

**ARKANSAS WASTEWATER LICENSING COMMITTEE
WEDNESDAY, MAY 12, 2021
ONLINE ZOOM CONFERENCING MEETING**

Committee Members

Jennifer Enos, Chairman, Springdale Water Utilities
Lance McAvoy, Vice-Chairman, City of Fort Smith *(late arrival)*
Doug Ford, Pollution Management, Inc.
Jeff Ford, Kimzey Regional Water
Wen Zhang, Ph.D., University of Arkansas
David Sartain, El Dorado Chemical Company
Richard Healey, Executive Secretary, ADEE

MINUTES

The meeting of the Arkansas Wastewater Licensing Committee (AWLC) was called to order by Chairman Jennifer Enos, at 10:05 A.M. on Wednesday, May 12, 2021.

Public Present: Susan Poe, AR Rural Water Association; Scott Ross, City of Hope; Alan York, ADEE, Water Division Deputy Director; Stacie Wassell, ADEE, Legal Division; Sandy Luttrell, Leslie Allen-Daniel and Elizabeth Kizer, ADEE, Division of Environmental Quality; late arrival to meeting - Randy Harper, AR Environmental Training Academy.

Previous Minutes: Ms. Enos noted the minutes report from our February meeting were incorrectly dated and that we would defer the approval until the next meeting in August, to allow time to verify its accuracy.

Financial Report: Ms. Luttrell presented the quarterly budget and expenditures report to the Committee.

Licensing Report: Ms. Luttrell gave a report of the number of wastewater exams proctored and license certifications issued during in the past quarter.

Training Updates: Ms. Enos noted that Ms. Poe was having internet connection issues and was unable to present her report at this time. We will come back to this update once we are able to regain the connection.

No one was present from the AR Environmental Training Academy to present a report.

Public Comments: There were no topics brought up for discussion at this time.

Old Business: The discussion resumed over the approval of Water Otter training courses being accepted for Arkansas wastewater operators. This topic was brought before the committee at November's meeting, which was tabled for six months to gather more information on accessing their training program for our board members. Mr. McAvoy announced the water licensing committee would be meeting in July to discuss what operators are learning through virtual training courses. He felt we might benefit from what is revealed during that meeting, so Ms. Enos tabled this topic once more to revisit at our next meeting in August.

Ms. Enos announced that no nominations have been received for a wastewater operator to fill the vacant position still available on the board. She mentioned how convenient these virtual meetings have become to those members living a good distance from North Little Rock with the commute traveled by them from previous in-person meetings, regularly attended pre-covid (February, 2020). This would probably be a good point to note when reaching out to nominate new candidates for the current board vacancy. It might possibly increase the interest to rural area operators to consider participating on the committee. The committee has spoken highly about continuing these meetings virtually for easy access and good attendance by most members on a regular basis. Mr. Healey will reach out again to our stockholders and organizations for possible candidates to be nominated.

Ms. Susan Poe was available by internet once again, so she was asked to give Rural Water's training update. She gave an overview of courses, training hours issued and students in attendance from the Rural Water Association.

Mr. Healey was asked by the Chairman to discuss the 2021 wastewater operator license renewal process currently in progress with the department. Mr. Healey shared a version of letters being mailed out with new license renewal cards, reminding operators who have paid to continue their licenses but still need additional hours by the six month extension date deadline of December 31, 2021. The majority of licensees have completed their required 24-hours of continuing education credit needed to fulfill the renewal requirements set in Rule #3. Mr. Healey also advised the committee on the many opportunities operators have to obtain training hours toward the 2021 license renewal requirements. Two upcoming conferences are scheduled (ARWA – August 30 – 31 / AWW&WEA – October 10 - 12) and the DEQ website offers free webinar training to all wastewater operators through EPA.

New Business: Ms. Enos welcomed Ms. Wassell with DEQ to discuss the Class IV exam score appeal by wastewater operator, Mr. Scott Ross with the City of Hope. She presented her case to the committee, which consisted of a vast array of compiled email correspondence between Mr. Ross and the licensing staff, where he expressed his disagreement with the test score results. Ms. Wassell spoke individually with Ms. Leslie Allen-Daniel and Ms. Sandy Luttrell with DEQ, along with receiving signed affidavits they both provided to her. She followed up with the Association of Boards of Certification (ABC) staff by email and shared their correspondence with the committee, as well. ABC offered to regrade Mr. Ross' test by hand-score grading system, which would cost him to do so. DEQ agreed to pay the fee and have his test graded by a person to see if that grade would stand against what the computer scoring system came up with. This was done and the grade did remain the same.

Ms. Enos asked Mr. McAvoy to explain his experience and expertise in working with the ABC licensure program pertaining to the metrics involved in developing questions. Questions are peer reviewed by a group of knowledgeable wastewater operators and engineers, who take close care in how the questions and the answers are written. He expressed that the integrity of the test questions is highly maintained, therefore they do not allow test questions to be revealed to examinees, this would result in discarding those questions from their test bank.

Mr. Ross was allowed to voice his concerns to the committee regarding his ABC written test score results, which involved a year away from family and events to study and prepare for this exam, which he will definitely not lose anymore time over whatever the outcome of the committee's decision is today. He expressed the time and effort put into preparing for his attempt on December 2nd and how he ended up with the exact questions he had studied on his individual Class IV test. He continued with how confident he was when finishing that he had passed his Class IV exam and there was no way he failed by one point. Ms. Enos expressed how difficult the exam is for most operators with vast knowledge and years of experience and that he should not give up on his efforts to gain this level no matter what is decided. Ms. Enos asked Ms. Wassell what was needed legally to complete this process because she has not experienced an appeal of an exam score in her time on the committee. Ms. Wassell stated that a motion by the committee would suffice for this matter. **Mr. McAvoy made a motion to uphold test results of 69% and allow Mr. Ross to test again for the Class IV exam. The motion was seconded by Mr. Jeff Ford and the motion carries.**

Ms. Daniel announced to Ms. Enos that Mr. Randy Harper with the Environmental Training Academy had joined our meeting during the discussion of Mr. Ross' appeal and could now be recognized for a training update before moving on to the next item on the agenda. Ms. Enos welcomed Mr. Harper, who gave a report of classes given over the last quarter, attendees present and more locations have begin opening back up for training by AETA.

Ms. Enos asked Ms. Luttrell to present the next new business topic, reciprocity applicant Mr. Dan McCarthy, Missouri Class A wastewater operator applying for an Arkansas Class IV license. Provided within the correspondence material, was a questionnaire submitted by the Missouri Department of Natural Resources, which shows that his Class A license was obtained through a state administered exam. **Mr. McAvoy made a motion to grant Mr. McCarthy an Arkansas Class III license and allow him to sit for an ABC Class IV exam at the next available opportunity. The motion was seconded by Mr. Doug Ford and it carried.**

Ms. Enos asked Ms. Daniel to present the topic of a lapsed Class III wastewater operator, Kenneth Mitchell, who wants to be approved by the committee to test for his Class III to get it reinstated. She informed the board that he claimed to have training since his Class III lapsed in 2007, but has still not provided any training to date due to having moved and not able to locate his documents. **Mr. McAvoy made a motion to allow Mr. Mitchell to sit for the Class I, II and III exams back to back at his time of choosing. The motion was seconded by Mr. Jeff Ford and it carried.**

Ms. Wassell announced she would like to put together a work group to review test questions for the Class I, II and III exams and she asked the members to suggest options as to who might be interested in sitting on this group. Our committee board members would be part of a peer review team for this group. Mr. McAvoy brought up the need for this step, since we have discussed numerous times to eventually take all licensure levels through testing with ABC. Ms. Wassell stated this was not possible at this time, due to the statute limitations on fees set for DEQ's testing fees, plus the legislature is closed for this year. It may be considered by the 2023 legislature, however, the need for reviewing and updating our current state test bank is necessary now because it has been several years. After additional discussion on the matter, **Mr. McAvoy made a motion to elect Ms. Wassell as the Chairman of this work group. This was seconded by Mr. Jeff Ford and the motion carried.**

Mr. Healey announced that Ms. Wassell has been promoted from the Departments Legal Division to the Deputy Associate Director of the Division of Water Quality, whom he reports to. Ms. Wassell also announced that attending today's meeting is Mr. Alan York, who has been appointed as the Division of Water Quality's new Associate Director. The previous Associate Director, Dr. Bob Blanz took another position and has since retired. Ms. Enos congratulated them both on their promotions and expressed that she is looking forward to them doing a great job as regulators, directors and coordinators for those of us at ground level.

Chairman Enos announced the next scheduled meeting of this Committee: **August 11, 2021 at 10:00 a.m.**

The meeting adjourned at 11:51 a.m.