

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 3, LICENSING OF)
WASTEWATER TREATMENT PLANT OPERATORS)

DOCKET NO. 07-011-R

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

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 a 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.

2012 OCT 12 PM 3:55

NO. 07-011-R
DOCKET NO. 07-011-R
PAGE 10

- 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:

- i. 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.

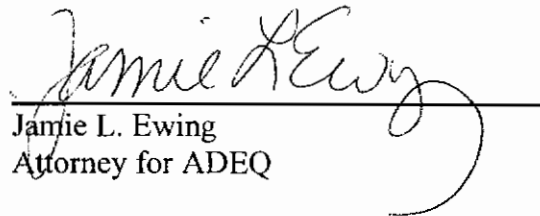
- f. Reg. 3.601(A)(2) is amended to state that a combined examination and licensing fee of \$40 must accompany an examination application. If the examination must be repeated, a \$20 examination fee will be required. The fee must be paid and the application approved no less than thirty (30) days prior 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.

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

Respectfully submitted,

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
5301 Northshore Drive
North Little Rock, AR 72118
(501) 682-0744

By:



Jamie L. Ewing
Attorney for ADEQ