

ARKANSAS WASTEWATER LICENSING COMMITTEE
Wednesday, May 29, 2013
ADEQ Meeting Room E109

Committee Members

Kelly Bryant, Evergreen Packaging, Inc.
Jennifer Bouldin, Ph.D., Arkansas State University
Lisa Ellington, Paragould Light, Water & Cable
Jimmy Smith, Searcy Water & Sewer
Tommy Tooke, Tyson Foods, Inc.
Steven Upton, Heber Springs Wastewater Department
Craig Uyeda, Executive Secretary, ADEQ
William Winn, City of Fayetteville

MINUTES

The meeting of the Wastewater Licensing Committee was called to order at 10:00 A.M. on Wednesday, May 29, 2013, by Chairman Bryant.

Public Present: Dennis Sternberg, Jim Burke, and Susan Poe, ARWA; Randy Harper, AETA; Ryan Benefield, Shawn Hill and Deb Gerst, ADEQ; Martin Nutt, ADH; Roy Richards, City of Augusta; Jonathan Buff, Benton Utilities; Roy Heeling, Clinton Water; Talitha Hardin, City of Leslie; Michael Kline, Richard Kyzer, Stan Miller and Mike Ruhl, Little Rock Wastewater Utilities; Clint Bell, and Oran Hoble, CWB; Kent Latal, Hot Springs Water; Thea Hughes, Jacksonville Wastewater; Dennis Benson, Sherwood Wastewater

Ms. Bryant told the Committee there would be one change to the agenda. She said that Ryan Benefield would address the Committee. He had another meeting to attend. She said the Committee would move forward with business when he left.

Mr. Benefield noted the letter that was sent to Teresa Marks from Jimmy Smith. He said she was out of the country, and she had asked Mr. Benefield to come to the meeting. He had two handouts (attached): an ADEQ organizational chart and a form showing powers and duties of the Committee as well as points of clarification and explanation concerning authority and chain of command.

Mr. Benefield read the following four points of regulation regarding the Committee's role:

1. The Wastewater Licensing Committee is not given authority over the ADEQ staff including who is assigned, where the individual is located within the ADEQ organizational structure, and cannot direct any actions of the staff.
2. The Wastewater Licensing Committee is not given any authority over the finances of the Department including the Wastewater Licensing Fund. All decisions on spending and appropriation are made by the Department.

3. The Executive Secretary is the ADEQ appointed member of the Wastewater Licensing Committee and has certain duties defined by Regulation and Statute but receives specific work directions from the Department through the Departments established Chain of Command. The Executive Secretary is not an employee of the Committee and the Committee cannot direct the work of the Executive Secretary.
4. The Committee is charged with assisting and advising the ADEQ and the PCE Commission but the ultimate decision for all issues lies with ADEQ and/or Commission. The Committee can make recommendations to the Department or the PCE Commission as needed.

Lengthy discussion followed his presentation. Mr. Smith said that Committee members questioned that their advisory roles were not being heard and he felt that the regulations should be changed. He also noted that staff was not taking steps to make those changes. Mr. Benefield specifically clarified the Chain of Command as:

Teresa Marks, ADEQ Director to
Deputy Director, Mr. Benefield to
The Interim Chief of the Water Division since outgoing Steve Drown was leaving
(Mr. Benefield explained he was chosen as the Interim Chief) to
Mr. Shafii, Assistant Water Division Chief, to
Mr. Uyeda, Executive Secretary of the Committee

He explained that changing State regulations is an extensive project and would have to include legal staff in the process. He further explained that the PC&E Commission is an oversight and rule making body. If the Committee chooses to change regulations, against the wishes of the Department, it would be the responsibility of the Committee to follow through with that action, not the Department's.

Mr. Benefield answered Committee members' questions about their duties and responsibilities. He also clarified the necessity of the Director to delegate authority for the work of employees at ADEQ. He did also note that the Committee cannot grant itself authority where authority is not already granted. Several times he stated that if the Committee would like the Director to see a recommendation, it should be passed through Mr. Uyeda up the Chain of Command to the Director. He did say that Teresa Marks, the Director, did make the decision not to buy the car that was recommended. Other people may have had input, she ultimately said, "No, we are not going to buy a car."

Previous Minutes: Mr. Upton made a motion to approve the minutes from the February 13, 2013, AWL Committee meeting with a correction regarding reciprocity agreements with Iowa, Missouri and Oklahoma. Lisa Ellington seconded, carried.

Financial Report: The financial report was in the packet for the Committee's Review. Mr. Uyeda did note that early license renewals have been coming in since December. He said the

brunt of the renewals will come in June. He said that the new Training Hours form seemed to be working well.

Licensing Report: The licensing report was in the packet, and Mr. Upton thanked Mr. Uyeda for the breakdown in the licensing report.

Public Comments: Mr. Harper of AETA gave a summary of their training. Mr. Sternberg with the ARWA gave a summary of their training.

Stan Miller spoke about a Class IV operator on hold about his reciprocity since November, 22, 2012. He said the applicant was advised by Arkansas Waste Water Licensing personnel. He waited and waited, finally called the State of Georgia Licensing section. He was told that if he did not get his license in Arkansas, he needed to renew his license in Georgia. Mr. Uyeda said he would certainly look into this reciprocity issue.

Old Business: In regard to allocation of money, Mr. Benefield explained that the Department did set aside money for the operation of Wastewater Licensing and testing. He explained that the Committee has no authority over that money. It is a complex thing to give money for certain items. The Committee can only make recommendations. He further explained that the Wastewater Licensing funds are appropriated each year for salaries, training and operation. They may or may not always be used. It is within ADEQ's purview as to how money is spent. Mr. Benefield noted that if the Committee has any recommendations for spending money, they should send recommendations through Mr. Uyeda to the Director.

Mr. Benefield said he understood that some of the Committee members are concerned about the large amount of money in the Wastewater Account. He said he was concerned about the fact that the amount is down. He said it is actually down \$70,000 from this time last year. He continued, we may eventually have to pay for testing for operators and we want to avoid that if possible.

Reciprocity - Susan Poe opposed accepting reciprocity with other states just because they accept the Arkansas License. She said this is not a good standard. It was noted that ABC Testing was used because they set the standard for states to compare training for reciprocity, and they had the credentials to do that.

Mr. Benefield said that in regard to reviewing reciprocity agreements, if the Committee does review Class III and IV, criteria needs to be established to review on a case-by-case basis. Mr. Upton brought up a question about revocation of licenses. Mr. Benefield suggested that the criteria be prepared to review such situations on a case-by-case basis.

Mr. Winn explained his concerns with reciprocity between states and the possibility that staff might influence an applicant positively or negatively. Mr. Upton referred to page 6-3 in the regulations which state: "Reciprocity may be considered by the Committee on a case-by-case basis." He also noted that the Class I and II applicants for reciprocity were to be reviewed by

the Department and Class III and IV were to be reviewed by the Committee. He did not seem to believe this was occurring.

Mr. Uyeda did confirm that when reciprocity requests are received, they are sent applications for reciprocity. When received back, they are verified through their state's website to be candidates in good standing in that state, and meet the criteria required for an Arkansas license. He said the Wastewater Licensing staff will approve Class I and II operators, and refer Class III and IV operators to the AWLC. He explained they prefer to forward those to the Committee because they can become very complicated.

Mr. Winn announced to the group that if they knew of something that needed to be recommended to the Commission or the Department, to please let Committee members know.

New Business: There was concern voiced about using the new Training Hours Submittal forms. There were some objections, but it was noted that it seemed to be working well in the ADEQ Wastewater Licensing office.

We are beginning the process of making written recommendation to the Commission and ADEQ from the Committee that sets up to change the guidelines for reciprocity. Mr. Winn proposed the motion, Ms. Ellington seconded, carried.

Ms. Bryant announced **the next meeting as August 14, 2013, at 10:00 A.M.**

Mr. Winn proposed a recommendation to adjourn the meeting. Ms. Ellington seconded, carried.

Meeting adjourned at 11:40 A.M.

Respectfully submitted,
Deborah Gerst