

ARKANSAS WASTEWATER LICENSING COMMITTEE
TUESDAY, MAY 2, 2023 -08:45am
2023 AWW & WEA CONFERENCE
TRAINING ROOM C208
HOT SPRING CONVENTION CENTER

Lance McAvoy Chairman provided explanation for reason of quarterly meeting ie. discuss how waste water licensing impacts the state, criminal waivers, educational waivers or opportunities, etc.

Meeting is public, recorded and retained for one year per the Freedom of Information Act, Revision 6 of 2019.

COMMITTEE MEMBERS

Lance McAvoy, City of Fort Smith, Chairman (Present -On Site)
Jeff Ford, Kimzey Regional Water District, Vice-Chairman (Present- On-site)
Doug Ford, Pollution Management, Inc. (Absent)
Wen Zhang, PhD, University of Arkansas, Fayetteville (Present-Remote)
Austin Ramsfield, Jacobs Engineering (Absent)
Heath Ward, Springdale Water Utilities (Present-On-Site)
Andrew Rike, Harbor Environmental Inc. (Present-On-Site)
Richard Healey, DEQ (Present-On-Site)

The meeting of the Arkansas Wastewater Licensing Committee (AWLC) was called to order by Chairman Lance McAvoy, at 8:45 a.m. Tuesday, May 2, 2023. Quorum confirmed.

Motion by Jeff Ford to accept minutes as written; second by Heath Ward. No discussion. Motion carried. Minutes will be accepted and filed.

Financial Report: Ms. Sarah Pierce presented the quarterly budget and expenditures report to the Committee. Lance McAvoy noted that funds are utilized for material, staff travel, shared office expense, i.e. janitorial, overhead, etc and for any licensing expenses. Stacie Wassell commented that we will begin to see an increase in funds due to license renewals but this will provide for operating expenses until next renewal.

Motion by Heath Ward to accept financial report; second by Jeff Ford. Motion carried.

Licensing Report: Ms. Sarah Pierce informed committee that license report was not available for details.

Richard Healey reported that overall pass rate is 88% with the exception of Class IV. Usually has a low pass rate. Experienced a 50% pass rate on last test which is the highest pass rate since ABC began the Class IV testing. Only one person passed for first time, others had previously taken test and failed.

Noted that operators who take the Class IV Review and read the book, study and do the work do much better than those that just show up.

Training Updates: No training updates from Mr. Randy Harper, AR Environmental Training Academy or Arkansas Rural Water.

Public Comments: Question from public Johnny Lunsford, Rogers Water Utilities about Waste Water Collection License. Lengthy discussion followed with a summary by Lance McAvoy addressing the educational benefits and legal issues to implement the licensing process. Development and implementation will require everyone's assistance. Per Stacie Wassell under advisement for an avenue for a permit collection system. Do currently have a process to report SSO's and have the authority to enforce but do not necessarily require a permit.

Any additional questions from the public.

Question presented about reciprocity and provisions for an emergency request.

Sarah Pierce responded that we have a Reciprocity Application on e-Portal. Applicant needs to submit 30 days prior to a Committee Meeting (committee meets once a quarter). Application must include a letter that states where they currently have a Wastewater License, Level and that they are in good standing. If we reciprocity with the state where they currently have a Wastewater License, application is reviewed at next committee meeting and they make a decision on the application. Do not accept reciprocity requests where we do not have a reciprocity agreement with the state where they hold their license.

Question about an emergency request for reciprocity. Stacie Wassell commented that an emergency request could be processed through Enforcement if needed. Lance McAvoy stated that our goal is to work together to keep water safe in Arkansas.

No further comments from public.

Lance McAvoy recognized Randy Harper with Arkansas Environmental Training Academy who provided an update on indirect and direct training for waste water for the first quarter of '23. Will provide a detail report of training to committee.

Old Business:

Proposal for reinstatement of licenses that have lapsed to be pushed forward to August meeting. Richard Healey reported that progress has been made on the proposal.

Sarah Pierce reported we did approve the reciprocity for Timothy Earl Danielson that was presented at last meeting. (Timothy Earl Danielson, license from Iowa and S-B from Minnesota, requesting a Class III and Advanced Industrial License. Motion by Heath Ward to approve Class III depending upon reciprocity status with the state of Iowa. Deny request for Advance Industrial since no basis for granting license is provided. Second by Wen Zhang. Motion by Heath Ward to amend motion to include “if reciprocity is not recognized by Iowa, to allow applicant to sit for Class III if all other requirements have been met”. Second by Jeff Ford. Motion as amended carried.)

Sarah Pierce provided update on ABC Class IV testing. Discussion in last meeting about ABC’s ability to provide multiple exams. Sarah reported that yes they can provide multiple exams but we do have to request each time. ABC has 10 different Class IV tests. Since we had 18 testing at the last exam we did have some duplicate tests but none were side by side or in the same room.

Reason we need to use different tests is to ensure individuals do not always receive the same test if they are retesting and it also reduces the opportunity to copy from another person testing.

Legislative Update: Chair recognizes Stacie Wassell.

Three bills were filed during the 2023 legislative session.

Senate Bill 90 proposed to authorize occupational licensing entities to provide for automatic occupational licensure for new residents who are licensed in another state, territory, or district of the US. This bill does not impact the reciprocity process for wastewater licensing because we must verify the license and license level to determine the appropriate equivalent wastewater operator license in Arkansas using the requirements set forth in Rule 3. We allow reciprocity from every state that allows reciprocity for a DEQ-issued wastewater operator license.

On April 4, 2023, Senate Bill 90 became Act 457.

Senate Bill 288 proposed to amend the law regarding permit fees and wastewater licensing. For wastewater licensing, the amendments would fix an issue with the licensing committee and allow DEQ to separate the licensing and testing fees so that appropriate fees can be assessed for testing and licensing. The bill also fixes the issue of the Executive Secretary of the committee, which is the DEQ Director or his or her delegate, from being subject to the limitation of serving no more than two consecutive terms. The time limitation for committee members will now only apply to those committee members that are appointed by the APC&E Commission.

On March 30, 2023, Senate Bill 288 became Act 390.

Senate Bill 457 was filed on March 22, 2023, and proposed to amend Arkansas law to waive occupational or professional license fees assessed by the state for employees of state agencies. The bill

was recommended for study in the Interim Committee on State Agencies and Governmental Affairs—Senate.

Sarah Pierce provided an update on e-Portal.

Randal Jones Class IV, Class IV from Tennessee is requesting reciprocity. Sarah Pierce verified ABC Exam. Application (SSN removed) was shared with committee members. Heath Ward made motion to grant reciprocity with a second by Jeff Ford. Approval granted.

Concurrence from committee to tentatively hold the meeting in May 2024 at the AWW & WEA annual conference.

Motion to adjourn approved followed by “hat give-away”.

Meeting adjourned at 9:45am