

Exhibit A, Mark-up Draft

Proposed Rulemaking

Title

Promulgated by:
Department of Energy and Environment
Arkansas Pollution Control and Ecology Commission

Title 8. Environmental Law

Chapter I. Arkansas Pollution Control and Ecology Commission, Department of Energy and Environment

Subchapter C. Water Quality

Part 22. Licensing of Wastewater Treatment Operators

Subpart 1. General Provisions

8 CAR § 22-101. Authority.

Arkansas Code § 8-5-205 authorizes the ~~Arkansas~~ Pollution Control and Ecology Commission to adopt implementing rules necessary for the Division of Environmental Quality to effectuate the ~~powers and duties administration and enforcement of Arkansas Code § 8-5-201 et seq. with the advice and assistance~~ of the Wastewater Licensing Committee.

8 CAR § 22-102. Scope of this part.

The purpose of this part is to establish requirements for the training, classification, qualifications, and licensing of operators of wastewater treatment plants and for ~~other purposes~~ the administration and enforcement of those requirements.

8 CAR § 22-103. Definitions.

~~All~~ The following terms ~~included in this section~~ shall have the same meaning when

DRAFT

10/16/2025 04:04:07 PM

used in this part as established by Arkansas Code § 8-5-201 unless more specifically defined herein:

(1) "Approved training" means training reviewed and approved by the Wastewater Licensing Committee that meets the requirements for wastewater training under this part;

(2) "Commission" means the ~~Arkansas~~ Pollution Control and Ecology Commission;

(3) ~~"Committee, licensing" means the committee, appointed by the Arkansas Pollution Control and Ecology Commission created and established to advise and assist the Arkansas Pollution Control and Ecology Commission and the Division of Environmental Quality in the administration of the wastewater operators licensing program~~ "Director" means the director of the Division of Environmental Quality or the director's delegated representative;

(4) "Direct training" means hours in subjects directly applicable to the field of wastewater, including treatment processes, collection, pumping, or management of wastewater treatment plants;

(45) "Division" means the Division of Environmental Quality or its successor;

~~(5) "Direct training" means hours in subjects directly applicable to the field of wastewater;~~

~~_____ (A) Treatment processes;~~

~~_____ (B) Collection;~~

~~_____ (C) Pumping; or~~

~~_____ (D) Management;~~

(6) "Domestic wastewater" means the spent wastewater originating from all aspects of human sanitary water usage;

(7) "Executive secretary" means the Division of Environmental Quality employee appointed by the Director of the Division of Environmental Quality to administer the wastewater licensing program on behalf of the Wastewater Licensing Committee and the Division of Environmental Quality;

(8) "Indirect training" means training in applicable subject matter, such as

personal operator safety, water treatment and distribution, plumbing inspection, or cross-connection control certification courses;

(9)(A) "Industrial wastewater treatment facility" means a privately owned wastewater treatment plant for treating liquid wastes resulting from: any process of industry, manufacture, trade, business, or the development of any natural resources.

~~(i) Any process of:~~

~~_____ (a) Industry;~~

~~_____ (b) Manufacture;~~

~~_____ (c) Trade; or~~

~~_____ (d) Business; or~~

~~_____ (ii) The development of any natural resources.~~

(B) A facility shall be classified as "industrial" if no significant part of the wastewater is classified as municipal or domestic wastewater;

(10) "Licensing committee" means the committee, appointed by the Pollution Control and Ecology Commission, created and established to advise and assist the commission and the division in the administration of the wastewater operators licensing program;

~~(1011)~~ "Municipal wastewater treatment facility" means a treatment facility that generally includes the treatment of domestic, commercial, and industrial wastes;

~~(1112)~~(A) "Operator" means 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-that~~ directly or indirectly may affect the proper operation of such plant.

(B) "Operator" shall not be deemed to include an official solely exercising general administrative supervision; ~~and~~

(13)(A) "Sewage sludge" means any solid, semisolid, or liquid residue that is:

_____ (i) Removed during the treatment of municipal wastewater or domestic sewage, as defined in 40 C.F.R. § 122.2; or

_____ (ii) Generated during the treatment of domestic sewage in a

treatment works.

(B) "Sewage sludge" includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge, as defined in 40 C.F.R. § 503.9(w); and

(~~12~~14) "Wastewater treatment plant" means any plant, disposal field, lagoon, pumping station, or other works:

(A) That use chemical or biological processes for:

(i) Treating, stabilizing, or disposing of:

(a) Sewage;

(b) Industrial wastewaters; or

(c) Other wastewaters; or

(ii) The reduction and handling of sludge removed from such wastewater; and

(B) From which:

(i) A discharge to the waters of the state occurs; or

(ii) Municipal wastewater is land-applied.

Subpart 2. Licensing Committee

8 CAR § 22-201. Licensing committee composition.

(a) The Wastewater Licensing Committee is created and established to advise and assist the ~~Arkansas~~-Pollution Control and Ecology Commission and the Division of Environmental Quality in the administration of the licensing program.

(b) The committee shall be composed of ~~eight (8)~~five (5) members:

(1) ~~Five (5)~~Three (3) members, to be appointed by the commission, of which ~~three (3)~~two (2) members shall be active wastewater treatment plant operators licensed by the division and located in Arkansas, and ~~two (2)~~one (1) ~~members~~ member 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;

DRAFT

(2) 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:

- (A) Chief administrative officer;
- (B) City engineer;
- (C) Director of public utilities; or
- (D) Other equivalent position; and

~~(3) 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 engineer; and~~

(43) One (1) member shall be the Director of the Division of Environmental Quality, or a qualified member of the director's staff, who shall act as executive secretary of the ~~licensing~~ committee.

8 CAR § 22-202. Licensing committee powers and duties.

(a) The Wastewater 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 ~~Arkansas~~ Pollution Control and Ecology Commission and the Division of Environmental Quality 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 division 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; and

(6) Review and approve training programs to satisfy the requirements of this

part.

(b) **Executive secretary powers and duties.** The executive secretary works on behalf of the committee and the division 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 division.

Subpart 3. Requirements for Licensure

8 CAR § 22-301. Employment of licensed operator required.

(a) 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 Subpart 5 of this part.

(b) Anyone whose regular job duties may directly affect the process operation of the wastewater treatment plant must obtain a license under this part.

(c) The training and qualifications required for each class of license is set forth in this subpart.

8 CAR § 22-302. Requirements for and classification of licensed municipal wastewater operators.

(a) Apprentice license:

- (1) Issued for a maximum of ~~six (6)~~nine (9) months;
- (2) Issued only once; and
- (3) The receiving operator must have never been ~~previously~~ licensed under this part.

(b) Class I license:

- (1) ~~Hold a High-high~~ school ~~graduated diploma~~, GED, or equivalent;

(2) ~~Satisfactory completion of~~Satisfactorily complete forty (40) hours of approved training ~~or equivalent or substitute training as determined or defined by the Wastewater Licensing Committee; and,~~ including the Class I course; and

(3) Satisfactory completion of a Class I examination.

(c) Class II license:

(1) Hold a Class I ~~or equivalent~~ license;

(2) ~~Satisfactory completion~~Satisfactorily complete of a total of eighty (80) hours of approved training ~~or equivalent or substitute training as determined or defined by the committee, including the Class I and Class II courses;~~

(3) Obtain a minimum of Two-two (2) years of experience in wastewater treatment or related field;

(4) ~~Satisfactory completion~~Satisfactorily complete of a Class II examination;
and

(5) ~~Have satisfactorily carried~~Satisfactorily carry out the responsibilities of a Class I operator.

(d) Class III license:

(1) Hold a Class II ~~or equivalent~~ license for a minimum of six (6) months;

(2) ~~Satisfactory completion~~Satisfactorily complete of a total of one hundred twenty (120) hours of approved training ~~or equivalent or substitute training as determined or defined by the committee, including the Class I, Class II, and Class III courses;~~

(3) ~~Completion of a total~~Obtain a minimum of three (3) years of experience in wastewater treatment or related field, ~~provided that~~with at least one (1) year ~~shall have been as an operator~~ in wastewater treatment plant ~~operation~~operations;

(4) ~~Satisfactory completion~~Satisfactorily complete of a Class III examination;
and

(5) ~~Have satisfactorily carried~~Satisfactorily carry 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;

- (2) ~~Satisfactory completion of~~Satisfactorily complete a total of two hundred (200) hours of approved training, including the Class I, Class II, and Class III courses;
- (3) ~~Completion-Obtain a minimum~~ of six (6) years of experience in wastewater treatment, ~~provided that with~~ at least ~~two (2)~~three (3) years ~~shall have been~~ in direct charge of a wastewater treatment plant or one (1) of its major components;
- (4) ~~Satisfactory completion of~~Satisfactorily complete a Class IV examination;
- and
- (5) ~~Have satisfactorily carried~~Satisfactorily carry out the responsibilities of a Class III operator.

8 CAR § 22-303. Requirements for and classification of technical operators.

(a) Class I or II technical (T) license:

- (1) ~~Satisfactory completion of~~Satisfactorily complete the requirements in 8 CAR § 22-302(b)(1), (2), and (3) or 8 CAR § 22-302(c)(1), (2), and (4), respectively; and
- (2) Be currently employed in a related supporting occupation, ~~e.g., such as~~ employment by the Division of Environmental Quality or the Department of Health ~~or in a supporting position at a wastewater treatment plant or other facility.~~

(b) Class III or IV technical (T) license:

- (1) ~~Satisfactory completion of~~Satisfactorily complete the requirements in 8 CAR § 22-302(d)(1), (2), and (4) or 8 CAR § 22-302(e)(1), (2), and (4), respectively; and
- (2) Be currently employed in a related supporting occupation such as employment by the division or the Department of Health. ~~or in a supporting position at a wastewater treatment plant or facility.~~

(c) Persons licensed under this section shall not be licensed as operators of wastewater treatment plants or any ~~portion thereof~~of its major components.

(d) Upon termination of employment of persons in a supporting occupation holding a technical license, the technical license shall become inactive.

(e) A technical license cannot be converted to an operator license for the purpose of operating a wastewater treatment plant or any of its major components except by

meeting the requirements of 8 CAR § 22-302.

8 CAR § 22-304. Requirements for and classification of special operators.

(a) A ~~licensed~~ professional engineer ~~is entitled to examination for any class license through Class III~~ licensed in the State of Arkansas may qualify for a Class I, Class II, or Class III operator license by satisfactorily completing the examination required for the respective class license.

(b) Other ~~educational and/or~~ education, work experience, or combination thereof may qualify an operator for similar consideration by the Wastewater Licensing Committee.

(c) A student enrolled in a division-administered or approved program at a high school or college in Arkansas may qualify for a Class I operator license by satisfactorily completing the requirements in 8 CAR § 22-302(b)(2) and (3).

8 CAR § 22-305. Requirements for industrial wastewater operators.

(a) Apprentice license:

- (1) Issued for a maximum of ~~six (6)~~ nine (9) months;
- (2) Issued only once; and
- (3) The receiving operator must have never been ~~previously~~ licensed under this part.

(b) Basic industrial license:

- (1) ~~High~~ Hold a high school ~~graduated diploma~~, GED, or equivalent;
- (2) ~~Satisfactory completion of~~ Satisfactorily complete a ~~total minimum~~ of ~~twelve (12)~~ twenty-four (24) hours of approved training ~~or equivalent or substitute training as determined or defined by the Wastewater Licensing Committee, including the basic industrial wastewater course~~; and
- (3) ~~Satisfactory completion of~~ Satisfactorily complete the basic industrial wastewater operator examination.

(c) Advanced industrial license:

- (1) Hold a basic industrial license for a minimum of six (6) months;

DRAFT

~~(2) Satisfactory completion of twenty four (24)~~Satisfactorily complete a minimum of thirty-six (36) hours of approved training ~~or equivalent or substitute training as determined or defined by the committee, including the basic and advanced industrial courses;~~ and

~~(3) Satisfactory completion~~Satisfactorily complete ~~of~~ the advanced industrial wastewater operator examination.

(d) Basic or advanced industrial technical (T) license:

(1) Satisfactorily complete the requirements in 8 CAR § 22-305(b)(1), (2), and (3) or 8 CAR § 22-305(c)(1), (2), and (3), respectively; and

(2) Be currently employed in a related supporting occupation such as employment by the Division of Environmental Quality or the Department of Health. ~~or in a supporting position at a wastewater treatment plant or other facility.~~

(e) Upon termination of employment of persons in a supporting occupation holding an industrial technical license, the technical license shall become inactive.

(f) A technical license cannot be converted to an operator license for the purpose of operating a wastewater treatment plant or any of its major components except by meeting the requirements of 8 CAR § 22-305.

8 CAR § 22-306. License class requirements.

(a) Any ~~operator wishing~~person seeking to obtain any wastewater operator license must fulfill the ~~license class~~ requirements for the respective license class.

(b) ~~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.~~Classes of municipal wastewater operator licenses are not equivalent to classes of industrial wastewater operator licenses or collection system operator licenses.

(c) Any industrial operator that changes employment to a municipal wastewater treatment plant, or any municipal wastewater treatment operator that changes employment to an industrial wastewater treatment plant, must fulfill the license class requirements to obtain the appropriate license.

8 CAR § 22-307. Multiple licenses.

(a) **Fulfill class requirements.** Any operator that ~~wishes-seeks~~ to hold multiple licenses (a municipal wastewater operator license and an industrial wastewater operator license), must fulfill ~~all-of~~ the requirements ~~of both-classes~~ for each license.

(b) **Multilicense renewals.** ~~Those operators that hold~~ Operators holding multiple licenses may use the same renewal hours for more than one (1) license.

(c) **Multilicense fees.** ~~Those operators that hold~~ Operators holding multiple licenses must pay renewal fees for each license held to keep ~~those licenses~~ each license current.

8 CAR § 22-308. ~~Conversion to the new industrial wastewater operator license.~~ REPEALED.

~~—(a)(1) On the effective date of this part, grandfathering into the new industrial wastewater operator license will be allowed based on the level of the wastewater examination the operator has successfully completed.~~

~~—(2) Current holders of a Class I or II municipal and industrial wastewater operator license will grandfather into the basic industrial wastewater operator license.~~

~~—(3) Current holders of a Class III or IV municipal and industrial wastewater operator license will grandfather into the advanced industrial wastewater operator license.~~

~~—(b) Operators who have successfully completed the industrial wastewater operator examination will grandfather into the advanced industrial wastewater operator license.~~

~~—(c)(1) Current holders of a municipal wastewater operator license that have never held an industrial wastewater operator license may receive a new industrial wastewater operator license, as described in subdivision (a)(2) or subdivision (a)(3) of this section.~~

~~—(2) To receive a new license, a written request must be submitted to the executive secretary of the Wastewater Licensing Committee within one (1) year of the effective date of this part.~~

~~—(d) After one (1) year of the effective date of this part, the requirements of 8 CAR~~

~~§ 22-305(b) must be met in order to obtain a basic industrial wastewater operator license.~~

~~—(e) On the effective date of this part, all previously issued industrial wastewater operator licenses will no longer be valid.~~

8 CAR § 22-309. Operator employment reporting requirements.

(a) Operators shall report all full time, part time, and contract employment at a wastewater treatment plant to the Division of Environmental Quality in the form and manner prescribed by the division.

(b) Operators shall report any change in employment at a wastewater treatment plant to the division within thirty (30) days of the change in employment in the form and manner prescribed by the division.

Subpart 4. Training

8 CAR § 22-401. Training certification.

(a) All training to meet the requirements of this part must be approved by the Wastewater Licensing Committee as outlined in this part.

(b) Training approved ~~and certified~~ by the committee ~~to meet as meeting~~ the requirements of this part shall be directly related to wastewater treatment, unless otherwise ~~identified specified~~ in this part.

(c) ~~Trainers Training providers~~ shall submit requests for training approval ~~and certification~~ to the committee via the executive secretary at least fifteen (15) days prior to the date of the scheduled training or conference.

8 CAR § 22-402. Responsibility of operators and trainers.

(a) It shall be the responsibility of each operator to verify that the training meets the requirements of this part.

(b) It is the ~~operators'/trainers'~~ responsibility of both the operator and training provider to notify the ~~Wastewater Licensing Committee's~~ executive secretary that

training was satisfactorily completed.

8 CAR § 22-403. Training requirements.

(a) License renewal.

(1)(A) A minimum of twenty-four (24) hours, ~~or two and four tenths (2.4) continuing education units (CEUs),~~ of approved wastewater training must be obtained per two-year renewal period.

(B)(i) At least twelve (12) of the approved training hours must be in subjects directly applicable to the field of wastewater: treatment processes, pumping, or management of wastewater treatment plants.

~~_____ (a) Treatment processes;~~

~~_____ (b) Collection;~~

~~_____ (c) Pumping; or~~

~~_____ (d) Management.~~

(ii) ~~The remaining~~Up to twelve (12) hours of approved training may be indirectly applicable subject matter, such as wastewater collection systems, water treatment and distribution, ~~plumbing inspection,~~ or cross-connection control certification courses.

~~_____ (iii) A maximum of two (2) Class I courses shall be considered as approved training hours for purposes of license renewal and additional training needed for higher license classifications.~~

~~_____ (iv) A maximum of three (3) Class II courses shall be considered as approved training hours for purposes of license renewal and additional training needed for higher license classifications.~~

~~_____ (v) For renewal of an industrial wastewater operator license, at least twelve (12) hours must be directly applicable to treatment of industrial wastewater.~~

~~_____ (C)(i) The Arkansas Water Works and Water Environment Association, Inc.'s monthly district meetings and safety training courses will be considered as directly or indirectly applicable training hours upon the executive secretary's approval as set out above.~~

~~—————(ii) In order to avoid disapproval of direct training hours, district chairs and course instructors/providers are encouraged to submit proposed training for approval prior to the meeting or training session.~~

(2) Training for license renewal must be completed within the applicable renewal period.

(23) Training obtained to meet ~~these~~ the license renewal 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.** One and one half (1.5) semester hours equals one (1.0) wastewater training hour; and~~

~~————(B) **Graduate.** One (1.0) semester hour equals one (1.0) wastewater training hour;~~

(21)(A) Directly applicable classes, ~~e.g.,~~ such as biology, chemistry, etc.

(B) Applicability ~~will be~~ is determined by the Wastewater Licensing Committee.

(C) ~~**Undergraduate.** One (1.0) semester hour equals four (4.0) wastewater training hours.~~ Course grades must be a "C" or higher, or a 2.0 or higher on a 4.0 scale, to substitute for wastewater training.

(D) ~~**Graduate.** One (1.0) semester hour equals six (6.0) wastewater training hours;~~ Proof of course credit must be submitted to the committee's executive secretary 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.

~~————(E) **Undergraduate.** One (1.0) semester hour equals two (2) wastewater training hours.~~

~~————(F) **Graduate.** One (1.0) semester hour equals three (3) wastewater training hours;~~

(32) Correspondence courses taught ~~from~~ through the California State

University – Sacramento (CSU-S) wastewater training curriculum will be allowed credit of ~~four (4.0)~~one-half (1/2) training ~~hours-hour~~ per chapter of wastewater training received for each completed volume; and

~~(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 Division of Higher Education; and~~

~~(63)~~ Other courses or equivalent correspondence will be considered on a case-by-case basis as determined by the ~~Wastewater Licensing Committee~~committee.

Subpart 5. Treatment Plant Classification

8 CAR § 22-501. Licensure requirements for treatment plants.

(a) 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-that~~ directly or indirectly may affect the proper operation of such plant shall be licensed under this part.

(b)(1) All wastewater treatment plants shall have ~~available~~ a licensed operator to operate and make operational decisions for the plant.

(2) This operator must be licensed at an equal or greater classification than the plant's classification established by this part.

8 CAR § 22-502. Classification of municipal wastewater treatment plants.

(a)(1) ~~Plants-Wastewater treatment plants~~ that treat domestic sewage for the protection of the environment and human~~public~~ health ~~will-shall~~ be classified under this section.

(2) ~~PackageWastewater treatment~~ plants ~~and-sequencing batch reactors (SBRs)-will be~~are classified on the basis of each individual component (blower, activated

sludge, clarification, disinfection, etc.).

(b) Each facility operator classification is determined by summingshall 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 and discharge to a water of the state;

(2) Class I – 01 – ~~253029~~ rating points;

(3) Class II – ~~30126~~ – ~~497064~~ rating points;

(4) Class III – ~~657150~~ – ~~10074~~ rating points; and

(5) Class IV – ~~75101~~ or greater rating points.

(c) Classification factor rating points.

<u>Classification</u>	<u>Component</u>	<u>Points</u>
<u>Equivalent population served</u>		
<u>Equivalent population shall be calculated as:</u> <u>(Flow in MGD)(Influent Biochemical Oxygen Demand[BOD])(8.34)</u> <u>0.17</u> <u>(The maximum rating for this factor shall be 40.)</u>		<u>1 point</u> <u>per 2000</u> <u>population</u>
<u>Collection Systems</u>	<u>Lift station, one or more</u>	<u>5</u>
	<u>Vacuum collection system</u>	<u>10</u>
	<u>Pump station</u>	<u>10</u>
	<u>Equalization basin</u>	<u>10</u>
<u>Preliminary Treatment</u>	<u>Screens/Bars</u>	<u>2</u>
	<u>Comminutor</u>	<u>3</u>
	<u>Grit removal</u>	<u>5</u>
<u>Clarification</u>	<u>Primary settling and sludge removal</u>	<u>4</u>
	<u>Secondary settling and sludge removal</u>	<u>6</u>
	<u>Dissolved air floatation (DAF)</u>	<u>20</u>
	<u>Sand filters</u>	<u>10</u>
<u>Lagoon/Pond/Natural Systems</u>	<u>Stabilization/Holding pond(s)</u>	<u>10</u>
	<u>Aerated lagoon(s)/Natural systems</u>	<u>15</u>
<u>Fixed Film Systems</u>	<u>Rotating biological contactor (RBC)</u>	<u>15</u>
	<u>Trickling filter</u>	<u>12</u>
	<u>Moving bed biofilm reactor (MBBR)</u>	<u>30</u>
<u>Suspended Growth Systems</u>	<u>Activated sludge:</u>	<u>30</u>
	<u>Mechanical aeration/Diffused air</u>	<u>30</u>
	<u>Sequential batch reactor (SBR)</u>	<u>30</u>
	<u>Membrane bioreactor (MBR)</u>	<u>30</u>

<u>Classification</u>	<u>Component</u>	<u>Points</u>
	<u>Pure oxygen</u>	<u>35</u>
	<u>Neutralization</u>	<u>10</u>
<u>Tertiary Treatment</u>	<u>Chemical treatment</u>	<u>20</u>
	<u>Filtration</u>	<u>20</u>
	<u>Nutrient removal (biological)</u>	<u>25</u>
	<u>Reverse osmosis (RO)</u>	<u>30</u>
	<u>Biologically active carbon (BAC)</u>	<u>30</u>
	<u>Granular activated carbon (BAC)</u>	<u>30</u>
	<u>Micro/nano membrane filtration system (MFS)</u>	<u>25</u>
<u>Disinfection</u>	<u>Chlorine:</u>	
	<u>Tablets</u>	<u>5</u>
	<u>Liquid (bleach)</u>	<u>10</u>
	<u>Gas:</u>	
	<u><1 ton cylinder</u>	<u>10</u>
	<u>1 ton cylinder</u>	<u>20</u>
	<u>Ozone</u>	<u>15</u>
	<u>Ultraviolet Light (ULV):</u>	
	<u><1 MGD</u>	<u>5</u>
	<u>≥1 MGD</u>	<u>10</u>
	<u>De-chlorination:</u>	
	<u>Tablet</u>	<u>5</u>
	<u>Liquid</u>	<u>10</u>
	<u>Gas</u>	<u>15</u>
	<u>Paracetic Acid (PAA)</u>	<u>10</u>
<u>Sludge Treatment</u>	<u>Thickening or dewatering</u>	<u>6</u>
	<u>Aerobic digester</u>	<u>6</u>
	<u>Anaerobic digester(s)</u>	<u>25</u>
	<u>Drying bed(s)</u>	<u>4</u>
	<u>Chemical conditioning</u>	<u>10</u>
	<u>Vacuum/coil</u>	
	<u>filter(s)/centrifuge/composting</u>	<u>8</u>
	<u>Sludge heating</u>	<u>5</u>
	<u>Dissolved air flotation (DAF)</u>	<u>20</u>
	<u>Sludge lagoon(s)</u>	<u>6</u>
<u>Sewage Sludge Disposal</u>	<u>Land application</u>	<u>20</u>
<u>Land Application</u>	<u>Land application of effluent with no direct discharge</u>	<u>20</u>
<u>Continuous Monitoring</u>	<u>Flow meter</u>	<u>5</u>
	<u>Analyte, i.e. turbidity, pH, DO</u>	<u>5</u>

(1)(A) Equivalent population served (one (1) point per each two thousand (2,000) population).

DRAFT

~~—————(B) 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 forty (40).)~~

~~—————(2) Collection systems:~~

~~—————(A) Lift station, one (1) or more — 5; and~~

~~—————(B) Vacuum collection system — 0.~~

~~—————(3) Preliminary treatment:~~

~~—————(A) Screens/bars — 2;~~

~~—————(B) Comminutor — 3; and~~

~~—————(C) Grit removal — 5.~~

~~—————(4) Clarification:~~

~~—————(A) Primary settling and sludge removal — 4; and~~

~~—————(B) Secondary settling and sludge removal — 6.~~

~~—————(5) Lagoon/pond/natural systems:~~

~~—————(A) Stabilization/holding pond or ponds — 10; and~~

~~—————(B) Aerated lagoons or lagoons/natural systems — 12.~~

~~—————(6) Fixed film systems (rotating biological contactor, trickling filter) — 12.~~

~~—————(7) Suspended growth systems:~~

~~—————(A)(i) Activated sludge:~~

~~—————(ii) Mechanical aeration/diffused air — 20;~~

~~—————(B) Pure oxygen — 25; and~~

~~—————(C) Neutralization — 5.~~

~~—————(8) Tertiary treatment:~~

~~—————(A) Chemical treatment — 20;~~

~~—————(B) Filtration — 15; and~~

~~—————(C) Nutrient removal — 20.~~

~~—————(9) Disinfection:~~

~~—————(A) Chlorine — 5;~~

~~—————(B) Ozone — 7;~~

~~—————(C) Ultraviolet light (UVL) — 5; and~~

- ~~—————(D) Dechlorination—5.~~
- ~~—————(10) Sludge treatment:~~
- ~~—————(A) Thickening or dewatering—6;~~
- ~~—————(B) Aerobic digester—6;~~
- ~~—————(C) Anaerobic digester or digesters—20;~~
- ~~—————(D) Drying bed—4;~~
- ~~—————(E) Chemical conditioning—10;~~
- ~~—————(F) Vacuum/coil filter or filters/centrifuge/composting—8;~~
- ~~—————(G) Sludge heating—5;~~
- ~~—————(H) Dissolved air flotation (DAF) unit or units—10; and~~
- ~~—————(I) Sludge lagoon or lagoons—6.~~
- ~~—————(11)(A) Sludge disposal.~~
- ~~—————(B) Land application—4.~~
- ~~—————(12) Land application of effluent with no direct discharge—6.~~

(d) Classification change.

(1) Should this revision of this part change the classification of a plant to a higher classification, the facility will be allowed ~~two (2)~~three (3) years from the effective date of the revised part to allow the operators to acquire the higher operator license classification.

(2) If circumstances warrant and the Division of Environmental Quality receives a written request ~~so justifying, with sufficient justification,~~ a classification may be adjusted by the ~~Director of the Division of Environmental Quality~~director of the division to serve the intent of the part as long as ~~it the adjusted classification~~ ensures environmental protection.

(3) ~~Permit modifications will be required to effect such a change~~A permit modification is required to effect a change in classification.

8 CAR § 22-503. Classification of industrial wastewater treatment plants.

(a)(1) A wastewater treatment plant shall be classified as industrial if it is a privately owned wastewater treatment plant for treating liquid wastes, resulting from:

DRAFT

(A) Any process of:

- (i) Industry;
- (ii) Manufacture;
- (iii) Trade; or
- (iv) Business; or

(B) The development of any natural resources.

(2) A facility shall be classified as industrial if no significant part of the wastewater is classified as municipal or domestic wastewater.

(b) ~~The distinction between basic~~Basic and advanced industrial wastewater treatment plants ~~will be~~are classified according to the following:

(1) Basic industrial wastewater treatment plants ~~will~~ consist of:

- (A) Carwashes;
- (B) Sedimentation basins or ponds;
- (C) Oil and grease separation;
- (D) pH adjustment;
- (E) Aeration ponds; or
- (F) Similar basic wastewater treatment processes; and

(2) Advanced industrial wastewater treatment plants ~~will consist~~consists of: ~~activated sludge, treatment of metal finishing waste streams, sedimentation/clarification with:~~

- ~~_____~~ (A) Activated sludge;
- ~~_____~~ (B) Treatment of metal finishing waste streams;
- ~~_____~~ (C) Sedimentation with chemicals;
- ~~_____~~ (D) Clarification with chemicals;
- ~~_____~~ (E) Dissolved air floatation; or
- ~~_____~~ (F) Similar advanced wastewater treatment processes, such as tertiary treatment.

- ~~_____~~ (A) Chemicals;
- ~~_____~~ (B) Dissolved air flotation; or
- ~~_____~~ (C) Similar advanced wastewater treatment processes.

(c)(1) If circumstances warrant and the Division of Environmental Quality receives a written request ~~so justifying with sufficient justification~~, a classification may be adjusted by the ~~Director of the Division of Environmental Quality~~ director of the division to serve the intent of this part as long as ~~it~~ the adjusted classification ensures environmental protection.

(2) ~~Permit modifications will be required to effect such a change. A permit modification is required to effect a change in classification.~~

Subpart 6. Administration

8 CAR § 22-601. Administration.

(a) The wastewater licensing program shall be administered by the executive secretary of the Wastewater Licensing Committee.

(b) **Initial ~~licensing and~~ examination and licensing.**

(1) Any person ~~desiring seeking~~ to take a license examination ~~for which that person is eligible must file an examination~~ shall submit an application ~~with to~~ the executive secretary of the Wastewater Licensing Committee ~~at in the form and manner prescribed by~~ the Division of Environmental Quality demonstrating and certifying that the class license requirements in subpart 3 have been met for the class license sought.

(2)(A) ~~A combined~~ An examination ~~and licensing~~ fee of forty dollars (\$40.00) ~~must accompany~~ shall be paid at the time the examination application is submitted.

(B) All fees must be paid and an application approved no less than ~~five~~ (5)ten (10) business days prior to the test date.

(C) ~~If an~~ An applicant ~~has not taken the examination within sixty (60) days of the requested test date, the forty-dollar fee is not refunded. that is unable to attend the scheduled examination may reschedule the missed examination.~~

(D) ~~If an examination must be repeated, an additional twenty-dollar examination fee shall be required. The rescheduled examination must be administered within sixty (60) days of the examination date requested in the examination application.~~

(E) Examination fees are not refundable.

(F) If an examination must be repeated, an examination application and additional examination fee of forty dollars (\$40.00) shall be submitted in accordance with (b)(1) and (b)(2)(B) of this section.

(3) An application may be denied if the ~~operator applicant~~ has falsified, ~~omitted, or provided misleading any~~ information ~~required~~ in the ~~exam examination~~ application.

(4)(A) A score of seventy percent (70%) or greater ~~will be considered~~ is a passing score.

(B) Licenses will be awarded to those ~~who applicants that~~ obtain a passing score upon payment of the initial licensing fee of forty dollars (\$40.00).

(C) Applicants ~~who that~~ pass the examination, provided that all other licensing and examination requirements (education, experience, etc.) are met may proceed to the next level of licensing examination without a waiting period.

(D) Applicants ~~who fail to pass the examination with an examination score of less than seventy percent (70%)~~ may repeat the examination after a three-month waiting period; ~~and,~~

~~(E) Applicants shall not be allowed to test for a class IV municipal operator license after five (5) failed class IV exams.~~

(5) Examination score appeals.

(A) ~~To An applicant may~~ appeal an examination score, ~~an operator shall notify by notifying~~ the executive secretary of the Wastewater Licensing Committee in writing of intent to appeal within thirty (30) days after notification of the examination score.

(B) The Division of Environmental Quality shall notify, in writing, the appellant ~~will be notified in writing~~ within fifteen (15) ~~working business~~ days of the date and time the examination may be reviewed with the executive secretary at the division ~~licensing office~~ headquarters in North Little Rock.

(C) If, after the review with the executive secretary, the appeal is not resolved, the appellant may request a review by the operator's appeal is unsatisfied, the ~~appeal may be referred to~~ the Wastewater Licensing Committee at the next scheduled

committee meeting.

(c) **License renewal.**

(1)(A) ~~Renewal~~License and renewal period.

(B) Licenses are valid for a term of two (2) years (July 1 – June 30), with ~~the renewal~~each license period beginning on July 1 of odd years; and

(C) License renewal applications shall be submitted by June 30 of odd years.

(2)(A) Renewal requirements.

(B) Licenses may be renewed without examination provided that the training requirements, as set forth in 8 CAR § 22-403(a)(1), ~~are met~~have been satisfied.

(C) An operator with a revoked license will require the approval of the Wastewater Licensing Committee before any action ~~can~~may be taken.

(3)(A) An operator whose license or licenses ~~are in suspension~~have been suspended for disciplinary or non-disciplinary reasons, such as failure to pay child support, at the time of renewal will not be sent a renewal ~~while in suspension~~notice.

(B) The operator is responsible for ~~requesting a~~ renewal ~~form of the~~ license or licenses at the end of the term of suspension.

(C) All training hours, renewal fees, and late fees will apply to the license or licenses at ~~that the~~ time of license renewal following the term of suspension.

(4)(A) Fees.

(B)(i) ~~A~~The renewal application and the license renewal fee of forty dollars (\$40.00) for each license to be renewed shall~~must accompany a renewal request to be submitted to the executive secretary, in the form and manner prescribed by the Division of Environmental Quality, before July 1 of odd years.~~

(ii) A ~~ten-dollar~~ late fee of ten dollars (\$10.00) shall be assessed to ~~each renewals~~renewal paid after the due date.

(d) ~~Repealed. Implementation of Acts 2007, No. 544.~~ In order to implement Acts 2007, No. 544, and to be synchronized with the Drinking Water Advisory and Operator Licensing Committee, the following schedule applies with the prorated renewal fees and training requirements:

DRAFT

~~—————(1)(A) The next renewal period is January 1, 2008, through June 30, 2009.~~

~~—————(B) The renewal fee for this eighteen-month period will be thirty dollars (\$30.00) per license, and a minimum of eighteen (18) hours of approved wastewater training, at least nine (9) direct; and~~

~~—————(2) The biennial renewal period will begin July 1, 2009, and training requirements are as listed above in 8 CAR § 22-403.~~

(e) Lapsed license.

(1) 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 ~~less than three (3) months will be required to satisfy the following requirements before a renewal license will be issued-:~~

~~—————(A) The training requirements, as set forth in 8 CAR § 22-403(a)(1);~~

~~—————(B) The license renewal fee, including any applicable late fee assessments, as set forth in 8 CAR § 22-601(c)(4); and~~

~~—————(C) The requirements, as set forth in Arkansas Code § 17-1-107.~~

~~—————(2) Any operator in good standing who allows their license to expire for three (3) months or longer will be required to satisfy the following requirements before a renewal license will be issued:~~

~~—————(A) The training requirements, as set forth in 8 CAR § 22-403(a)(1);~~

~~—————(B) The license renewal fee, including any applicable late fee assessments, as set forth in 8 CAR § 22-601(c)(4); and~~

~~—————(C) The achievement of a passing score on the license examination for the class determined by the executive secretary of the Wastewater Licensing Committee; and~~

~~—————(D) The requirements, as set forth in Arkansas Code § 17-1-107.~~

~~(23)~~ The class at which the operator shall be reexamined will be at the discretion of the Wastewater Licensing Committee.

~~(34) Any other operators with lapsed licenses due to revocation or suspension will be required to take a new examination, if approved by the Wastewater Licensing Committee, for license reinstatement. An operator with a lapsed license due to~~

revocation or suspension shall make a written request, for review and approval by the Wastewater Licensing Committee, for reinstatement by examination.

(f) **Apprentice license.** An application for ~~licensure must~~ an apprentice license shall be submitted to the executive secretary in the form and manner prescribed by the Division of Environmental Quality with a fee of ten dollars (\$10.00) ~~for an apprentice license.~~

(g) **License reciprocity.**

(1)(A) ~~Operators who hold a~~ An operator holding an active wastewater license in another state may be granted an Arkansas license based on their current credentials.

(B) Reciprocity may be considered by the Wastewater Licensing Committee on a case-by-case basis in accordance with the requirements set forth in Arkansas Code § 17-1-108 after the operator submits the application and information required by subsection (g)(2).

(i) Expedited temporary or provisional licenses with a term of ninety (90) days may be granted provided the operator has submitted documentation demonstrating that the requirements, as set forth in Arkansas Code § 17-1-108(c), have been satisfied.

(ii) If the documentation submitted in accordance with 8 CAR § 22-601(g)(1)(B)(i) demonstrates that all requirements for license reciprocity have been satisfied, an Arkansas license may be granted in place of an expedited temporary or provision license.

(2) The following minimum requirements must be met before consideration of reciprocity:

(A) The operator must demonstrate that the requirements set forth in Arkansas Code § 17-1-108(c)(1) have been satisfied.

~~(AB)~~ The operator must have sufficient training and experience to qualify for the requested class license in accordance with this part;

~~(BC)~~ The operator must have taken and passed ~~a written~~ an examination, administered by a state licensing authority, for the ~~equivalency that was administered by the authority for which reciprocity is requested~~ equivalent license or licenses sought

through reciprocity;

~~(CD)~~ The ~~operator licensing authority for~~ must be currently licensed by a state that- the operator is currently licensed by must indicate if the state extends reciprocity privileges to operators licensed by the State of Arkansas in accordance with the provisions of this part ~~certification authority that recognizes the State of Arkansas wastewater licensing program;~~ and

~~(DE)~~ (i) A written request for reciprocity with an accompanying forty dollar research fee must be submitted to the executive secretary The operator must submit an application for reciprocity, provide a certification of good standing from their current licensing authority, and pay a research fee of forty dollars (\$40.00).

(ii) The written request, certification, and fee shall be submitted to the executive secretary in the form and manner prescribed by the Division of Environmental Quality.

~~(3) Approved reciprocity licenses may be maintained by renewal as per this part~~ An operator that is granted a wastewater operator license through reciprocity shall maintain their license by renewal as set forth in this part.

(4) Reciprocity will only be granted once per license type per license holder.

(h) Revocation or suspension of license.

(1)(A) The Director of the Division of Environmental Quality, upon recommendation from the Wastewater Licensing Committee, may revoke or suspend the license of an operator should the ~~Wastewater Licensing Committee~~ committee find that the operator:

(i) Committed fraud or submitted false or misleading information in the-an application for a license, for renewal of a license, or in the performance related to duties under a license;

(ii) Failed to exercise reasonable care, judgment, or application of knowledge in the performance of the operator's duties and responsibilities;

(iii) Is incompetent, unable, or unwilling to perform the required duties;

(iv) Intentionally caused a violation of the licensing requirements, a

permit, or related law or rule;

(v) Falsified state, local, or federal water quality related permits or records;~~or~~

(vi) ~~Is creating~~Created a clear potential threat to public health, safety, ~~and/or~~ the environment, or any combination thereof; or:

(vii) Violated Arkansas Code § 8-4-217.

(B) The time and conditions of the suspension shall be at the discretion of the director.

(2)(A)(i) If the director determines that a license should be revoked or suspended, a notice of revocation or suspension shall be filed with the Arkansas Pollution Control and Ecology Commission and served upon the operator.

(ii) Service of a notice of suspension or revocation shall be ~~notified~~ made by certified mail, ~~with~~ restricted delivery, ~~of a notice of suspension or revocation~~.

(iii) A copy of ~~same~~ the notice of suspension or revocation shall also be sent to the owner of the facility ~~which~~ that employs the operator unless the facility is owned by the operator.

(B)(i) The operator shall have the right to appeal the notice and request a hearing.

(ii) Procedures for the filing and conducting of an appeal shall be governed by 8 CAR pt. 11.

(3) Reexamination after suspension.

(A) In order to resume duties as an operator after a suspension of two (2) years or less, persons with a suspended license or licenses shall not be required to reexamine for licensure after the period of suspension has passed, unless or until the person's license expires of its own accord without renewal.

(b) In order to resume duties as an operator after a suspension of greater than two (2) years, persons with suspended licenses shall be required to reexamine for licensure after the period of suspension has passed.

Subpart 7. Effective Date

DRAFT

8 CAR § 22-701. Effective date.

This part shall be effective ten (10) days after filing with the:

- (1) Secretary of State;
- (2) Arkansas State Library; and
- (3) Bureau of Legislative Research.