

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 to effectuate the powers and duties of the Wastewater Licensing Committee.

Authority. Arkansas Code § 8-5-205.

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.

Authority. Arkansas Code § 8-5-205.

8 CAR § 22-103. Definitions.

All terms included in this section shall have the same meaning 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;

(4) "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:

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

(11)(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 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

(12) "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.

Authority. Arkansas Code § 8-5-205.

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) members:

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

(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;

(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

(4) 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.

Authority. Arkansas Code § 8-5-205.

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.

Authority. Arkansas Code § 8-5-205.

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.

Authority. Arkansas Code § 8-5-205.

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

(a) Apprentice license:

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

this part.

(b) Class I license:

- (1) High school graduate, GED, or equivalent;
- (2) Satisfactory completion of forty (40) hours of approved training or equivalent or substitute training as determined or defined by the Wastewater Licensing Committee; and
- (3) Satisfactory completion of a Class I examination.

(c) Class II license:

- (1) Hold a Class I or equivalent license;
- (2) Satisfactory completion of a total of eighty (80) hours of approved training or equivalent or substitute training as determined or defined by the committee;
- (3) Two (2) years of experience in wastewater treatment or related field;
- (4) Satisfactory completion of a Class II examination; and
- (5) Have satisfactorily carried out the responsibilities of a Class I operator.

(d) Class III license:

- (1) Hold a Class II or equivalent license;
- (2) Satisfactory completion of a total of one hundred twenty (120) hours of approved training or equivalent or substitute training as determined or defined by the committee;
- (3) Completion of a total of three (3) years of experience in wastewater treatment or related field, provided that at least one (1) year shall have been in wastewater treatment plant operation;

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

Authority. Arkansas Code § 8-5-205.

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

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

- (1) Satisfactory completion of 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., employment by the Division of Environmental Quality or the Department of Health.

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

- (1) Satisfactory completion of 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.

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

Authority. Arkansas Code § 8-5-205.

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.

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

Authority. Arkansas Code § 8-5-205.

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

(a) Apprentice license:

(1) Issued for a maximum of six (6) 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 school graduate, GED, or equivalent;

(2) Satisfactory completion of a total of twelve (12) hours of approved training or equivalent or substitute training as determined or defined by the Wastewater Licensing Committee; and

(3) Satisfactory completion of the basic industrial wastewater operator examination.

(c) Advanced industrial license:

(1) Hold a basic industrial license;

(2) Satisfactory completion of twenty-four (24) hours of approved training or equivalent or substitute training as determined or defined by the committee; and

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

Authority. Arkansas Code § 8-5-205.

8 CAR § 22-306. License class requirements.

(a) Any operator wishing to obtain any wastewater operator license must fulfill the license class requirements.

(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.

Authority. Arkansas Code § 8-5-205.

8 CAR § 22-307. Multiple licenses.

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

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

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

Authority. Arkansas Code § 8-5-205.

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

(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.

Authority. Arkansas Code § 8-5-205.

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 the requirements of this part shall be directly related to wastewater treatment, unless otherwise identified in this part.

(c) Trainers shall submit requests for training approval and certification to the committee via the executive secretary.

Authority. Arkansas Code § 8-5-205.

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 to notify the Wastewater Licensing Committee's executive secretary that training was satisfactorily completed.

Authority. Arkansas Code § 8-5-205.

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:

(a) Treatment processes;

(b) Collection;

(c) Pumping; or

(d) Management.

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

(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 obtained to meet these 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;

(2)(A) Directly applicable classes, e.g., biology, chemistry, etc.

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

(C) **Undergraduate.** One (1.0) semester hour equals four (4.0) wastewater training hours.

(D) **Graduate.** One (1.0) semester hour equals six (6.0) wastewater training hours;

(3) Correspondence courses taught from the California State University – Sacramento (CSU-S) wastewater training curriculum will be allowed credit of four (4.0) training hours per chapter of wastewater training received for each completed volume;

(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

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

Authority. Arkansas Code § 8-5-205.

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 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 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.

Authority. Arkansas Code § 8-5-205.

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

(a)(1) Plants that treat domestic sewage for public health will be classified under this section.

(2) Package plants and sequencing batch reactors (SBRs) will be classified on the basis of each individual component (blower, activated sludge, clarification, disinfection, etc.).

(b) Each facility shall 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;

(2) Class I – 01 – 25 rating points;

(3) Class II – 26 – 49 rating points;

(4) Class III – 50 – 74 rating points; and

(5) Class IV – 75 or greater rating points.

(c) Classification factor rating points.

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

(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) years from the effective date of the revised part to allow operators to acquire the higher operator classification.

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

(3) Permit modifications will be required to effect such a change.

Authority. Arkansas Code § 8-5-205.

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:

(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 and advanced industrial wastewater treatment plants will be classified according to the following:

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

- (A) Carwashes;
- (B) Sedimentation;
- (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 of activated sludge, treatment of metal finishing waste streams, sedimentation/clarification with:

- (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, a classification may be adjusted by the Director of the Division of Environmental Quality to serve the intent of this part as long as it ensures environmental protection.

(2) Permit modifications will be required to effect such a change.

Authority. Arkansas Code § 8-5-205.

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.

(1) Any person desiring to take a license examination for which that person is eligible must file an examination application with the executive secretary of the Wastewater Licensing Committee at the Division of Environmental Quality.

(2)(A) A combined examination and licensing fee of forty dollars (\$40.00) must accompany the examination application.

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

(C) If an applicant has not taken the examination within sixty (60) days of the requested test date, the forty-dollar fee is not refunded.

(D) If an examination must be repeated, an additional twenty-dollar examination fee shall be required.

(3) An application may be denied if the operator has falsified any information required in the exam application.

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

(B) Licenses will be awarded to those who obtain a passing score.

(C) Applicants who 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 may repeat the examination after a three-month waiting period; and

(5) Examination score appeals.

(A) To appeal an examination score, an operator shall notify 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 appellant will be notified in writing within fifteen (15) working days of the date and time the examination may be reviewed with the executive secretary at the division licensing office.

(C) If, after the review, the operator's appeal is unsatisfied, the appeal may be referred to the Wastewater Licensing Committee at the next scheduled meeting.

(c) License renewal.

(1)(A) Renewal period.

(B) Licenses are valid for two (2) years (July 1 – June 30), with the renewal period beginning on July 1.

(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.

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

(3)(A) An operator whose license or licenses are in suspension will not be sent a renewal while in suspension.

(B) The operator is responsible for requesting a renewal form at the end of the suspension.

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

(4)(A) Fees.

(B)(i) A license renewal fee of forty dollars (\$40.00) must accompany a renewal request to be submitted to the executive secretary.

(ii) A ten-dollar late fee shall be assessed to renewals paid after the due date.

(d) 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:

(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.

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

(3) 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.

(f) **Apprentice license.** An application for licensure must be submitted to the executive secretary with a fee of ten dollars (\$10.00) for an apprentice license.

(g) **License reciprocity.**

(1)(A) Operators who hold a 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.

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

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

(B) The operator must have taken and passed a written examination for the equivalency that was administered by the authority for which reciprocity is requested;

(C) The operator must be currently licensed by a certification authority that recognizes the State of Arkansas wastewater licensing program; and

(D) A written request for reciprocity with an accompanying forty-dollar

research fee must be submitted to the executive secretary.

(3) Approved reciprocity licenses may be maintained by renewal as per this part.

(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 find that the operator:

- (i) Committed fraud in the application for 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 duties and responsibilities;
- (iii) Is incompetent, unable, or unwilling to perform the required duties;
- (iv) Intentionally caused a violation of the licensing requirements or related law;
- (v) Falsified state, local, or federal water quality related permits or records; or
- (vi) Is creating a clear potential threat to public health, safety, and/or the environment.

(B) The time and conditions of 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 shall be notified by certified mail, with restricted delivery, of a notice of suspension or revocation.

(iii) A copy of same shall also be sent to the owner of the facility which 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.

Authority. Arkansas Code §§ 8-5-205, 8-5-209.

Subpart 7. Effective Date

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.

Authority. Arkansas Code § 8-5-205.