

Occupational Authorizations

for the meeting of the

ALC-OCCUPATIONAL LICENSING REVIEW SUBCOMMITTEE

Thursday, June 20, 2024 at 2:00 PM

Division of Environmental Quality

ENVIRONMENTAL OFFICER

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: Arkansas has established statutory and regulatory requirements for the certifying of environmental officers under the Environmental Compliance Resource Act.

Statutory Requirement(s): State Requirements: Arkansas clearly established requirements for environmental officer certification in Ark. Code Ann. §8-6-2008 which states:

“The Director of the Division of Environmental Quality...shall develop, implement and administer the Environmental Compliance Resource Program... Certification to individuals who have completed the required environmental officer training and examination...”

In addition, Ark. Code Ann. §8-6-2010 establishes additional requirements related to environmental officer training, examination and certification.

Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 27, as amended May 26, 2022, sets forth the requirements for the certification of environmental officers as well as other components of the program including the training requirements, and other administrative features of the program.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Initial combined examination and certification	\$50.00	Once
Fee	Certification Renewal	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	FINAL_RULE_27.docx

Supporting Evidence Documents

No Supporting Evidence Documents Provided

ENVIRONMENTAL PROFESSIONAL CERTIFICATION (PHASE 1 ASSESSMENTS)

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: Phase I environmental site assessments; coordinating and overseeing the implementation of comprehensive site assessments, and site cleanups and remedial actions.

Division of Environmental Quality (Continued)

ENVIRONMENTAL PROFESSIONAL CERTIFICATION (PHASE 1 ASSESSMENTS) (Continued)

Statutory Requirement(s): Act 1018 of 2007, incorporating the federal standards set out at 40 CFR 312.10 and in ASTM Standard E1527-05 for “environmental professionals” performing Phase I assessments pursuant to the ASTM standard and the federal All Appropriate Inquiries rule published at 40 CFR 312

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Application and Phase I Consultant listing provided on E&E website	\$25.00	Biennially

Administrative Rules Documents

Document Type	Document
Rules	aai-final-rule-40-cfr-312.pdf
Rules	reg32_final_080526_(1).pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

HAZARDOUS WASTE FACILITY OPERATOR

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: Hazardous Waste Management Facility Operation

Statutory Requirement(s): Rule 23
(f) Certification of Hazardous Waste Facility Operators. In addition to the requirements of §§ 264.15, 264.16, and 264.55, the following provisions shall be complied with:
(1) No commercial hazardous waste management facility shall be caused or permitted to operate unless at least one person certified by the Division in accordance with the provisions of subsection (2) below, is on duty, or on 15 minutes call, at all times the facility is being operated. Depending upon the size and complexity of the facility, the Division may require, as a condition of permit, one or more certified operators to be on duty at all times the facility is in operation

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Application Fee	\$100.00	Once
Fee	Annual Fee	\$25.00	Annually

Division of Environmental Quality (Continued)**HAZARDOUS WASTE FACILITY OPERATOR (Continued)****Administrative Rules Documents**

Document Type	Document
Rules	Pages_from_reg23_final_201002-2.pdf

Supporting Evidence Documents*No Supporting Evidence Documents Provided***UNDERGROUND STORAGE TANK A/B OPERATOR CERTIFICATION**

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: The UST Operator certification is for owners/operators of UST facilities.

Statutory Requirement(s): The UST operator is regulated by Arkansas Rule 12 and 40 CFR 280.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	UST operator fee (A)	\$25.00	Once
Fee	UST operator fee (B)	\$25.00	Once

Administrative Rules Documents

Document Type	Document
Rules	AR_Rule_12.pdf

Supporting Evidence Documents*No Supporting Evidence Documents Provided***SOLID WASTE MANAGEMENT FACILITY OPERATOR**

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: Arkansas has established statutory and regulatory requirements for the licensing of solid waste operators. Requiring licensed operators ensures solid waste management facilities are operated in a manner that is protective of public health, the environment, and the public and private sectors infrastructure investments.

Statutory Requirement(s): State Requirements: Arkansas clearly established requirements for solid waste operator licensing in Ark. Code Ann. §8-6-907 which states:

"All operators in responsible charge of public and private solid waste management facilities shall be duly licensed and certified as competent by the Director of the Division of Environmental Quality under the provisions of this subchapter and under such rules as the Arkansas Pollution Control and Ecology Commission may adopt...."

Division of Environmental Quality (Continued)

SOLID WASTE MANAGEMENT FACILITY OPERATOR (Continued)

In addition, Ark. Code Ann. §8-6-908 establishes additional requirements related to solid waste operator licenses.

Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 27, as amended May 26, 2022, sets forth the requirements for the licensing of solid waste operators as well as other components of the licensing program including the Solid Waste Licensing Committee, licensing requirements, training requirements, and other administrative features of the program.

DEQ has currently issued 222 Individual and General Permits that requires the facility operator be licensed as an Arkansas Solid Waste Operator.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties			
Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Initial combined examination and licensing fee	\$50.00	Once
Fee	License Renewal	\$50.00	Biennially
Penalty	Late Renewal	\$10.00	Biennially
Fee	Reciprocity	\$50.00	Once

Administrative Rules Documents	
Document Type	Document
Rules	FINAL_RULE_27.docx

Supporting Evidence Documents

No Supporting Evidence Documents Provided

UNDERGROUND STORAGE TANK LICENSED CONTRACTOR

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: The Underground Storage Tank Licensed Contractor (IRUC) is licensed to install, repair, upgrade, or close underground storage tanks.

Statutory Requirement(s): The Underground Storage Tank Licensed Contractor (IRUC) is regulated by Arkansas Rule 12 and 40 CFR 280.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Division of Environmental Quality (Continued)

UNDERGROUND STORAGE TANK LICENSED CONTRACTOR (Continued)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	UST Contractor	\$300.00	Biennially

Administrative Rules Documents

Document Type	Document
Rules	AR_Rule_12.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

UNDERGROUND STORAGE TANK LICENSED INDIVIDUAL

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: The Underground Storage Tanks Licensed Individual (IRUC) can be licensed to install, repair, upgrade, or close underground storage tanks in Arkansas.

Statutory Requirement(s): The Underground Storage Tanks Licensed Individual is regulated by Arkansas Rule 12 and 40 CFR 280.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Individual IRUC license	\$150.00	Biennially

Administrative Rules Documents

Document Type	Document
Rules	AR_Rule_12.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

UNDERGROUND STORAGE TANK LICENSED TESTER

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: The UST licensed tester allows contractors/individuals to conduct testing on underground storage tanks, piping, etc. to ensure there are no leaks.

Statutory Requirement(s): This licensure is required by Arkansas Rule 12 and 40 CFR 280.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a

Division of Environmental Quality (Continued)

UNDERGROUND STORAGE TANK LICENSED TESTER (Continued)

uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties			
Fee Type	Fee Description	Amount (\$)	Frequency
Fee	UST Company Tester License	\$300.00	Biennially
Fee	UST Individual Tester License	\$150.00	Biennially

Administrative Rules Documents	
Document Type	Document
Rules	AR_Rule_12.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

WASTE TIRE TRANSPORTER

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: Rule 36

Statutory Requirement(s): Rule 36

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties			
Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License Fee	\$50.00	Annually

Administrative Rules Documents

No Administrative Rules Documents Provided

Supporting Evidence Documents

No Supporting Evidence Documents Provided

HAZARDOUS WASTE TRANSPORTER

Authorization Type: Registration # of Individuals Regulated:

Entity Division Name: Office of Land Resources

Scope of Practice: EPA ID's are issued to applicants and are then identified and regulated as a "Transporter" of Hazardous

Division of Environmental Quality (Continued)

HAZARDOUS WASTE TRANSPORTER (Continued)

Waste.

Statutory Requirement(s): § 263.11 EPA identification number
(a) A transporter must not transport hazardous wastes in or through Arkansas without having received an EPA identification number.

§ 263.13 Transporter Permits.
(a) Any person who transports hazardous waste in, from, or through the State of Arkansas shall comply with the permitting and other requirements of the Arkansas Department of Transportation and the Arkansas Motor Carrier Act.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Yes

Fees & Penalties

No Fees or Penalties Provided

Administrative Rules Documents

Document Type	Document
Rules	reg23_final_201002.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

Solid Waste Management Operator

Environmental Officer

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **Yes. The authorization, ensures that operators have met the requirements for both education and the years of apprenticeship training. Environmental impacts could be catastrophic if operators were not properly trained.**

What instances of specific and substantial harm have been documented in the past year?
N/A

2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners?

DEQ received 370 illegal dump complaints in 2023. Illegal dumps are most often generated by unauthorized practitioners.

What specific action was taken by the occupational entity?

Illegal dumping complaints were referred to the Regional Solid Waste Management district's Environmental Officers to investigate Environmental Officers have the authority to issue citations.

3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners?

DEQ investigated 42 complaints in 2023 on permitted facilities with authorized practitioners present.

What specific action was taken by the occupational entity?

Depending on the impact of the observed violation, DEQ may take formal enforcement action.

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **No** If so, why? **N/A**
5. How much does the occupational entity collect annually in fees, and what are annual expenses? **\$49,325 collected, the program administrator's salary is \$52,491.09.**

How much money does the occupational entity have in reserves? **N/A**

6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? **N/A** For what purpose? **N/A**

7. Does the occupational entity have any other sources of revenue? **Yes, however the Department fully expends other collected revenues for other required functions. Additionally, other collected revenues could not appropriately be applied to Solid Waste tasks. However, Regional Solid Waste Management's Districts have the authority to increase their disposal fee rate should they have access to an Environmental Officer (Ark. Code Ann. § 8-6-714).**

Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?

No; the amount of fees collected from this program will not fund the salary for this program's administrator.

8. How many applicants for the occupational authorization fail each year?
2.4% of Solid Waste operator applicants failed in 2023. 0% of Environmental Officer applicants failed in 2023.

Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? **No**

ALC – Occupational Licensing Review Subcommittee

Occupational Entity Questionnaire

9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)?

It is a combined program that includes apprenticeships with classroom educational requirements for Solid Waste Management Operators. There is no apprenticeship for Environmental Officers.

What percentage of applicants complete apprenticeships? 100%

10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

Removal or reduction of continuing education requirements for current authorized holders would eliminate the consistent standardized education they receive. Without the occupational authorization requirements, Operators would not be held to industry safety standards and readily comply with state statutes, Rules, and solid waste permits.

ALC – Occupational Licensing Review Subcommittee

Occupational Entity Questionnaire

Environmental Professional Certification (Phase I Assessments)

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **Yes, DEQ certifies that applicants meet the American Standards for Testing and Materials (ASTM) requirements.** What instances of specific and substantial harm have been documented in the past year? **None**
2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? **None** What specific action was taken by the occupational entity? **N/A** How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? **None** What specific action was taken by the occupational entity?
3. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **No** If so, why?
4. How much does the occupational entity collect annually in fees, and what are annual expenses? **Application fees are \$25 each and DEQ receives approximately four applications a year.** How much money does the occupational entity have in reserves? **N/A**
5. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? **N/A** For what purpose?
6. Does the occupational entity have any other sources of revenue? **Yes, however the revenues are fully expended.** Could occupational authorization fees be reduced without causing the occupational entity to be underfunded? **No, the current fee does not adequately cover the expended staff time.**
7. How many applicants for the occupational authorization fail each year? **None** Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? **No**
8. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? **No, the ASTM**

ALC – Occupational Licensing Review Subcommittee

Occupational Entity Questionnaire

standard can't be met by vocational training or apprenticeships. What percentage of applicants complete apprenticeships? None

9. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders? The removal of this certification eliminates oversight on individuals performing Phase I assessments. The certification meets EPA's requirement of all appropriate inquiry that therefore provides liability protection under CERCLA.

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire
Hazardous Waste Facility Operators

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **Yes. Operators without an occupation authorization would not be able to identify the severity of an emergency, identify hazardous wastes and their properties, manage or coordinate responses to an emergency.**

What instances of specific and substantial harm have been documented in the past year? **Numerous incidents are reported throughout the year; however, the occupational authorization or lack thereof have contributed to these reported incidents.**

How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? **None**

What specific action was taken by the occupational entity? **N/A**

2. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? **None** What specific action was taken by the occupational entity? **N/A**
3. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **No**. If so, why?
4. How much does the occupational entity collect annually in fees, and what are annual expenses? **\$100.00 per initial certification, \$25 for annual renewals, the revenue for this license was \$2175 for FY23. How much money does the occupational entity have in**

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

reserves? There are currently no reserve Hazardous Waste Facility Operator reserve funds.

5. *If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? For what purpose?* N/A

6. Does the occupational entity have any other sources of revenue? Yes, however those sources of revenue are fully expended on other required tasks.

Could occupational authorization fees be reduced without causing the occupational entity to be underfunded? No, the \$2175 received in FY23 did not cover the portion of the program administrator's salary for the time spent on renewal and initial licensure.

7. How many applicants for the occupational authorization fail each year? None, there is no test. Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? No.

8. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)?

No. Owners are responsible for developing training for their individualized waste streams.

What percentage of applicants complete apprenticeships? N/A

9. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

Arkansas Pollution Control and Ecology Commission Rule 23 requires the licensure of Hazardous Waste Facility Operators. Without the requirement, there is risk of having inexperienced personnel at Treatment, Storage, and Disposal Facilities (TSDFs).

Rule 23 establishes that a commercial hazardous waste management facility shall at least one Hazardous Waste Facility Operator on-duty, or on 15 minutes call, at all times the facility is being operated to ensure the facility can effectively respond to emergencies.

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

Underground Storage Tank A/B Operator Certification
Underground Storage Tank Licensed Contractor
Underground Storage Tank Licensed Individual
Underground Storage Tank Licensed Test

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **Yes; the State would not have properly trained and certified operators placing tanks in the ground, repairing tanks, and removing tanks in accordance with 40 CFR 280 and Rule 12.**

What instances of specific and substantial harm have been documented in the past year?

Since June 1, 2022, Office of Land Resources reviewed 58 new eligibility determinations for the Petroleum Storage Tank Trust Fund for facilities that have had petroleum releases. It is unknown if any of these releases were the result of a licensed contractor's failure.

2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? What specific action was taken by the occupational entity?

Field inspectors ensure that any individual or company that performs tank installs, repairs, testing, or closures have a valid contractor license through DEQ. DEQ is unaware of any complaints made by consumers being harmed by unauthorized practitioners.

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? What specific action was taken by the occupational entity?

DEQ is unaware of any complaints made by consumers being harmed by authorized practitioners. However, DEQ did seek to revoke or suspend two licenses for failing to meet the contractor and licensing requirements of Rule 12.515

4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **NO** If so, why?
5. How much does the occupational entity collect annually in fees, and what are annual expenses? **DEQ collected \$40,800 and expended \$54,707.74 for the program's administrator's salary.**

How much money does the occupational entity have in reserves? **N/A**

6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? **N/A** For what purpose? **N/A**

7. Does the occupational entity have any other sources of revenue? **Yes, however those other revenues are fully expended for their appropriate programs and additionally may not be appropriate to expend on RST tasks.**

Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?

No; the amount of fees collected from this program will not fund the salary for this program's administrator.

8. How many applicants for the occupational authorization fail each year? **None**

ALC – Occupational Licensing Review Subcommittee

Occupational Entity Questionnaire

Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? **NO**

9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? What percentage of applicants complete apprenticeships?

Applicants are not required to complete training requirements; only to pass the examination.

10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

Properly authorized personnel may suffer harm to their businesses if they work with those who are not properly trained or authorized in this program. 40 CFR 280 and Rule 12 require the licensing of RST operators and contractors.

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

Waste Tire Transporter

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **Yes. The application process requires the applicant to be a licensed vehicle operator, maintain vehicle insurance, and post a \$10,000 bond (in the event tires are not managed properly).**

What instances of specific and substantial harm have been documented in the past year?
None

2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? **None**

What specific action was taken by the occupational entity? **N/A**

3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? **None**

What specific action was taken by the occupational entity? **N/A**

4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **No**

If so, why? **N/A**

5. How much does the occupational entity collect annually in fees, and what are annual expenses? **Revenue collected in FY 23 was \$2,250, these funds are used to pay a portion of the program administrator's salary.**

How much money does the occupational entity have in reserves? **N/A**

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? **N/A**

For what purpose? **N/A**

7. Does the occupational entity have any other sources of revenue? **Yes, however those sources of are not appropriate for use on tire program functions or are fully expended for other appropriate functions.**

Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?

No, because the amount collected currently does not support the program administrator's time spent on review and issuance.

8. How many applicants for the occupational authorization fail each year?

None; there is no test. There is an application process.

Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? **No**

9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)?

There are no training requirements.

What percentage of applicants complete apprenticeships? **N/A**

10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

Properly authorized occupations, permitted facilities, and the public could be harmed by the illegal disposal of tires because there would be no accountability for waste tire haulers to properly dispose of tires.

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire
RCRAInfo Program

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? *Yes, without the issuance of an EPAID for these transporters, DEQ would not be able to track the transportation of hazardous waste.* What instances of specific and substantial harm have been documented in the past year? *None.*
2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? *None* What specific action was taken by the occupational entity? *N/A*
3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? *None/A* What specific action was taken by the occupational entity? *N/A*
4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? *No.* If so, why?
5. How much does the occupational entity collect annually in fees, and what are annual expenses? *ARDOT (Arkansas Department of Transportation) collects Hazardous Waste Transporter Fees.* How much money does the occupational entity have in reserves? *N/A*
6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? *N/A* for what purpose? *N/A*
7. Does the occupational entity have any other sources of revenue? *Yes, DEQ already funds this program's administrator salary through other funds.* Could occupational authorization fees be reduced without causing the occupational entity to be underfunded? *N/A*
8. How many applicants for the occupational authorization fail each year? *None. Applicants have to meet the requirements of Rule 23 263.11(a).* Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? *N/A*

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9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? [There is no training required.](#) What percentage of applicants complete apprenticeships? [N/A](#)
10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders? [40 CFR 263.11 establishes that a transporter must not transport hazardous wastes in or through Arkansas without having received an EPA identification number. Hazardous Waste transportation in Arkansas should be tracked to ensure proper management.](#)