

ARKANSAS DRINKING WATER ADVISORY AND OPERATOR LICENSING COMMITTEE

DRAFT - February 8, 2018 Meeting Minutes - DRAFT

A quarterly meeting of the Arkansas Drinking Water Advisory and Operator Licensing Committee (Committee) was held on February 8, 2018. The quarterly meeting was held at 10:00 a.m., at the Arkansas Rural Water Association, Lonoke, Arkansas.

Members present:

Stacy Cheevers, Chair, Beaver Water Dist (2018)
Bradley Scheffler, Piggott Water/Wastewater (2020)
Scott Boggs, Searcy Board of Water Utilities (2023)

Roger Moren, Chair-Elect, Sardis Water Assn (2019)
Aaron Benzing, P.E., Hawkins Weir Engineers (2021)
Jeff Stone, P.E., Executive Secretary; ADH

Member Absent:

Lashun Thomas, Ph.D., P.E., UA Little Rock (2022)

Department of Health (ADH) Staff & Guests present:

Reginald Rogers, ADH Legal
Ida L Hampton, Administrative Specialist, ADH
Bill Russell, Mayor, City of Bauxite
Randy Harper, Arkansas Environmental Training Academy
Jeremy Rowe, Arkansas Environmental Training Academy

Martin Nutt, Training and Cert Officer, ADH
Lance McAvoy, Fort Smith Utility
Matthew Ghery, City of Bauxite
Jeff Ford, Arkansas Rural Water Association

MEETING CALLED TO ORDER – CHEEVERS

Meeting called to Order by Stone, Executive Secretary.

INTRODUCTION OF COMMITTEE, STAFF, AND GUESTS – CHEEVERS

Cheevers welcomed all present to the Committee meeting. He then requested everyone present to introduce themselves and it was carried out by the Committee members, staff, and guest.

SPECIAL ORDER BUSINESS – SHAW

Per Diem Travel Approval - Rogers

Rogers stated that all Boards and Committees, by state law, must approve yearly, at its first meeting of the year, authorization for Committee members to receive travel expense reimbursement at the same per diem state employees receive. Benzing moved Committee members be authorized to receive the per diem in 2018, Scheffler provided the second, and the motion passed.

REVIEW AND APPROVAL OF MINUTES – CHEEVERS

Cheevers directed attention to the provided July 13, 2017 meeting minutes, and requested any corrections or an approval motion. Scheffler motioned to approve the July 13, 2017 minutes as

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presented, Moren provided the second, and the Committee approved the July 13, 2017 minutes.

Cheevers noting the October 12, 2017 meeting was primarily the hearing, which was a separate court reported document, requested the Committee to approve the abbreviated October 12, 2017 meeting minutes. Revisions to the minutes to better describe the Committee's action taken during the hearing was requested by Rogers, the Committee concurred with the suggested revisions. Scheffler motioned to approve the revised October 12, 2017 meeting minutes, Boggs provided the second, and the motion passed.

STANDING BUSINESS – CHEEVERS

High School Diploma Waiver – Nutt

Nutt noting the Committee had a High School waiver to be considered requested the Committee review the provided waiver application and related materials. He introduced the applicant Matthew Ghere, City of Bauxite and Bill Russell, Mayor of Bauxite, then reviewed the reason for the waiver request, noted previous actions by the Committee of not providing waivers except for VSS and Distribution Grade I licenses, then reviewed the waiver requests documents. Ghere and Russell addressed the Committee on the circumstances surrounding the need for the request. The Committee after asking questions of the guest, staff and themselves concluded their review. Cheevers received a motion to approve the waiver limited to only a Grade 1 Distribution License, with a recommendation that a GED be obtained if Ghere wished to pursue a higher Grade Distribution or Treatment License from Scheffler. The motion was seconded by Boggs, and with no further discussion the motion passed.

OLD BUSINESS – CHEEVERS

ADWA&OL COMMITTEE REVOCATION STATUS UPDATE – ROGERS

Rogers thanked the Committee again for participating in the lengthy hearing in October 2017. He stated he felt the Committee had heard and reviewed all the facts, listened to all the witnesses and had reached their result. The results were submitted to the full Board of Health. The matter was reviewed by the Board at their January 25, 2018 meeting. Matthew Mosley, license holder appeared before Board without his attorney present. Also, Andy Anderson, Ozark Mountain Water Association Board President, James Busbee, Association Board member also appeared before the Board, The Board, after deliberations, allowed Mosley, Anderson, and Busbee to speak briefly. The Board voted to uphold the Committee's revocation recommendation, revoking Mosley's water licenses for 3 years, with the requirements to meet all new license applicant requirements to relicense. Rogers stated Moseley was notified of the Board's findings, in a letter dated, on or about, February 12, 2018. He concluded his update with a review of Mosley's right to appeal to Circuit Court.

2017 LICENSE RENEWAL WRAP-UP – NUTT

Nutt stated he had held over several business items from the November meeting agenda that would have been more pertinent at that time. The renewal wrap-up is the first. He reported

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that renewal had mostly concluded. Several small one operator systems were issued SDWA no licensed operator violations when their operator had not renewed by the end of active license grace period of September 30, 2017. The violation notices continued until their operators were able to catch up hours and renew, or hire a licensed operator. He concluded the report that the renewal cycle was on course to have its normal 10 to 15 percent not renewing. Occasional renewals are still received in that licenses can be reinstated until June 30, 2018.

ABC 2017 Exam Version Development Update – Cheevers & Nutt

Nutt reported that his, Cheevers' and lots of other volunteers' efforts had come to fruition in that the 2017 ABC standardized exam were now available for use. Nutt stated that the 2017 exams were the most extensive psychometrically sound exams ABC has ever developed. It started with many volunteer SME hours developing the base job description document, to the very large response of operators, over 5,000, who participated in the job performance survey, to the significant time and effort SME needed matching and writing exam questions to fit the final needs to know developed from the survey responses. This effort resulted in the validated 2017 exams. Cheevers added he had learned a lot about what it takes to develop exams and that the new exams were very through exam with all parts of it well documented as to its need.

NEW BUSINESS – CHEEVERS

PROPOSED STUDY REFERENCE MANUAL LIST REVISIONS – NUTT

Nutt stated the Reference Manual List needed to be revised. He referenced the provided proposed revised list. He stated the revised list listed the California State Manuals and the AWWA Water Supply Operation series of manuals as recommended manuals. The WSO manuals had previously been listed as suggested additional references. He stated the new ABC Exams' Needs-To-Know listed both sets of manuals. In addition he observed that during the exam development workshop that both sets of manuals were heavily used, in both the treatment and distribution workgroups when writing new questions or researching existing questions. He stated he was not comfortable using the new exams without the reference list suggesting access to both sets of manuals. Plus, the heavily revised WSO series had been aligned to the new ABC NTK. After discussion surrounding the need for all manuals, cost, etc. Nutt concluded that he was going to begin using the proposed Study Reference Manual Lis and the Committee agreed with its use.

ABC 2017 EXAM CONVERSION DECISION & IMPLEMENTATION DATE – NUTT

Nutt referenced an information sheet on the use of the 2017 ABC exams and requested the Committee's input on the programs next steps as to their use. He asked "Do we want to use them, and, if we do, when do we start using them?" He reviewed the key points, the exams are available, the present, 2012 exams will be supported by ABC as valid until December 31, 2018. ABC support of an exam challenge after that date will significantly diminish. Stone then noted the sheet should read as a January 1, 2019 implementation date, not 2018. He then noted he did not like being an early adopter, that this implementation date would mean the

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exams will have had time to rule out any use hiccups. He noted that the “cut score” has not become an issue in that ABC determined the exams “cut scores” would remain at 70%. He expressed support for the January 1, 2019 date. Scheffler followed Stones comments with a motion to adopt the use of the 2017 ABC Standardized Exams and to start using them January 1, 2019. Moren provided the second and the motion passed. Rowe sought input as to when should the trainers begin using the new NTK, formula sheet, etc. Nutt suggested the trainers probably needed to started using soon knowing that there will be a transition period where some are preparing for present exams and others for the 2019 exams. Discussion then followed about how far out operators started preparing for exams. Rowe thanking the Committee for its input.

ABC ANNUAL CONFERENCE ATTENDANCE REPORTS – BOGGS & NUTT

Boggs stated he could validate the usefulness of sending a Committee member, noted he now better understood why reciprocity was such a difficult issue as he became aware of the differences in each state’s program and the diversity of doing the same thing. Another big issue he felt came out of the conference was the necessity of requiring a high level of competency from an operator while at the same time receiving presentation on recruiting adequate operating staff. He concluded by expressing his appreciation for the opportunity to attend, that he learned a lot, and had a new appreciation for the managing a licensing program. Nutt reviewed presentations from the Trainers Workshop mentioning a concerning presentation from IACET on its continuing education standards and how those standards would nullify all of our present continuing education including the mandatory courses. Another informative presentation was on adapting to the digital age, the changing of training delivery through use of the internet and how we do our jobs with AMR, SCADA, etc. The conference presentation highlights were a legal presentation on the ADA with troubling thoughts as to what accommodations should be allowed for exam administration. A presentation from PSI provided insights on the use of new technologies to administer exams like remote proctored exam kiosks. Nutt concluded by noting he always gained new insights into licensure program administration from the presentations and networking opportunities.

EPA DATA AUDIT – ADH RECORDS – FINAL REPORT – STONE

Stone informed the Committee that the Drinking Water Program had recently had a data audit from EPA. The audit is not a financial audit, it is several EPA staff members reviewing the programs various data records and PWS compliance documentations. It is EPA’s due diligence to make sure the program is doing our job as the SDWA Primacy Agency. He stated the primary concern from the audit was in our method of data reporting not utilizing a specific EPA preferred reporting software. Stone stated that the overall summary is the program is doing well with no significant issue contained in the final report.

2018 TRAINING SCHEDULE UPDATE – NUTT

Nutt stated he primarily presented the training calendar to the Committee to document that training was geographically available throughout the State and the Committee had no need to utilize the clause in the regulations that allowed them to waive the training requirements when

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it is not available in a geographical area of the State. He further noted that the schedule had no appreciable decrease or increase in training availability.

2018 LICENSE EXAM SCHEDULE UPDATE – NUTT

Nutt presented the 2018 exam schedule, noted it was almost identical to last years. He noted the computer based exams were still available to fill any need gaps, and their use was steadily increasing mainly from a convenience standpoint.

COMMITTEE REPORTS – CHEEVERS

Executive Secretary / Section Director's Report – Stone

Stone indicated the Section's budget was stable. The Section recently reduced the staff by not refilling a couple of vacant positions and implemented the new state pay plan.

Stone provided a Program update stating the program has challenges to be faced in the future. One is the issue mentioned earlier in reference to the Section not using EPA preferred computer software and potentially expensive upgrades should the section be required to use EPA preferred software programs. This issue has got to be worked out to maintain primacy and Stone went into depth on possible ways to address this concern. He then noted he recently attended an EPA Region VI meeting and was provided latest estimates, never accurate, for various new rules. The Revised L&C Rule would be proposed by August 2018, final rule February 2020 with effective date 2023, will have a comment period which all concerned should take advantage. Perchlorate rule proposed by October 2018, final rule by December 2019, and be effective end 2022. He concluded by noting UCMR 4 sampling began January 2018 with UCMR 5 sampling to begin January 2023 which may coincide with start of the Perchlorate Rule monitoring and Revised L&C Rule modified sampling requirements which could make 2023 a very expensive year with a significant question on how it will be afforded.

Training & Certification Officer's Report – Nutt

License Update – Nutt

Nutt started his report by referencing the provided spreadsheet detailing exam performance information, noted no magical improvement in passing rates had occurred, that we continue to see the higher license grades performing lower than preferred. He reviewed the computer based exams numbers in follow-up to an earlier question on their use.

Enforcement Plan Update – Nutt

Nutt in his enforcement effort report provided a handout to the Committee detailing enforcement actions. He noted that the list was growing, much of that is a result of the Sections starting to take enforcement action against system without a fully license operator. Holds an OIT instead of a full license would be an example. In those cases the enforcement is

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listed as a State Regulation violation rather than a SDWA violation lessening the severity of the violation.

General Program Update – Nutt

Nutt in his General Program Update informed the Committee that the program was not processing applications, exam results, and licenses, as quickly as he preferred. Some of the lag is the program is processing a larger volume of applications. The exam passing rates are creating operator turnover and a much larger number of exams to process. He noted he had mitigated the large number of phone calls for exam results by emailing exam results the day results are received eliminating the desire to call for results.

Arkansas Environmental Training Academy Report – Harper and Rowe

Harper passed out the AETA 2018 training schedule and noted his duties had been increased with the addition of the SAU Tech's Workforce Training. The upside to the workforce addition is that its training is being incorporated into the overall AETA training efforts and is listed in the schedule. Also, the Academy has added several renewal focused courses and encouraged everyone look into their use for some fresh renewal training. Rowe then presented the Academy's training report reporting the Academy offered in 2017 1,216 direct training hours, in 71 different water courses, which were offered at 22 locations across the state. If you include indirect training there were an additional 195 different indirect water courses.

Arkansas Rural Water Association Report – Ford

Ford provided an ARWA written training report detailing their training classes and attendance data for last calendar year and commented ARWA courses were well attended.

OTHER BUSINESS – CHEEVERS

No Other Business.

CONFIRM NEXT MEETING DATE – CHEEVERS

The Committee confirmed their next meeting date tentatively for April 8, 2018.

ADJOURN – CHEEVERS

Cheevers received an adjournment motion from Moren, seconded by Scheffler, with the Committee affirming the motion. Cheevers adjourned the meeting.

End

(Minutes approved, as presented, July 12, 2018 ADWA&OLC meeting. amn)