

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**     Arkansas Department of Environmental Quality (“ADEQ”)  
**DIVISION**        Air Division  
**PERSON COMPLETING THIS STATEMENT**   Elizabeth Sartain  
**TELEPHONE NO.**   501-682-0719   **FAX NO.**   501-682-0753   **EMAIL:**   sartain@adeq.state.ar.us

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**     Regulation No. 21

- 1. Does this proposed, amended, or repealed rule have a financial impact?     Yes      No
- 2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?     Yes      No
- 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?     Yes      No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;  
Not applicable
- (b) The reason for adoption of the more costly rule;  
Not applicable
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
Not applicable
- (d) Whether the reason is within the scope of the agency’s statutory authority; and if so, please explain.  
Not applicable

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue	<u>Not applicable</u>
Federal Funds	<u>Not applicable</u>
Cash Funds	<u>Not applicable</u>
Special Revenue	<u>Not applicable</u>
Other (Identify)	<u>Not applicable</u>

**Next Fiscal Year**

General Revenue	<u>Not applicable</u>
Federal Funds	<u>Not applicable</u>
Cash Funds	<u>Not applicable</u>
Special Revenue	<u>Not applicable</u>
Other (Identify)	<u>Not applicable</u>

Total \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue	<u>Not applicable</u>
Federal Funds	<u>Not applicable</u>
Cash Funds	<u>Not applicable</u>
Special Revenue	<u>Not applicable</u>
Other (Identify)	<u>Not applicable</u>
 Total	 _____

General Revenue	<u>Not applicable</u>
Federal Funds	<u>Not applicable</u>
Cash Funds	<u>Not applicable</u>
Special Revenue	<u>Not applicable</u>
Other (Identify)	<u>Not applicable</u>
 Total	 _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ Not applicable

Not applicable

Parties subject to this proposed rule will be those involved in the demolition, removal, transport, and/or disposal of asbestos-containing materials. The overall effect of proposed fee changes will be neutral.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ Not applicable

Unknown/  
\$ minimal

ADEQ's estimated cost to implement this rule is anticipated to remain the same as the proposed changes do not affect implementation costs for the agency.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes  No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.