

South Carolina State Board of Environmental Certification

Board Meeting-September 12, 2006

The Board held a regular scheduled meeting on September 12, 2006, at 110 Centerview Drive, Synergy Business Park, South Carolina.

It was noted for the record that official notification of the meeting had been sent to the Offices of LLR-Public Information and LLR-General Counsel, appropriate newspapers and WIS-TV in compliance with Section 30-4-80 of the S. C. Freedom of Information Act.

Board Chair, Frankie Burden, called the meeting to order at 10:05 a.m. The invocation was given by William Armes. Other members and guests were Mike Bailes, David Baize, Dwight Johnson, Hank Rutland, and Drennan Park; Dona Caldwell, Administrator, Theresa Garner, Board staff; Rick Wilson, Legal Counsel; Joseph Mealing, and Nelson G. Abney, Town of Lexington; James R. Ray, Harvey L. Rose, and Jo Ellen Trueblood, City of Camden; Jerry Crockett, City of Lancaster; Stan H. Baker, and Dale Davis, Great American Tank Wash; Fred Dunn, Rock Hill; Michael Szoke, Low Country Pool; John Young, WSRC; Ricky Cox and Don Greene, Springs Industries; Eric Bradley, Diana Porter, and Brian Craig, Oak-Mitsui; Kendrick Brown, and Mark McKinney, Cintas; Tony McAbee, City of Spartanburg; Rick Hiers, Southeast RCAP; Dee Bennett, City of Columbia; Phil Thompson-King, CSD; Becky Dennis, Kiawah Island Utility; Dennis Satterfield, Laurens CPW; Larry Lightsey, and James Bauer, BJWSA; Frank Eskridge, Scott Sullivan, David Austin, Keith Guest, Mario Jefferies, Keith Brown, Demetrius Harris, Kendrick Harris, Eric Latimore, Rick Covington, Eddie Polk, Michael Turner, Brent Haynes, and John Jackson, Greenville Water System.

Section 40-23-40

The purpose of this board is to protect the general public through the regulation of persons engaged in occupations appointed by the legislature for regulation by the board. These occupations are referred to in this chapter collectively as Environmental Systems Operators.

Where action is recorded below, it was taken in each case on motion duly made, seconded and carried.

Motion: Dwight Johnson moved, seconded by William Armes, to approve the July 11th Board Minutes. **Approved.**

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Chairman Burden informed everyone that because of the Rural Water Conference meeting the week of November 13th, and quite a number of board members will be attending, the Board Meeting date will be re-scheduled to November the 28th.

Motion: Mike Bailes moved, seconded by Hank Rutland to approve the re-scheduled date. **Approved.**

Motion: Dwight Johnson moved, seconded by Mike Bailes to go into executive session for discussion, at 10:39 a.m. **The motion carried.** **Motion:** Dwight Johnson moved, seconded by Hank Rutland to come out of executive session at 11:10 a.m. **The motion carried.**

The following renewal/application hearings were discussed in executive session. It was noted for the record that no votes were taken or motions made while in executive session.

A verbatim transcript of these proceedings is included as part of the permanent record.

Renewal/Application Hearings

Frederick D. Dunn-BL #9549 & P/C #2739

Motion:Drennan Park moved, seconded by Hank Rutland to approve Mr. Dunn's request for renewal of his Biological and P/C Wastewater Licenses, with the following conditions: 1) He will be placed on three (3) years probation. 2) Each annual renewal period, he will be required to submit a current SLED report. **Approved.**

John Overson-CP #479

Board Administrator, Dona Caldwell, reported that prior to the Board Meeting, she had been notified of Mr. Overson's charges being expunged. Based on this information, Mr. Overson will be allowed to renew his license. **Approved.**

Michael J. Szoke, Jr.-CP #6172

Motion: Mike Bailes moved, seconded by Hank Rutland to approve Mr. Szoke's request for renewal of his CPO license with the following conditions: 1) Mr. Szoke will forward to the board office a copy of his drug program completion. 2) He will be placed on three (3) years probation. 3) Each annual renewal period, he will be required to submit a current SLED report. **Approved.**

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Stanley H. Baker-PC # 6822

It was noted for the record that William Armes recused himself from discussion, and voting of this case. **Motion:** Dwight Johnson moved, seconded by Mike Bailes to approve Mr. Baker's request for a Physical/Chemical Wastewater License with the following conditions: 1) He will be placed on three (3) years probation. 2) Each annual renewal period, he will be required to submit a current SLED report. **Approved.**

Motion: Dwight Johnson, moved, seconded by Mike Bailes to change the order of the agenda by moving Item E, to immediately follow Item B. **Approved.**

Motion: Mike Bailes, moved, seconded by Dwight Johnson to go into executive session for legal advice at 11:15 a.m. **The motion carried.** **Motion:** Hank Rutland moved, seconded by Mike Bailes to come out of executive session at 11:32 a.m. **The motion carried.**

The Board went into executive session for legal advice. It was noted for the record that no votes were taken or motions made while in executive session.

Chairman Burden stated that at the last Board Meeting, Vice-Chair, Rebecca West, appointed a committee to review criteria for staff approval of Trainee Permit Extensions. The committee consisted of William Armes, Mike Bailes, and Hank Rutland.

Motion: William Armes, moved, seconded by Hank Rutland to allow Administrator, Dona Caldwell, to approve at her discretion, first time written requests for trainee permit extensions, and additional extension requests which falls within the criteria of extenuating circumstances; such as Military Duty, self or family illness, loss of job, economic hardship, and job transfers. **Approved.**

Motion: William Armes moved, seconded by Mike Bailes to clarify the intent of the motion regarding trainee permit extensions. The intent was to allow the board administrator to have discretion to grant a one (1) year trainee permit extension for first time requests, and at her discretion any other and beyond. **Approved.**

By order of this motion, the following operators were issued a one (1) year trainee permit extension.

James J. Bauer-DS #1462

Heyward V. Glenn, Jr.-DS # 1111

Nelson Abney-DS # 2080 and Joseph Mealing-DS # 2081

Jackie McFadden-DS #2279

Jacisual M. Tinsley-DS # 2322

Greenville Water System-David Austin-DS #2301, Keith Brown-DS #2302, Kendrick Harris-DS # 2306, Scott Sullivan-DS # 2314, Mario Jeffries-DS # 2309, Ricky Covington-DS # 2415, Keith Guest-DS #2412, Demetrius Harris-DS #2416, Brent Haynes-DS #2409, John Jackson-DS #2426, Eric Latimore-DS #2410, Michael Turner-DS #2407

**Eric A. Bradley-PC # 6473
Michael R. Smith-PC # 6360
Marvin A. Neal-PC # 6332
Richard D. Cox-BL # 11968**

Motion: Hank Rutland, moved, seconded by Drennan Park to go into executive session at 12:17 p.m.**The motion carried. Motion:** Dwight Johnson, moved, seconded by Hank Rutland to come out of executive session at 12:35 p.m. **The motion carried.**

It was noted for the record that no votes were taken or motions made while in executive session.

Harvey L. Rose-DS # 1641

Motion: Mike Bailes moved, seconded by Dwight Johnson, to grant Mr. Rose's "Second" Request for a one (1) year extension of his Water Distribution License. **Approved.**

Kendrick D. Brown-PC # 5897

Motion: Mike Bailes moved, seconded by Dwight Johnson, to grant Mr. Brown's "Second" Request for a one (1) year extension of his Physical/Chemical Wastewater License. **Approved.**

Discussion of a Lab Committee

Discussion of a Lab Committee was tabled until the November 28th meeting. Chairman Burden asked that prior to the next meeting, John Young will submit in writing, an outline of recommendations for lab certification experience requirements, to be forwarded to the board members for their review.

Discussion of Direct Supervision for “Trainee” Operator Certification

Becky Dennis, Kiawah Island Utility, spoke on behalf of Jim Matthews, who was unable to attend the meeting. She stated their primary concern is the criteria that is being mailed out states that a trainee is permitted to work only when a “D” “C” “B” or “A” level operator is present and supervising the work, and this is contradictory to the law. She referred to Section 51-5A of the Regulations: **“Operation under this permit shall always be under the direct supervision of a legally licensed operator of the proper grade.” Section 51-7 which reads:” Direct Supervision” means supervision provided by a licensee who must (a) be on-site or immediately available to supervise persons via telephone, radio, or other electronic means; and (b) maintain continued involvement in appropriate aspects of each professional activity of the supervisee.”** Dona Caldwell, Administrator, said she thought the confusion was coming from the Definition of “Direct Supervision” used for Well Drillers. Dona, stated when the regulations were being changed, a public hearing was held, several special interest groups requested that a provision be added for large facilities that would encompass a large area of land. This would allow the Operator of Record not to have to sit at the operator’s shoulder, they would be able to encompass that facility. Dona stated “Direct Supervision” of operators is being misinterpreted as meaning you do not have to have a supervisor present, all you have to do is have telephone or radio contact. **Legal Counsel:** Rick Wilson stated, for clarification of the definitions, Becky should refer to the law. He said the board’s definitions apply to everything that is in Chapter 23. Rick stated that changes can be made on the information mail out sheet but any language changes regarding the law will have to be made through regulation. Dona stated the information sheet that is currently being sent out, will be changed.

Election of Officers

Motion:Chair, Frankie Burden, nominated Mike Bailes as Chairman. The motion was seconded by Dwight Johnson. **Approved.**

Motion:Mike Bailes, nominated William Armes as Vice-Chair. The motion was seconded by Chairman, Frankie Burden. **Approved.**

Discussion Matters

There were no discussion matters.

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Chairman's Report

There was no chairman's report given.

Committee Updates

There were no committee updates.

Investigator's Report for May, July & September

The Investigator's Report was given by Dona Caldwell, Administrator, in the absence of DeLeon Andrews, who was unable to attend the meeting. She said that Dwight Hayes, Legal Counsel, suggested the board appoint a hearing panel with hearing officers (former board members) to hear cases, and make recommendations to the board. She suggested this as an item of discussion at the next meeting.

36	Open Investigations
0	Pending IRC
11	Legal
1	Letter of Caution Issued
12	Closed

Adjournment

Motion: William Armes, moved, seconded by Dwight Johnson to adjourn the meeting at 1:25 p.m. **Approved.**