through the administrative permitting procedure described in Regulation Number 8 of the Arkansas Pollution Control and Ecology Commission is not required to obtain permission for open burning.

2) Publication of this clarification in Reg. 18.605 of Regulation 18 will inform the businesses and citizens of Arkansas that a permit is not necessary to obtain permission for open burning.

3) Informed businesses and citizens will not be deterred from requesting permission for open burning under this section of Regulation Number 18 knowing that they need not request a permit under the administrative permitting process described in Regulation Number 8.

3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo?

Taking no action could result in businesses and citizens of Arkansas not taking advantage of open burning allowed under this section due to the belief that a permit issued under Regulation Number 8 of the Arkansas Pollution Control and Ecology Commission is required.

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.

There are no market-based alternatives or voluntary standards that can be considered for the proposed amendments for Regulation Number 18.

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.

The proposed amendments to Regulations Number 18 will not create any costs to the state government.

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.

The proposed amendments will not create any new compliance requirements for small businesses.

7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary.

The proposed amendments will 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.

The proposed amendments will not create any new compliance requirements for small businesses.

9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not, necessary.

The proposed amendments will not contain 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.

The proposed amendments do not create any new compliance requirements for small businesses. As such, there are no changes that small businesses will need to implement.

11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government?

There are states that have similar rules or regulations regarding open burning using a process by which an individual, business, or municipality requests permission from a state or local agency to conduct an open burning.

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 has not received any input from small businesses or small business advocates at this time.