BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)	2.1
REGULATION NO. 3, LICENSING OF)	DOCKET NO. 07- <u>0∥</u> -R
WASTEWATER TREATMENT PLANT OPERATORS)	

<u>PETITION TO INITIATE RULEMAKING FOR REGULATION NO. 3, LICENSING OF WASTEWATER TREATMENT PLANT OPERATORS</u>

The Arkansas Department of Environmental Quality (hereinafter "Department" or "ADEQ"), for its Petition to Initiate Rulemaking to Amend Regulation No. 3, states:

- 1. The Arkansas General Assembly passed Act 544 of 2007 which amended the statutes which authorize the licensing of wastewater treatment plant operators. The Department proposes this rulemaking to comply with Act 544. Act 544 creates a two (2) year renewal period for wastewater licenses issued by the Department. The licenses were previously renewed on yearly basis.
- 2. In addition, the Department convened a stakeholder workgroup to review the entire regulation and propose revisions and amendments. Based on this review, the Department proposes the following amendments to Regulation No. 3:
 - a. Reg. 3.103 is amended to add a definition for Direct Training.
 - b. Reg. 3.307 is added to include the new classifications of Basic Industrial Wastewater Operator License and Advanced Industrial Wastewater Operator License and to set forth the procedures by which holders of existing licenses may convert to the new industrial licenses.
 - c. Reg. 3.307 states that on the effective date of these amendments, all previously issued Industrial Wastewater Operator Licenses will no longer be valid.

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d. Reg. 3.403 is amended to reflect training requirements that correspond with the new two-year license renewal period. The total amount of training is unchanged, but is not calculated on a biennial basis. Reg. 3.403 is also amended to state that at least twelve (12) of the required twenty-four (24) training hours must be directly applicable to the field of wastewater treatment processes, collection, pumping, or management. This section is also amended to state that monthly district meetings of the Arkansas Water Works and Water Environment Association will be considered direct or indirect training as appropriate.

Reg. 3.502 is amended to clarify the rating system for the classification of municipal wastewater treatment plants. This section now states that, "Package plants and sequencing batch reactors (SBRs) will be classified on the basis of each individual component (blower, activated sludge, clarification, disinfection, etc.)." Points for "communitor" preliminary treatment, "sludge heating" and "dissolved air floatation" sludge treatment are added. Points for "landfill w/heavy equipment" and "Incineration" sludge disposal are deleted. This section is also amended to state that a classification may be adjusted through a written request to the Director, if circumstances warrant and the intent of the regulation to protect the environment is preserved. Any adjustment must be done through a permit modification.

e. Reg. 3.503 is amended to reclassify industrial wastewater treatment plants in accordance with the reclassification of the industrial operators' license. The new classifications are as follows:

- Basic Industrial Wastewater Treatment Plants will consist of carwashes, sedimentation, oil and grease separation, pH adjustment, aeration ponds, or similar basic wastewater treatment processes.
- ii. Advanced Industrial Wastewater Treatment Plants will consist of activated sludge, treatment of metal finishing wastestreams, sedimentation/clarification with chemicals, dissolved air flotation, or similar advanced wastewater treatment processes.

The section also states that a classification may be adjusted through a written request to the Director, if circumstances warrant and the intent of the regulation to protect the environment is preserved. Any adjustment must be done through a permit modification.

- f. Reg. 3.601(A)(2) is amended to state that a combined examination and licensing fee of \$40 must accompany an examination application. If the examination must be repeated, a \$20 examination fee will be required. The fee must be paid and the application approved no less than thirty (30) days prior to the examination. If an examination is not completed within sixty (60) days of an approved application, the initial fee is not refunded.
- g. Reg. 3.601(A)(4) is amended to state that an examination score of seventy (70%) percent or greater will be considered a passing score and that licenses will be awarded to all persons who obtain a passing score. If an applicant passes an examination, that person is may proceed to the next level of testing without a waiting period. If an applicant does not pass an examination, that person must wait three (3) months before retaking the examination.

- h. Reg. 3.601(D) is amended to reflect that the renewal period for wastewater licenses is changed from one year to two years.
- i. Reg. 3.601(E) is added to describe the procedure the Department will utilize to implement Act 544 of 2007. In order to implement Act 544 and synchronize the renewal of wastewater operator licenses with the Arkansas Drinking Water Operator Licensing program, the following schedule is proposed:
 - i. The next renewal period will be January 1, 2008 through June 30, 2009. The renewal fees for that eighteen (18) month period will be \$30 per license and will require a minimum of 18 hours of approved training.
 - The biennial renewal period will begin on July 1, 2009, with the training requirements as provided in Reg. 3.403.
- 3. Jamie Ewing, attorney for ADEQ, and/or Steve Drown, Chief, ADEQ Water Division, will be available to answer questions concerning this proposed rulemaking. A version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "B", a copy of a financial impact statement for the proposed revision is attached as Exhibit "C", a memo regarding the Department's compliance with Act 143 of 2007 is attached as Exhibit "D", and a copy of the Economic Impact/Environment Benefit Analysis is attached as Exhibit "E," all of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit "F" and is hereby incorporated by reference.

WHEREFORE, the ADEQ requests that the Commission adopt the proposed Minute Order, and initiate the rulemaking on Regulation No. 5.

Respectfully submitted,

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By:

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