

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Department of Environmental Quality
DIVISION Water Division
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INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule? Licensing of Wastewater Treatment Plant Operators
2. What is the subject of the proposed rule? To issue separate licenses for industrial wastewater treatment plant operators and to revise the points to determine the class of a municipal wastewater treatment plant.
3. Is this rule required to comply with federal statute or regulations? Yes _____ No X _____
If yes, please provide the federal regulation and/or statute citation.
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes _____ No X _____
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?
Yes _____ No _____

5. Is this a new rule? Yes _____ No X _____ If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No XX _____ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.
§ 8-5-205
7. What is the purpose of this proposed rule? Why is it necessary?
- A. To have a separate licensing scheme for industrial wastewater operators. Industrial groups believe that industrial wastewater operators do not need to be classified nor have the same licensing requirements as municipal wastewater operators.
 - B. To simplify the point system to determine the plant classification of municipal wastewater treatment plants. Municipal operators need to be able to determine the classification of their plant without having to consult with an engineer.
8. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following:
Date: week of May 13, 2002
Time: To be determined by the Department's Public Affairs Office
Place: To be determined by the Department's Public Affairs Office
9. When does the public comment period expire for permanent promulgation? (Must provide a date.)
June 3, 2002
10. What is the proposed effective date of this proposed rule? (Must provide a date.)
September 1, 2002
11. Do you expect this rule to be controversial? Yes X No _____ If yes, please explain.
The proposed requirements for industrial wastewater operators are considerably less than for municipal wastewater operators. Many municipal operators believe that the industrial operators should have the same requirements because of the complexity of some industrial wastewater treatment plants. Under the present licensing system industrial and municipal operators are classed the same. The Arkansas Wastewater Licensing Committee (AWLC) is very concerned that during the license conversion, lower classes of operators can convert to a single industrial operator. This would allow a Class I operator to operate a complicated Class IV industrial plant. The AWLC still recommends a four classification system for industrial operators that was proposed last year in a series of workgroup meetings.
12. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
Arkansas Environmental Federation – For the proposed licensing scheme
Arkansas Wastewater License Committee – Against the proposed licensing scheme
Several municipal wastewater treatment plant operators and management – Against the proposed licensing scheme, for the proposed plant classification changes

