

**Exhibit F:**

**Copy of the**

**Economic Impact/**

**Environmental Benefit Analysis**

**ECONOMIC IMPACT STATEMENT  
OF PROPOSED RULES  
EO 05-04: Regulatory Flexibility**

Department Arkansas Department of Energy and Environment

Divisions Division of Environmental Quality

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Date: January 9, 2020

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Title or Subject: Arkansas Pollution Control and Ecology Commission Rule No. 27

**Benefits of the Proposed Rule**

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.

DEQ proposes to initiate this rulemaking so that the Arkansas Pollution Control and Ecology Commission can promulgate the necessary rules for DEQ to administer and implement the Environmental Compliance Resource Program, to repeal provisions associated with illegal dumps control officers, to create the licensing requirements of environmental officers, to incorporate statutory changes from Act 1067 of 2019 passed by the Arkansas General Assembly, to promulgate necessary forms to be used by environmental officers, and to change all references of "Regulation" to "Rule" in conformity with Arkansas law.

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

A. The new proposed rule allows persons other than employees of solid waste management districts to become licensed officers who can investigate complaints and issue citations regarding illegal dumping of solid waste and maintenance of waste tire sites.

B. The new proposed rule requires continuing legal education requirements and provides citation forms to educate licensed environmental officers.

C. The new proposed rule promotes more participation by local licensed officers in local solid waste complaints. More licensed officers serve the public by helping to facilitate expeditious inspections and citations for illegal dumping of solid waste and maintenance of waste tire sites.

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

If no action is taken, then DEQ will lack requisite authority to license Environmental Officers and would fail to enact rules in conformity with Act 1067 of 2019 passed by the Arkansas General Assembly.

4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed rule and state the reason(s) for not selecting those alternatives.

DEQ considered continuing with the previous program establishing illegal dumps control officers, removing all authority for local officers to enforce environmental violations, and allowing local officer certification to be controlled by local municipalities and districts. These alternatives lacked historical efficiency and direct ongoing supervision by DEQ.

## Impact of Proposed Rule

5. Estimate the cost to state government of *collecting information, completing paperwork, filing recordkeeping, auditing and inspecting* associated with this new rule.

Zero cost.

6. What types of small businesses will be required to comply with the proposed rule? Please estimate the number of small businesses affected.

As previously regulated by DEQ, all small businesses will still be required to refrain from unpermitted illegal dumping of solid waste and any maintenance of a waste tire site.

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

No barriers to entry.

8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance.

No additional requirements or costs.

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

There are no different requirements for different sized entities. All responsible parties are subject to regulation regarding illegal dumping of solid waste and maintenance of waste tire sites.

10. Describe your understanding of the ability of small business owners to implement changes required by the proposed rule.

Small business owners should have negligible changes to implement. Small business owners are already subject to regulation for proper storage and disposal of solid waste.

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

This Rule conforms with Federal and State regulations concerning Solid Waste storage and disposal. Other states allow broad authority for environmental officers who enforce violations of solid waste and waste tire laws, while Arkansas prevents environmental officers from carrying firearms, prevents arrest authority for these officers, and provides strict jurisdictional territories for the environmental officer's investigatory authority.

12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule.

DEQ is not aware of any input received from small business or small business advocates about the proposed rule.