

IN THE MATTER OF APC&EC)
“LICENSING OF WASTEWATER TREATMENT)
OPERATORS,” 8 CAR pt. 22) **DOCKET NO. 26-001-R**

Comes now, the Department of Energy and Environment, Division of Environmental Quality (“DEQ”), by and through Basil Hicks, III, Attorney III of the Department of Energy and Environment, and for its Petition to Initiate Rulemaking to Approve Amendments to “Licensing of Wastewater Treatment Operators,” 8 CAR pt. 22, states:

2. DEQ proposes to initiate this rulemaking so that the Arkansas Pollution Control and Ecology Commission (“Commission”) can promulgate the rule amendments, which will update the following provisions of the rule to conform to Act 294 of 2025:

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- e. 8 CAR § 22-302 is further amended to add a requirement for Class III licenses that the applicants hold a Class II license for at least six (6) months, and satisfactorily complete Class I, Class II, and Class III courses;
- f. 8 CAR § 22-302 is further amended to add a requirement for Class IV licenses that the applicants satisfactorily complete Class I, Class II, and Class III courses, and obtain a minimum of three (3) years' experience in direct charge of a wastewater treatment plant or one (1) of its major components;
- g. 8 CAR § 22-303 is amended to clarify the scope of supporting occupations necessary to obtain technical license;
- h. 8 CAR § 22-303 is further amended to add the qualification that a Class I, II, III, or IV technical license becomes inactive upon termination of employment;
- i. 8 CAR § 22-303 is further amended to prohibit the conversion of a technical license to an operator's license unless the requirements for an operator's license in 8 CAR § 22-302 are met;
- j. CAR § 22-304 is amended to allow students enrolled in a DEQ-approved program in high school or college to become Class I operators by completing the requirements of 8 CAR § 22-302;
- k. 8 CAR § 22-305 is amended to increase the training requirement for industrial wastewater operators from twelve (12) to twenty-four (24) months;
- l. 8 CAR § 22-305 is further amended to add a requirement for an industrial operator advanced licensee that they hold a basic license for at least six (6) months, and satisfactorily complete thirty-six (36) hours of approved training, including basic and advanced industrial courses;
- m. 8 CAR § 22-305 is further amended to add a technical or basic license for industrial wastewater operators;
- n. 8 CAR § 22-306 is amended to clarify that classes of municipal wastewater licenses are not equivalent to classes of industrial wastewater licenses or collections system licenses;
- o. 8 CAR § 22-308, "Conversion to the new industrial wastewater operator license," is repealed.
- p. 8 CAR § 22-309 is promulgated to add a requirement for operators to report employment or change in employment at each wastewater treatment plant;
- q. 8 CAR § 22-401 is amended to require that training providers submit requests for training approval at least fifteen (15) days prior to the date of training;

r. 8 CAR § 22-403 is amended to add a restriction limiting the number of Class I or Class II courses an operator can take for renewal of a license, and to require that for a renewal of an industrial wastewater operator license, at least twelve (12) hours must be directly applicable to treatment of industrial wastewater;

s. 8 CAR § 22-403 is further amended to add requirements to applying higher education credits to meet wastewater training requirements; that the amendment requires a grade on such classes of a “C” or 2.00 or better from an accredited school;

t. 8 CAR § 22-502 is amended to update the classification factor rating points for wastewater treatment plants to include rating points for modern components of wastewater treatment plants, which includes adding treatment types for clarification fixed film systems, suspended growth systems, tertiary treatment, and disinfection, and continuous monitoring requirements to municipal water plants, and to modify some factor rating points to ensure appropriate classification of wastewater treatment plants;

u. 8 CAR § 22-502 is further amended to expand chlorine points assigned based on the type of chloring and size of the chlorine cylinder for chlorine gas;

v. 8 CAR § 22-502 is further amended to increase the time for allowing an operator to obtain a higher license after a classification change of a plant from two (2) to three (3) years;

w. 8 CAR § 22-601 is amended to add a restriction so that all applicants must pay the examination fee for all repeated examinations;

x. 8 CAR § 22-601 is further amended to add requirements to comply with Arkansas Code §§ 17-1-107 and 108;

y. 8 CAR § 22-601 is further amended to add requirements regarding re-examination after suspension of a license;

z. Other rule revisions are made to conform to the Arkansas Code, clarify and organize the terms of the rule, make stylistic and grammatical corrections, or to conform to the Code of Arkansas Rules.

3. Basil Hicks III, Attorney III of the Department of Energy and Environment, will be available to answer questions concerning this proposed rulemaking.

4. The following exhibits to this petition are hereby incorporated by reference:

a. Exhibit A: Mark-up version of the proposed new rule;

b. Exhibit B: Governor’s approval;

- c. Exhibit C: Legislative Questionnaire;
- d. Exhibit D: Financial Impact Statement;
- e. Exhibit E: Economic Impact/Environmental Benefit Analysis (EI/EBA); and
- f. Exhibit F: Proposed Minute Order.

WHEREFORE, DEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and initiate rulemaking to promulgate the proposed amendments to 8 CAR pt. 22, "Licensing of Wastewater Treatment Operators."

Respectfully Submitted,

By: 

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