

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Environmental Quality (“ADEQ”)
DIVISION Air Division
PERSON COMPLETING THIS STATEMENT Elizabeth Sartain
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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. 26

- 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 Does this proposed, amended, or repealed rule have a financial impact?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;
N/A
- (b) The reason for adoption of the more costly rule;
N/A
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A
- (d) Whether the reason is within the scope of the agency’s statutory authority; and if so, please explain.
N/A

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 Not applicable
Federal Funds Not applicable
Cash Funds Not applicable
Special Revenue Not applicable
Other (Identify) Not applicable

Next Fiscal Year

General Revenue Not applicable
Federal Funds Not applicable
Cash Funds Not applicable
Special Revenue Not applicable
Other (Identify) Not applicable

Total N/A

Total N/A

(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	<u>Not applicable</u>

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	<u>Not applicable</u>

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

Applicable
\$ Permit Fees

Applicable
Permit Fees
\$ (unchanged)

Parties subject to this proposed rule will be those facilities with emissions of criteria pollutants and precursor pollutants such as PM2.5, that are subject to state and federal regulation and are permitted for those pollutant emissions. It is reasonable to anticipate some increase in costs associated with compliance and permitting with revised National Ambient Air Quality Standards and PM2.5 /PSD implementation, however, these costs are associated with the permitting of these entities when a modification or permit renewal requires Department review of the facility's emissions. Because each facility's emission rates, potential to emit, existing permit conditions, current pollution control devices, number of and type of permitted units, etc., are unique to each source, providing an exact estimate for the cost to affected sources is unrealistic given the Department's limited resources, and is unduly burdensome for the Department. ADEQ does not expect for new facilities who are not currently permitted to trigger requirements for new permitting due to this rule.

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

\$ N/A

\$ Unchanged

ADEQ's estimated cost to implement this rule is unknown at this time, but is anticipated to remain the same, as the requirements of the regulation will be integrated into existing permits for affected facilities when they either request permit review due to a modification or when the facility's permit comes due for renewal.

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.