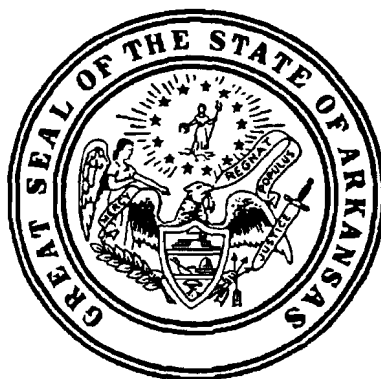


ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 3

LICENSING OF WASTEWATER TREATMENT PLANT OPERATORS

Approved by the Arkansas Pollution Control and Ecology
Commission on June 23, 2006

06 JUL 12 PM 3:40
BY CHARLIE COX
SECRETARY OF STATE
STATE OF ARKANSAS

FILED
AR REQUESTED TO

State of Arkansas
Arkansas Pollution Control and Ecology Commission
Regulation No. 3
Licensing of Wastewater Treatment Plant Operators

TABLE OF CONTENTS

CHAPTER ONE: GENERAL PROVISIONS	1-1
Reg.3.101 Authority	1-1
Reg.3.102 Scope of Rules	1-1
Reg.3.103 Definitions.....	1-1
CHAPTER TWO: LICENSING COMMITTEE.....	2-1
Reg.3.201 Licensing Committee Composition	2-1
Reg.3.202 Licensing Committee Powers and Duties	2-1
CHAPTER THREE: REQUIREMENTS FOR LICENSURE	3-1
Reg.3.301 Requirements for and Classification of Licensed Municipal Wastewater Operators	3-1
Reg.3.302 Requirements for and Classification of Technical Operators	3-2
Reg.3.303 Requirements for and Classification of Special Operators	3-3
Reg.3.304 Requirements for Industrial Wastewater Operators.....	3-3
Reg.3.305 License Class Requirements	3-3
Reg.3.306 Multiple License	3-3
CHAPTER FOUR: TRAINING	4-1
Reg.3.401 Training Certification.....	4-1
Reg.3.402 Responsibility of Operators and Trainers	4-1
Reg.3.403 Training Requirements.....	4-1
CHAPTER FIVE: TREATMENT PLANT CLASSIFICATION	5-1
Reg.3.501 Licensure Requirements for Treatment Plants.....	5-1
Reg.3.502 Classification of Municipal Wastewater Treatment Plants.....	5-1
Reg.3.503 Classification of Industrial Wastewater Treatment Plants.....	5-3
CHAPTER SIX: ADMINISTRATION.....	6-1
Reg.3.601 Administration	6-1
CHAPTER SEVEN: EFFECTIVE DATE	7-1
Reg.3.701 Effective Date	7-1

State of Arkansas
Arkansas Pollution Control and Ecology Commission
Regulation No. 3
Licensing of Wastewater Treatment Plant Operators

CHAPTER ONE: GENERAL PROVISIONS

Reg.3.101 Authority

Arkansas Code Annotated (A.C.A.) §8-5-205 authorizes the Pollution Control and Ecology Commission to adopt implementing regulations necessary to effectuate the powers and duties of the Wastewater Licensing Committee.

Reg.3.102 Scope of Rules

The purpose of this Regulation is to establish requirements for the training, classification, qualifications, and licensing of operators of wastewater treatment plants and for other purposes.

Reg.3.103 Definitions

All terms included in this section shall have the same meaning as established by A.C.A. §5-201 unless more specifically defined herein.

Approved Training - Training reviewed and approved by the Committee that meets the requirements for wastewater training under this Regulation.

Commission - The Arkansas Pollution Control and Ecology Commission.

Committee, Licensing - The committee, appointed by the Arkansas Pollution Control and Ecology Commission, was created and established to advise and assist the Arkansas Pollution Control and Ecology Commission and the Department in the administration of the wastewater operators licensing program.

Department - The Arkansas Department of Environmental Quality, or its successor.

Domestic Wastewater - means the spent wastewater originating from all aspects of human sanitary water usage.

Executive Secretary - The Arkansas Department of Environmental Quality employee appointed by the ADEQ Director to administer the wastewater licensing program on behalf of the Committee and the Department.

Industrial Wastewater Treatment Facility - means a privately owned wastewater treatment plant for treating liquid wastes resulting from any process of industry, manufacture, trade or

business or the development of any natural resources. A facility shall be classified as “industrial” if no significant part of the wastewater is classified as municipal or domestic wastewater.

Municipal Wastewater Treatment Facility - means a treatment facility that generally includes the treatment of domestic, commercial, and industrial wastes.

Operator - Any person who is in responsible charge of the operation of a wastewater treatment plant, in whole or in part, and who, during the performance of their regular duties, exercises individual judgment which directly or indirectly may affect the proper operation of such plant. “Operator” shall not be deemed to include an official solely exercising general administrative supervision.

Wastewater Treatment Plant - means any plant, disposal field, lagoon, pumping station or other works:

- (A) That use chemical or biological processes for:
 - (1) Treating, stabilizing, or disposing of sewage, industrial wastewaters or other wastewaters; or
 - (2) The reduction and handling of sludge removed from such wastewater, and
- (B) From which:
 - (1) A discharge to the waters of the state occurs, or
 - (2) Municipal wastewater is land-applied.

CHAPTER TWO: LICENSING COMMITTEE

Reg.3.201 Licensing Committee Composition

The Wastewater Licensing Committee is created and established to advise and assist the Arkansas Pollution Control and Ecology Commission and the Arkansas Department of Environmental Quality (ADEQ) in the administration of the licensing program. The committee shall be composed of eight (8) members:

- (A) Five (5) members, to be appointed by the commission, of which three (3) members shall be active wastewater treatment plant operators licensed by the department and two (2) members shall be employed by a private corporation or industry located in Arkansas and nominated at large by corporations or industries for service on the committee;
- (B) One (1) member, to be appointed by the commission, shall be an employee of a municipality operating a wastewater treatment plant who holds the position of chief administrative officer, city engineer, director of public utilities, or other equivalent position;
- (C) One (1) member, to be appointed by the commission, shall be a faculty member of an accredited college, university, or professional school in the state whose major field is related to water resources or sanitary engineering; and
- (D) One (1) member shall be the Director of the Department of Environmental Quality, or a qualified member of the Director's staff, who shall act as executive secretary of the licensing committee.

Reg.3.202 Licensing Committee Powers and Duties

- (A) The Licensing Committee shall have the power and duty to:
 - (1) Establish such administrative policies and guidelines as necessary to carry out the powers and duties of the Committee.
 - (2) Conduct such inquiries and establish findings necessary to advise the Commission and the Department on irregularities encountered in the management of the licensing program.
 - (3) Conduct such inquiries and establish such facts as necessary to advise the Commission and the Department on the actions of licensees.
 - (4) Recommend such administrative sanctions as necessary to promote the professional integrity of wastewater licensees.

- (5) Adopt such criteria as the Committee may deem necessary to define the areas of competence for each classification of operators and to establish criteria, make determinations, and recognize substitutions of equivalency, education, or experience as it deems appropriate.
- (6) Review and approve training programs to satisfy the requirements of this Regulation.

(B) Executive Secretary Powers and Duties

The Executive Secretary works on behalf of the Committee and the Department and shall:

- (1) Administer licensing examinations;
- (2) Collect fees;
- (3) Process licenses and renewals;
- (4) Review training requests and make recommendations; and
- (5) Complete other duties as required to carry out the responsibilities of the Committee and the Department.

CHAPTER THREE: REQUIREMENTS FOR LICENSURE

Every owner of a wastewater treatment plant is required to employ a licensed operator with a license classification at least equivalent to the treatment plant's classification as determined in accordance with Chapter 5 below. Anyone whose regular job duties may directly affect the process operation of the wastewater treatment plant must obtain a license under this Regulation.

The training and qualifications required for each class of license is set forth below:

Reg.3.301 Requirements for and Classification of Licensed Municipal Wastewater Operators

(A) Apprentice License

- (1) Issued for a maximum of six (6) months; and
- (2) Issued only once; and
- (3) The receiving operator must have never been previously licensed under this Regulation.

(B) Class I License

- (1) High school graduate, GED or equivalent; and
- (2) Satisfactory completion of forty (40) hours of approved training or equivalent or substitute training as determined or defined by the Wastewater Licensing Committee and
- (3) Satisfactory completion of a Class I examination.

(C) Class II License

- (1) Hold a Class I or equivalent license; and
- (2) Satisfactory completion of a total of eighty (80) hours of approved training or equivalent or substitute training as determined or defined by the Wastewater Licensing Committee; and
- (3) Two (2) years of experience in wastewater treatment or related field; and
- (4) Satisfactory completion of a Class II examination; and
- (5) Have satisfactorily carried out the responsibilities of a Class I operator.

(D) Class III License

- (1) Hold a Class II or equivalent license; and

- (2) Satisfactory completion of a total of one hundred twenty (120) hours of approved training or equivalent or substitute training as determined or defined by the Wastewater Licensing Committee; and
- (3) Completion of a total of three (3) years of experience in wastewater treatment or related field; provided, that at least one (1) year shall have been in wastewater treatment plant operation; and
- (4) Satisfactory completion of a Class III examination; and
- (5) Have satisfactorily carried out the responsibilities of a Class II operator.

(E) Class IV License

- (1) Hold a Class III license or equivalent for at least three(3) years; and
- (2) Satisfactory completion of a total of two hundred (200) hours of approved training; and
- (3) Completion of six (6) years of experience in wastewater treatment; provided, that at least two (2) years shall have been in direct charge of a wastewater treatment plant or one of its major components; and
- (4) Satisfactory completion of a Class IV examination; and
- (5) Have satisfactorily carried out the responsibilities of a Class III operator.

Reg.3.302 Requirements for and Classification of Technical Operators

(A) Class I or II Technical (T) License

- (1) Satisfactory completion of requirements Reg.3.301(B) (1), (2) and (3) or Reg.3.301(C) (1), (2) and (4) of this section chapter, respectively; and
- (2) Be currently employed in a related supporting occupation, e.g. employment by the Arkansas Department of Environmental Quality, or the Arkansas Department of Health.

(B) Class III or IV Technical (T) License

- (1) Satisfactory completion of requirements Reg.3.301(D) (1), (2) and (4) or Reg.3.301(E) (1), (2) and (4) of this section chapter, respectively; and
- (2) Be currently employed in a related supporting occupation.

(C) Persons licensed under this section shall not be licensed as operators of wastewater treatment plants or any portion thereof.

Reg.3.303 Requirements for and Classification of Special Operators

- (A) A licensed Professional Engineer is entitled to examination for any class license through Class III. Other educational and/or work experience may qualify an operator for similar consideration by the Committee.

Reg.3.304 Requirements for Industrial Wastewater Operators

(A) Apprentice License

- (1) Issued for a maximum of six (6) months; and
- (2) Issued only once; and
- (3) The receiving operator must have never been previously licensed under this Regulation.

(B) Industrial License

- (1) High school graduate, GED, or equivalent; and
- (2) Satisfactory completion of a total of twelve (12) hours of approved training or equivalent or substitute training as determined or defined by the Wastewater Licensing Committee; and
- (3) Satisfactory completion of an Industrial Wastewater Operator examination.

Reg.3.305 License Class Requirements

Any operator wishing to obtain any wastewater operator license must fulfill the license class requirements. Any industrial operator that changes employment to a municipal, or any municipal operator that changes employment to an industry, must fulfill the license class requirements to obtain that license.

Reg.3.306 Multiple License

(A) **Fulfill Class Requirements**

Any operator that wishes to hold multiple licenses (a municipal license and an industrial license), must fulfill all of the requirements of both classes.

(B) **Multi-License Renewals**

Those operators that hold multiple licenses may use the same renewal hours for more than one license.

(C) **Multi-License Fees**

Those operators that hold multiple licenses must pay renewal fees for each license held to keep those licenses current.

CHAPTER FOUR: TRAINING

Reg.3.401 Training Certification

All training to meet the requirements of this Regulation must be approved by the Committee as outlined in this Regulation. Training approved and certified by the Committee to meet the requirements of this Regulation shall be directly related to wastewater treatment, unless otherwise identified in this Regulation. Trainers shall submit requests for training approval and certification to the Committee via the Executive Secretary.

Reg.3.402 Responsibility of Operators and Trainers

It shall be the responsibility of each operator to verify that the training meets the requirements of this Regulation. It is the operators'/trainers' responsibility to notify the Committee's Executive Secretary that training was satisfactorily completed.

Reg.3.403 Training Requirements

(A) License Renewal

- (1) Twelve (12) hours, or 1.2 Continuing Education Units (C.E.U.), of approved wastewater training must be obtained annually. Hours in excess of twelve may be carried forward for one year.
- (2) Training obtained to meet these requirements may also count toward the additional training needed for higher license classifications.

(B) Higher Education Substitution

Higher Education courses may be applied to meet the wastewater training requirements in the following manner:

- (1) General Education classes:
 - (a) Undergraduate: 1.5 semester hours = 1.0 wastewater training hour
 - (b) Graduate: 1.0 semester hour = 1.0 wastewater training hour
- (2) Directly applicable classes; e.g., Biology, Chemistry, etc.:
 - (a) Applicability will be determined by the Committee
 - (b) Undergraduate: 1.0 semester hour = 4.0 wastewater training hours
 - (c) Graduate: 1.0 semester hour = 6.0 wastewater training hours
- (3) Correspondence courses taught from the California State University-Sacramento (CSU-S) wastewater training curriculum will be allowed credit

of four (4.0) training hours per chapter of wastewater training received for each completed volume.

- (4) Course grades must be a “C” (Average) grade or higher to substitute for wastewater training.
- (5) Proof of course credit must be submitted on an official transcript, or a copy of an official transcript, from a school accredited by the North Central Association of Colleges and Schools or equivalent accreditation recognized by the Arkansas Department of Higher Education.
- (6) Other courses or equivalent correspondence will be considered on a case-by-case basis as determined by the Committee.

CHAPTER FIVE: TREATMENT PLANT CLASSIFICATION

Reg.3.501 Licensure Requirements for Treatment Plants

Any person who operates a wastewater treatment plant, in whole or in part, and who, during the performance of their regular duties, exercises individual judgment which directly or indirectly may affect the proper operation of such plant shall be licensed under this Regulation.

All wastewater treatment plants shall have available a licensed operator to make operational decisions for the plant. This operator must be licensed at an equal or greater classification than the plant's classification established by this chapter.

Reg.3.502 Classification of Municipal Wastewater Treatment Plants

Plants that treat domestic sewage for public health will be classified under this section.

- (A) Each facility shall sum the total of rating points for each classification factor below, and based on the sum of all applicable rating points, the wastewater treatment facility shall be classified as:

- (1) Class I - Individual, single-dwelling houses that treat domestic sewage only.
- (2) Class I - 01 - 25 rating points.
- (3) Class II - 26 - 49 rating points.
- (4) Class III - 50 - 74 rating points.
- (5) Class IV - 75 or greater rating points.

(B) **Classification Factor Rating Points**

Equivalent population served (1 point per each 2000 population)

Equivalent Population shall be calculated as:

Flow in MGD X Influent Biochemical Oxygen Demand (BOD) X 8.34
divided by 0.17. (The maximum rating for this factor shall be 40.)

Collection systems:

Lift station, one or more5
Vacuum collection system.....10

Preliminary Treatment:

Screens / Bars2
Grit removal.....5

Clarification:

Primary settling and sludge removal4
Secondary settling and sludge removal6

Lagoon/Pond/Natural Systems:	
Stabilization/Holding pond(s).....	10
Aerated lagoon(s)/Natural systems.....	12
Fixed Film Systems:	12
Suspended Growth Systems:	
Activated sludge:	
Mechanical aeration / Diffused air	20
Pure oxygen	25
Neutralization	5
Tertiary Treatment:	
Chemical treatment.....	20
Filtration	15
Nutrient removal.....	20
Disinfection:	
Chlorine	5
Ozone.....	7
Ultraviolet Light (UVL)	5
De-chlorination.....	5
Sludge Treatment:	
Thickening or dewatering.....	6
Anaerobic digester(s).....	20
Drying bed	4
Chemical conditioning.....	10
Vacuum / coil filter(s) / centrifuge / composting	8
DAF unit(s).....	10
Sludge lagoon(s).....	6
Sludge disposal:	
Landfill w/heavy equipment.....	2
Land application	4
Incineration.....	8
Land application of effluent with no direct discharge.....	6

(C) Classification Change

Should this revision of this regulation change the classification of a plant to a higher classification, the facility will be allowed two (2) years from the effective date of the revised regulation to allow operator(s) to acquire the higher operator classification.

Reg.3.503 Classification of Industrial Wastewater Treatment Plants

A wastewater treatment plant shall be classified as industrial if it is a privately owned wastewater treatment plant for treating liquid wastes, resulting from any process of industry, manufacture, trade or business or the development of any natural resources. A facility shall be classified as "industrial" if no significant part of the wastewater is classified as municipal or domestic wastewater.

CHAPTER SIX: ADMINISTRATION

Reg.3.601 Administration

The wastewater licensing program shall be administered by the Executive Secretary of the Committee.

(A) License Examination:

- (1) Any person desiring to take a license examination for which that person is eligible must file an examination application with the Executive Secretary of the Committee at the Arkansas Department of Environmental Quality (ADEQ).
- (2) An examination fee of \$40.00 must accompany the examination application. All fees must be paid and an application approved prior to examination.
- (3) An application may be denied if the operator has falsified any information required in the exam application.
- (4) There will be a waiting period of three (3) months between examinations, either passed or failed, provided that all other licensing and examination requirements (educational, experience, etc.) are met.
- (5) Examination Score Appeals
 - (a) To appeal an examination score an operator shall notify the Executive Secretary of the Committee of intent to appeal within thirty (30) days after notification of the examination score.
 - (b) The appellant will be notified in writing within fifteen (15) working days of the date and time the examination may be reviewed with the Executive Secretary at the ADEQ licensing office.
 - (c) If, after the review, the operator's appeal is unsatisfied, the appeal may be referred to the Committee at the next scheduled meeting.

(B) License Renewal:

- (1) Renewal period – Licenses are valid for one (1) year (January 1 – December 31), with the renewal period beginning January 1.
- (2) Renewal Requirements – Licenses may be renewed without examination provided that the training requirements, as set forth in Reg.3.403 (A) (1),

are met. An operator with a revoked license will require the approval of the Licensing Committee before any action can be taken.

- (3) An operator whose license(s) is/are in suspension will not be sent a renewal while in suspension. The operator is responsible for requesting a renewal form at the end of the suspension. All training hours, renewal fees, and late fees will apply to the license(s) at that time.
- (4) Fees – An annual license renewal fee of \$20.00 must accompany a renewal request to be submitted to the Executive Secretary. A \$10.00 late fee may be assessed to renewals paid after the due date.
- (C) **Lapsed License** - Any operator in good standing, who allows their license to expire for over one (1) year will be required to take a new examination before license consideration. The class at which the operator shall be re-examined will be at the discretion of the Committee. Any other operators with lapsed licenses due to revocation or suspension will be required to take a new examination, if approved by the License Committee, for license reinstatement.
- (D) **Apprentice License** - An application for licensure must be submitted to the Executive Secretary with a fee of \$10.00 for an apprentice license.
- (E) **License Reciprocity** - Operators who hold a wastewater license in another state may be granted an Arkansas license based on their current credentials. Reciprocity may be considered by the Committee on a case-by-case basis. The following minimum requirements must be met before consideration:
 - (1) The operator must have sufficient training and experience to qualify for the requested class in accordance with this Regulation.
 - (2) The operator must have taken and passed a written examination for the equivalency that was administered by the authority for which reciprocity is requested.
 - (3) The operator must be currently licensed by a certification authority that recognizes the State of Arkansas wastewater licensing program.
 - (4) A written request for reciprocity with an accompanying \$40.00 research fee must be submitted to the Executive Secretary.

Approved reciprocity licenses may be maintained by renewal as per this Regulation.

(F) **Revocation or Suspension of License:**

- (1) The director of the Department of Environmental Quality, upon recommendation from the Licensing Committee, may revoke or suspend the license of an operator should the committee find that the operator:

- (a) committed fraud in the application for a license or in the performance related to duties under a license;
- (b) failed to exercise reasonable care, judgment or application of knowledge in the performance of the duties and responsibilities;
- (c) is incompetent, unable or unwilling to perform the required duties;
- (d) intentionally caused a violation of the licensing requirements or related law;
- (e) falsification of state, local or federal water quality related permits or records; or
- (f) creating a clear potential threat to public health, safety and /or the environment.

The time and conditions of suspension shall be at the discretion of the Director.

- (2) If the Director determines that a license should be revoked or suspended, a Notice of Revocation or Suspension shall be filed with the Commission and served upon the operator. Service shall be notified by certified mail, with restricted delivery, of a Notice of Suspension or Revocation. A copy of same shall also be sent to the owner of the facility which employs the operator unless the facility is owned by the operator. The operator shall have the right to appeal the Notice and request a hearing. Procedures for the filing and conducting of an appeal shall be governed by Pollution Control & Ecology Commission Regulation Number 8.

CHAPTER SEVEN: EFFECTIVE DATE

Reg.3.701 Effective Date

This Regulation shall be effective ten days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Environmental Quality

Department Arkansas Pollution Control and Ecology Commission

Contact Dan Etzkorn E-mail etzkorn@adeq.state.ar.us Phone (501) 682-0888

Statutory Authority for Promulgating Rules A. C. A. § 8-5-205

Rule Title: Regulation No. 3, Regulation for the Licensing of Wastewater Treatment Plant Operators; Docket No. 06-002-R; Minute Order No. 06-30

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 02/02/06

Final Date for Public Comment 04/14/06

Reviewed by Legislative Council 05/04/06

Adopted by State Agency 06/23/06

☒ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☐ Electronic Copy of Rule e-mailed from: _____

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Michael O'Malley
Signature

(501) 682-7890

omalley@adeq.state.ar.us

Phone Number

E-mail Address

Administrative Hearing Officer

Title

07/12/06

Date

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 CHARLIE DANIELS
 SECRETARY OF STATE
 STATE OF ARKANSAS



ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

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BUREAU OF
LEGISLATIVE RESEARCH

July 12, 2006

Ms. Donna Davis
Administrative Rules and Regulations Committee
Room 433, State Capitol Building
Little Rock, Arkansas 72201

RE: Regulation No. 3, Licensing of Wastewater Treatment Plant Operators

Dear Ms. Davis:

I am enclosing the following for filing with your office:

1. Two (2) hard copies of the amendment to Regulation No. 3, Licensing of Wastewater Treatment Plant Operators.
2. Two (2) copies of Commission Minute Order No. 06-30.
3. Two (2) copies of the Financial Impact Statement.

Please provide written confirmation of your receipt of these materials by file-marking the enclosed copy of this letter and returning it to me.

Thank you for your assistance in this matter.

Respectfully,

A handwritten signature in cursive script that reads "Michael O'Malley".

Michael O'Malley
Administrative Hearing Officer

Enclosures

ARKANSAS STATE LIBRARY



Agency Certification Form For Depositing Final Rules and Regulations At the Arkansas State Library

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For Office Use Only		
Effective Date:		Classification Number:
Name of Agency: Arkansas Department of Environmental Quality		
Contact Person: Dan Etzkorn		Telephone: (501) 682-0888
Statutory Authority for Promulgating Rules: A. C. A. § 8-5-205		
Title of Rule: Regulation No. 3, Licensing of Wastewater Treatment Plant Operators; Docket No. 06-002-R; Minute Order No. 06-30		
Rule Status	Effective Date Status	Effective Date
<input type="checkbox"/> New Rule/Regulation	<input type="checkbox"/> Emergency	
<input checked="" type="checkbox"/> Amended Rule/Regulation	<input checked="" type="checkbox"/> 10 Days after filing	July 22, 2006
<input type="checkbox"/> Repealed Rule/Regulation	<input type="checkbox"/> Other	
<input type="checkbox"/> Order	<input type="checkbox"/> Repealed	
<input type="checkbox"/> Emergency Rule/Regulation	Adopted by State Agency	
<input type="checkbox"/> Rule above is proposed and will be replaced by final version		
<input checked="" type="checkbox"/> Financial and/or Fiscal Impact Statement Attached		
<h3>Certification of Authorized Officer</h3> <p>I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.</p> <p>Signature: <u>Michael O'Malley</u> Date: <u>July 12, 2006</u></p> <p>Title: <u>Administrative Hearing Officer</u></p>		

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

LOCATION – SUBJECT
Adoption of Revisions to
Regulation Number 3:
Licensing of Wastewater
Treatment Plant Operators

Docket No. 06-002-R

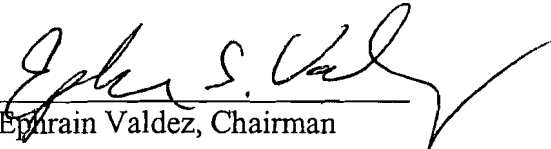
MINUTE ORDER NO. 06 - 30

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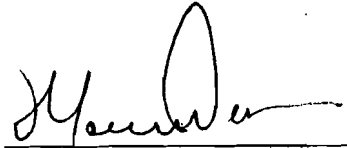
Pursuant to public notice and hearing, and in consideration
of the fact that no public comments were received, the Arkansas Pollution Control
and Ecology Commission hereby adopts changes to Regulation 3,
Licensing of Wastewater Treatment Plant Operators.

PROMULGATED THIS 23rd DAY OF June, 2006, BY ORDER OF THE ARKANSAS
POLLUTION CONTROL AND ECOLOGY COMMISSION.


BY:


Ephraim Valdez, Chairman



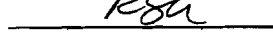
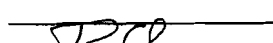
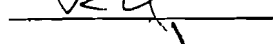
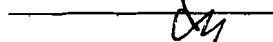
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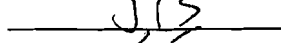

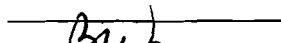

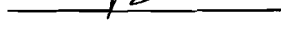

Marcus C. Devine, Director

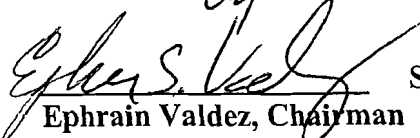
APPROVED:


Mike Huckabee, Governor

COMMISSIONERS

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 L. Bengal
 S. Henderson
 C. McGrew
 R. Quillin
 D. Samples

 T. Schueck
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 L. Sickel
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Ephraim Valdez, Chairman

SUBMITTED BY: Dan Etzkorn PASSED: June 23, 2006