

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

Department Arkansas Department of Environmental Quality Division Water

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Title or Subject: Arkansas Pollution Control and Ecology Commission Regulation Number 6, Regulation for the State Administration of the National Pollution Discharge Elimination System

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.

ADEQ engaged in a review of the regulation and proposed changes to Regulation Number 6 which include the following:

- a. In section 6.104, page 1-2, “the latest” is added to the title;
- b. In section 6.104(A), page 1-2, “of the most current version of the Code of Federal Regulations” is added and later “adopted verbatim by ADEQ” is added to clarify that ADEQ follows the most current version of Title 40 of the Code of Federal Regulations;
- c. In section 6.104(A)(5), page 1-2, “124.19” is added to clarify that ADEQ is adopting 40 C.F.R. 124.19 concerning appeals of RCRA, UIC, NPDES, and PSD Permits;
- d. In section 6.104(A)(11), page 1-2, “s: 401.17 and” is added to clarify that ADEQ is excepting 40 C.F.R. 401.17 concerning pH effluent limitations under continuous monitoring;
- e. In section 6.202(A), page 2-1, “and a copy of an approval letter from the Arkansas Department of Health and Human Services (“ADHHS”)” is added to clarify that ADEQ requires wastewater permit applicants to include an approval letter from the Arkansas Department of Health and Human Services concerning the design of the permit applicant’s wastewater treatment facility before ADEQ commences the review of the applicant’s completed permit application;
- f. In section 6.202(B), Appendix-Ground Disposal of Wastewaters, page 2-2, “and Human Services” is added to clarify that the Arkansas Department of Health is now the Arkansas Department of Health and Human Services;
- g. In section 6.202(D), page 2-3, “Prior to obtaining a construction permit from ADEQ, an approval letter from ADHHS is required” is added to clarify that ADEQ requires that prior to obtaining a construction permit from ADEQ, an approval letter from ADHHS is required;
- h. In section 6.301(E), page 3-2, “and Human Services” is added to clarify that the Arkansas Department of Health is now the Arkansas Department of Health and Human Services;
- i. In section 6.301(E)(1), page 3-2, “and Human Services” is added to clarify that the Arkansas Department of Health is now the Arkansas Department of Health and Human Services;
- j. In section 6.301(E), bottom of page 3-2, language is struck because this issue is addressed elsewhere in Regulation Number 6;
- k. In section 6.401(H), page 4-2, “Discharge of Treated Wastewater to the Ouachita River (1) No permit for discharge of treated wastewater into the Ouachita River by means of a joint pipeline from the City of El Dorado shall authorize more than 1.0 mg/l Total Phosphorus for the months of November through June and 0.7 mg/l Total Phosphorus for the months of July through October based on a monthly average” is added to clarify the discharge limitation of Total Phosphorus into the Ouachita River; and
- l. In section 6.501(B), page 5-1, “Arkansas Soil & Water Conservation Commission” becomes the “Arkansas Natural Resources Commission” to clarify that the Arkansas Soil & Water

Conservation Commission has changed its name to the Arkansas Natural Resources Commission.

2. What are the top three benefits of the proposed rule or regulation?
 - a. Clarifies that ADEQ follows the most current version of Title 40 of the Code of Federal Regulations;
 - b. Clarifies that ADEQ requires wastewater permit applicants to first submit their wastewater treatment design to the ADHHS before submitting a permit application to ADEQ;
 - c. Clarifies that the numeric limit for Total Phosphorus discharges into the Ouachita River by means of a joint pipeline from the City of El Dorado shall be limited to 1.0 mg/l or 0.7 mg/l.

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

The regulation would be less clear to the public. The public should be aware that a wastewater treatment design plan needs to be submitted to ADHHS for approval before the permit applicant submits a completed permit application to ADEQ. The City of El Dorado and the other participants in the joint pipeline project should be made aware of the numeric limit of 1.0 mg/l or 0.7 mg/l for Total Phosphorus discharges into the Ouachita River.

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.

None

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 additional costs to state government associated with these revisions would be very small. These revisions are intended to clarify to the public the current practices at ADEQ.

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 addition of language specifying that ADEQ follows the most recent version of Title 40 of the Code of Federal Regulations will have no impact on small businesses as this simply clarifies existing practices and guidelines at ADEQ. The adoption of 40 C.F.R. 124.19 clarifies to the public that the appropriate time to appeal an ADEQ general permit is during the public comment period following renewal of this general permit. The exception of 40 C.F.R. 401.17 clarifies to the public ADEQ's existing practice concerning pH effluent limitations under continuous monitoring. The requirement that wastewater permit applicants submit their design first to ADHHS and obtain an approval letter before applying for a wastewater discharge permit at ADEQ simply reflects the current practice at ADEQ. The modification of the title of the Arkansas Department of Health to the Arkansas Department of Health and Human Services simply reflects that the name of this agency has changed. The establishment of a numeric limits of 1.0 mg/l or 0.7 mg/l Total Phosphorus for discharges to the Ouachita River by means of a joint pipeline from the City of El Dorado will only impact the City of El Dorado and the participants of the joint pipeline project. The modification of the title of the Arkansas Soil & Water Conservation Commission to the Arkansas Natural Resources Commission simply reflects that the name of this agency has changed.

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 for small business owners will be required by these revisions to this regulation.
9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not, necessary.
This regulation does 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.
Small business owners should be able to implement changes as easily as other size entities.
11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government?
These changes compare to regulations in other states concerning the National Pollution Discharge Elimination Program.

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

No comments are available at the time.