

ARKANSAS DRINKING WATER ADVISORY AND OPERATOR LICENSING COMMITTEE

January 18, 2024 Meeting Minutes

A quarterly meeting of the Arkansas Drinking Water Advisory and Operator Licensing Committee (Committee) was held on January 18, 2024. The quarterly meeting was held at 10:00 am, at the Freeway Medical Tower, Little Rock, Arkansas with all members and guests attending in-person or utilizing virtual meeting software.

Members present:

Lance McAvoy, Chair, Fort Smith Water Utilities (2024) - Virtual	Brad Hammond, P.E., Olsson Engineering (2027)- Virtual
Jeff Ford, Kimzey Regional Water District (2025)	Larry Lloyd. P.E., University of Arkansas (2028)- Virtual
Sharon Sweeney, Central Arkansas Water (2026)- Virtual	Bryan Smith, Grand Prairie Regional Water (2029)
	Lance Jones, P.E., Executive Secretary; ADH

Department of Health (ADH) Staff & Guests present:

Reginald Rogers, Attorney, ADH	Daniel Dowdy, City of Fayetteville – Guest- Virtual
Brian Nichols, Attorney, ADH	Tim Nyander, Director of Utilities, City of Fayetteville – Guest- Virtual
Chuck Thompson, Attorney, ADH- Virtual	Jared Rodriguez, Central Arkansas Water - Guest
Deborah Reagan, Attorney Specialist, ADH- Virtual	Chris Shahan, Assistant Director of Distribution, Central Arkansas Water – Guest
Heather Parker-Foster Training and Certification Officer, ADH	Jane Hurley, Education/Outreach Specialist, Central Arkansas Water- Guest
John Lane, Bradford Waterworks- Guest- Virtual	Melissa Goad, Water Secretary, Bradford Waterworks- Guest - Virtual
Billy Burruss, Superintendent, Bradford Waterworks – Guest- Virtual	

MEETING CALLED TO ORDER – McAvoy

The meeting was called to Order by McAvoy, who then asked everyone to introduce themselves starting with the Committee members, staff, and guests. (See above attendance notations)

REVIEW AND APPROVAL OF MINUTES – McAvoy

McAvoy then directed attention to the October 12, 2023 meeting minutes, provided prior to the meeting, and requested any corrections to the minutes. Hammond recognized a duplicate statement at the end of the minutes that needed to be removed. Correction was noted and

McAvoy received a motion from Hammond to approve minutes as amended, with Smith providing the second and the motion was passed by the Committee.

CRIMINAL HISTORY WAIVER REQUEST – McAvoy

McAvoy noted that four (4) criminal history waivers were listed on the agenda, with Parker-Foster confirming that only two (2) were present to have their criminal history waiver applications reviewed by the Committee and all waiver requests were previously reviewed by the ADH Legal team.

William Wood, who was not present for the previous committee meeting, was not present. Lloyd made a motion to delay the decision on Wood's waiver request until he was able to attend a future committee meeting. Sweeney provided a second and the motion was passed.

Daniel Dowdy was not present. Lloyd made a motion to delay a decision on Dowdy's waiver request until he was able to attend a future Committee meeting. Smith provided the second and the motion was passed by the Committee with Hammond recusing himself from the waiver consideration.

John Lane answered questions pertaining to the process, expectations, and his waiver request. His supervisor, Billy Burruss, spoke in support of Lane and provided positive information regarding his employment at the Bradford Water system. Sweeney made a motion to approve the waiver. Smith provided the second and the motion was passed.

Ryan Williams withdrew his criminal history waiver application the day before the Committee meeting.

Daniel Dowdy and Tim Nyander arrived at the virtual meeting. McAvoy received a motion from Lloyd to hear the criminal history waiver request. Sweeney provided the second and the motion was passed. Dowdy answered questions pertaining to the process, expectations, and waiver request. His supervisor, Tim Nyander, spoke in support of Dowdy and provided positive information regarding his employment at Fayetteville Waterworks. Lloyd made a motion to approve the waiver. Sweeney provided the second and the motion was passed.

HIGH SCHOOL WAIVER REQUEST – McAvoy

McAvoy noted one (1) high school waiver listed in the agenda, with Parker-Foster confirming ready to be reviewed by the Committee.

Jared Rodriguez answered questions about his pertaining to the process, expectations, and waiver request. His supervisor, Chris Shanahan, spoke in support of Rodriguez and stated he was an outstanding employee. Sweeney recused herself from the waiver consideration. Lloyd provided a motion to approve the waiver. Smith provided the second and the motion was passed.

OLD BUSINESS – McAvoy

No old business needed to be discussed.

NEW BUSINESS – McAvoy

Approval of 2024 Committee Mileage and Travel Reimbursement – Rogers

Rogers briefed the Committee members on travel expense re-imbusement and that a vote on reimbursement was needed. Hammond made a motion to authorize Committee members to receive applicable reimbursement in 2024. Lloyd provided the second and the motion passed.

License Revocation Update – Rogers

Rogers updated the Committee on the latest status of the Committee revocation recommendation of Danny Clark's water licenses to the Board of Health. He reminded the Committee that the Board had revoked the license, and that Clark had appealed the revocation to the Circuit Court. On September 19, 2022, the Circuit Court entered an order confirming the Board of Health's order of revocation of Clark's water licenses. Clark appealed the ruling to the Arkansas Court of Appeals along with a motion to stay the ruling pending the Court's review. The Court approved the stay and granted. Briefs have been filed by both parties and the case is waiting for the Court to hear the case. Clark did renew his license on December 8, 2023 for the 2021-2023 renewal period.

Central Arkansas Water Apprentice Program –Hurley

Hurley provided background on the Ford Next Generation Learning (NGL) program that the four public school districts in Pulaski County had joined. This is an educational and philanthropic program to pair businesses with local high schools. CAW has been paired with Maumelle High School with a course called Skilled Trades. They have forty (40) students enrolled into two (2) classes and were providing the AWWA Distribution I and II licensing materials for this semester. The students will get their education from the AWWA materials and receive assistance to prepare to take the license test before they graduate high school. Hurley is asking for input on the school program, test taking and licensing scenarios from the Committee. CAW will be using these AWWA materials, practice tests, and speakers from the waterworks field to discuss real world experiences and provide job shadowing or internships for the high school students.

WPI Annual Conference Report – Parker-Foster

Parker-Foster attended the Water Professionals International (WPI) Annual Conference the previous week and provided a report to the Committee. WPI/PSI is upgrading and migrating exam data for each state user and will provide more clarification and be updating tests, practice tests, need-to-know criteria, language for tests and overall reporting data to each user in early summer. The Licensing Program is scheduled for a one-on-one session with PSI to go over the new and improved reports and functions of the website. Different adult motivational learning techniques were shared at the conference, troubleshooting operator certification and state programs to find common ground and presentations from other state users to include provinces in Canada. Next year's WPI Annual Conference will be held in New Orleans, LA the first week of January 2025.

COMMITTEE REPORTS – McAvoy

Executive Secretary / Section Director's Report – Jones

Jones briefly updated the Committee on the varied PWS funding available from the federal government to include SRF, Emerging Containment and Lead Service line. The Section is currently working with the Natural Resource Division (NRD) and contracted service provider to assist water systems get their service lines inventories completed by the due date of Oct 16, 2024. ADH submitted a primacy extension request for the LCRR and are currently reviewing the proposed LCRI which was published at the end of November 2023. Public comments are due to EPA by February 5, 2024. The PFAS compound rule that was proposed early last year will likely be finalized and published in the next few months.

The Engineering Section is anticipating EPA to finalize the CCR rule revisions, that were also proposed last year and publish, the proposed Water System Assessment Restructuring Rule in the coming months. The Restructuring Rule proposes to address systems that have challenges in their management and do not have capacity from the technical, managerial, and financial standpoint.

All these federal Rules will require ADH to go through an update of state PWS Rules so that ADH can adopt the EPA Rules by reference, most likely in 2025.

The Section is also updating the (PWS) Compliance Course by reviewing the presentations and looking at presentation consistency and setting up modules and for the training. The draft PWS Operator Database update was halted due to COVID-19, but the staff will start to evaluate and update the new database to provide better tracking of data for each operator and their licenses. The Agency is looking at a new system for allowing an online option for license registrations and renewals.

The Section will be requesting nominations for the next Committee member before end of January 2024 and present the nominations to the Board of Health at their April meeting.

The Section is still experiencing staff vacancies (15-20%) with some technical positions having been filled with recent hires. Workloads have increased to meet compliance requirements and the electronic submission of plans has been successful and provides faster processing than waiting on the mail service.

Training and Certification Officer's Report – Parker-Foster

Parker-Foster provided an exam report showing the Operator Licensing program administered 153 license exams between October 1, 2023, and December 31, 2023, with an overall 40 percent passage rate. The Water Operator Licensing Program is proceeding ahead with licensing, training, and testing at the Arkansas Department of Health. Renewal training sessions and their attendance are returning to normal levels. License applications continue to be received in above normal numbers. Administrative staffing concerns have lessened allowing the Program staff to return to processing licenses, exam results, etc. in a timely manner.

The Program has promoted Jack Gregg (previous District 5 Environmental Health Specialist) as the new Training Coordinator in December 2023.

The current license renewal period is from July 1, 2023, to June 30, 2025. The previous renewal period from July 1, 2021 to June 30, 2023 was still being processed. 540 invoices with penalty

were mailed in early December 2023 to all water operators that had expired licenses due to incomplete or missing renewal applications. Some late renewals were being received and processed.

Reports from ARWA and AETA were not reviewed during the Committee Meeting.

OTHER BUSINESS – McAvoy

No other business was brought forward.

CONFIRM NEXT MEETING DATE – McAvoy

McAvoy requested information to set the date for the next Committee meeting. McAvoy concluded the discussion, scheduling the next meeting date for April 11, 2024, at Freeway Medical Tower in Little Rock, AR. McAvoy appreciated his time and thanked everyone for the opportunity to serve on the Committee.

ADJOURN – McAvoy

McAvoy requested a motion to adjourn the Committee meeting. Smith motioned to adjourn, Lloyd provided the second motion and the motion passed concluding the meeting.