

Summary of Proposed Changes to Regulation No. 15, the Arkansas Open-Cut Land Reclamation Regulation

The primary purpose for the proposed changes to Regulation No. 15 is to incorporate changes to the Arkansas Water and Air Pollution Control Act (A.C.A. §§ 8-4-101 *et seq.*) by Act 1021 of 2013. Specifically the changes to § 8-4-230 approved in Act 1021 are what has to be changed in Regulation No. 15 (Reg.15.310). We are proposing to just reference A.C.A. § 8-4-230 rather than to repeat the language verbatim as had been done in a past version of the regulation.

We are proposing to add a definition of "soil" to Chapter Two. A reference to permit transfers found in Reg.15.303(E) had not been removed in the previous version of the regulation and we are proposing to remove two words "Transfers and". A new chapter titled "Severability and Effective Date" has been added to the end of the regulation.

Additional formatting changes have been made to conform to the standard template for APC&EC regulations.

**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 Mining Division

Contact Person James F. Stephens Date August 9, 2013

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Title or Subject: Arkansas Pollution Control and Ecology Commission Regulation No. 15: Arkansas Open-Cut Mining and Reclamation Regulation.

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 proposed changes incorporate changes in state law based on Act 1021 of 2013. No complaints were involved.
2. What are the top three benefits of the proposed rule or regulation? The benefit of the proposed changes allows for shorter time frames for industry to receive temporary variances or interim authority to operate before issuance of a permit.
3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo? The regulation would no longer be in sync with the state law and cause confusion.
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. N/A

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. No additional costs will occur to state government with this proposed regulation.
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. This regulation is for open-cut mining operations. Ninety-four percent (94%) of the open-cut mining permits are considered to be small businesses.
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 on small business owners.
9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not, necessary. No 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. Proposed changes do not add any additional requirements to small business owners.
11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government? There are not any federal regulations concerning open-cut mining operations. Other states have similar regulations to this regulation.
12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation. N/A