

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

DEPARTMENT/AGENCY: Arkansas Department of Environmental Quality

DIVISIONS: Water Division

DIVISION DIRECTOR: Steve Drown, Division Chief, Water Division

CONTACT PERSON: Mary Leath

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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?
This rule will amend regulations governing the licensure of municipal and industrial wastewater operators.
- 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? It remains in effect until revised.

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No X

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 Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

Water Pollution Control Facilities, Ark. Code Ann. § 8-5-201 *et seq.*

7. What is the purpose of this proposed rule? Why is it necessary?

This proposed revision to Regulation No. 3 is necessary to implement Act 544 of 2007, which changed the renewal period of wastewater operator licenses from one (1) year to two (2) years. The proposed rule will also reclassify the existing Industrial Wastewater Operator License into a Basic license and an Advanced license. This will facilitate the continued licensure of qualified individuals.

8. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following:

Date: The week of December 17, 2007. The exact date will be determined by ADEQ's Public Outreach and Assistance Division.

Time: The exact time will be determined by ADEQ's Public Outreach and Assistance Division.

Place: Commission Room, ADEQ, 5301 Northshore Drive, North Little Rock, Arkansas.

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)
The period for receiving all written comments shall conclude ten (10) business days after the public hearing pursuant to Regulation No. 8, Part 3, Section 3.2.3. The projected date for the close of public comment period will be approximately January 3, 2007.

10. What is the proposed effective date of this proposed rule? (Must provide a date.)
10 days after filing with the Arkansas Secretary of State, the State Library and the Bureau of Legislative Research.

11. Do you expect this rule to be controversial? Yes _____ No X If yes, please explain.

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, Arkansas Rural Water Association, Arkansas Water Works and Water Environment Association, and Arkansas Environmental Academy. Representatives of these groups provided input in the development of the proposed amendments and should be supportive of the changes.

Summary of Proposed Rule

The Arkansas General Assembly passed Act 544 of 2007 which amended the statutes which authorize the licensing of wastewater treatment plant operators. The Arkansas Department of Environmental Quality (“ADEQ” or “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.

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 to create reclassify the single Industrial Wastewater Operator License into two classifications: a Basic Industrial Wastewater Operator License and an Advanced Industrial Wastewater Operator License. The proposed amendments set forth how current holders of municipal and industrial wastewater operator licenses can convert to the either of the new industrial licenses. The proposed amendments clarify the necessary training courses required for license renewal. The Department also proposes to amend portions of the classification system for municipal wastewater treatment plants and to set up a classification for industrial wastewater treatment plants that will correspond to the new classification system for industrial wastewater operator licenses. The proposed revisions will also update and clarify the initial licensing and examination requirements, including eliminating the three month waiting period between passed examinations.