

South Carolina State Board of Environmental Certification

Board Meeting-March 13, 2007

The Board held a regular scheduled meeting on March 13, 2007, at 110 Centerview Drive, Synergy Business Park, Columbia, 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.

Vice-Chair, William Armes, called the meeting to order at 10:02 a.m. The invocation was given by Hank Rutland. Others members and guests were David Baize, Dwight Johnson, Drennan Park, and Hank Rutland. Dona Caldwell, Administrator, DeLeon Andrews, Investigator, Theresa Garner, Board Staff; Sharon Dantzler, Legal Counsel, and Dwight Hayes, Attorney, OIE; Bill Payne and John Young, Washington Savannah River Site; Jo Ellen Trueblood, City of Camden; Becky Dennis, Kiawah Island; Todd Jackson, City of Columbia, and Audra Jackson, MENT; Dee Bennett, City of Columbia, and Elizabeth Williams, Central Carolina Technical College. Absent were excused board members, Frankie Burden, and Mike Bailes.

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.

Vice-Chair, William Armes, welcomed everyone and stated there were no chairman's remarks since Board Chair, Mike Bailes was not present.

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

Motion: Drennan Park moved, seconded by Dwight Johnson, to approve the November 28th Board Minutes. **Approved.**

Certified Pool/Spa Application Hearing-Michael T. Jackson

The application hearing was called to order by Vice-Chair, William Armes. The purpose of the hearing was to decide whether or not the applicant should be granted a license. Mr. Armes reminded everyone that the proceedings were being recorded, all witnesses would be sworn in, and all remarks would be directed to the chairman. He asked Administrator, Dona Caldwell, had all board members been given an opportunity to review Mr. Jackson's information, Dona's reply was yes. Board Administrator, Dona Caldwell explained why Mr. Jackson's application needed to come before the board. She stated that because of the charges listed on Mr. Jackson's SLED report, the application could not be approved at a staff level.

Mr. Jackson waived his right for legal counsel. Mr. Jackson stated that he has been employed with the City of Columbia for approximately four (4) years, the last two (2) years with Parks and Recreation, taking care of swimming pools. He said he would like to advance his career by obtaining his pool license. He stated about ten years ago he developed a drug and alcohol problem, and has been clean and sober for six years. He asked the board to consider granting him a swimming pool/spa license.

Audra Jackson spoke on behalf of her husband. She stated because of her husband's drug and alcohol abuse that she and her husband had a lot of marital problems, and at the time she did not want to be around him so she called the cops. She stated he never harmed her in any way. She said the license would not only benefit her husband but would benefit her family, and she only wanted what was best for her husband and would like for him to be able to prove he can be the man he is today. She asked the board to give him a chance and consider granting him a swimming pool license.

Mr. Jackson's supervisor, Arthur Faust, spoke on his behalf. Mr. Faust said he has been employed with the City of Columbia, division of Parks and Recreation since 1975. Mr. Faust said he is on the Teri program, and will be retiring next year. He said Mr. Jackson has been with him for three (3) years, and that they work closely with DHEC. He stated he needs to have an employee he can trust to leave at a location and do what he is told to do, because his own license is at stake. **Legal Counsel: Sharon Dantzler** asked Mr. Faust, as Mr. Jackson's supervisor, has he had any concerns about his tendency for violence. Mr. Faust stated not at all. He said he works diligently with him and their hours vary; sometimes they are required to be at work as early as one or two o'clock in the morning because of the number of pools they service. **Hank Rutland** asked Mr. Jackson what other activities he had outside of work. Mr. Jackson stated he has three children, a fifteen year old daughter, a seven year old daughter, and a five month old son. He is teaching his oldest daughter to drive, he spends time with his family, and he likes to ride his motorcycle. He said he takes care of his mother, and really does not have time to do a

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lot of other things. **William Armes** asked the date and reason of his last conviction. Mr. Jackson said as he recalled it was in 2001, three or four charges were made by his wife that he pleaded guilty to, just to get it over with. **William Armes** questioned Mr. Jackson about a fraudulent check charge. Mr. Jackson explained that he thought he had written a bad check but had since made payment.

Motion: Dwight Johnson moved, seconded by David Baize to go into executive session for discussion, at 10:17 a.m. **The motion carried.** **Motion:** Dwight Johnson moved, seconded by Hank Rutland to come out of executive session at 10:37 a.m. **The motion carried.**

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

Motion: Drennan Park moved, seconded by Dwight Johnson to accept Mr. Jackson's application for Swimming Pool/Spa certification and if a license is granted it will include a three (3) year probation period; at which time Mr. Jackson will submit a SLED report annually. **Approved.** Legal Counsel will prepare documentation explaining the order and conditions.

Proposal for Certificate Program by Central Carolina Technical College

Elizabeth Williams introduced Central Carolina Technical College's proposal for a certificate program for water and wastewater operators. The operators will receive (18) hours of credit for online courses available state wide; there will be some class room courses. She said their goal is to give people who do not have a lot of experience in treatment facilities, an opportunity to go online and take courses. Also, employers who are getting new employees will be able to offer the online training so they will be able to learn more about their facilities. William Armes asked if she was asking the board to recognize these courses as an equivalency to one (1) year of operating experience. Dona said she thought the concept was to fast track the experience time for the operators. William Armes encouraged Elizabeth to offer some field training for participants. **Motion:** David Baize moved, seconded by Drennan Park to accept Central Carolina Technical College's Water and Wastewater courses as presented today, as equivalent to one (1) year of experience. **Approved.** William Armes stated for clarification that all other requirements had to be met; especially the "D" level which requires one year of actual operating experience. This training would mainly apply to the "C" level and beyond. David Baize stated the board should be notified of any changes in the program.

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Discussion Matters

Citation and Notification of Penalty

Legal Counsel: Sharon Dantzler requested the citation document be removed from discussion. She said the document is not ready, has some legal flaws and she needs to review it before it is presented to the board. Sharon offered to meet with the subcommittee.

William Armes suggested this item be tabled to the May Board.

Legislation

Dona said there is a Bill 3543, supported by the Water Quality Association, requesting that the renewal period be removed from ninety (90) days to a full year (365) days. Dona said LLR is opposing the amendment because of public health and safety concerns, ceu's will not be done in a timely manner, and it extends the renewal period for one (1) full year. Dona stated she had spoken with Mike Bailes, and Frankie Burden, both had expressed their opposition of the bill. After some discussion **Vice-chair, William Armes, stated it looked as though the board was taking a neutral position, however, there were no votes taken.**

Committee Updates

The board members were reminded their ethics statements should be forwarded to the Ethics Commission prior to April 15th.

The Citation and Enforcement Form was tabled until the May meeting.

Direct supervision was tabled until the May meeting.

Lab Committee Chair, William Armes, stated the committee corresponded by email but never met. He posed the question, should someone that is practicing in the lab be granted equivalent experience as an operator? Mr. Armes stated he reviewed the regulations and statutes and both refer to equivalent experience. He said the board already has a mechanism in place for this purpose. He recommended that Administrator, Dona Caldwell, place a guidance on the website for laboratory operators, and once they have their license and are current with their education requirements then they should be able to present a document to the board administrator which supports this experience. If the administrator says no; then it would come before the board. William Armes suggested the

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board see how this develops, and if it does not work then the committee will refine it. Committee members, Hank Rutland and John Young agreed.

Investigator's Report

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| 39 | Open Investigations (New Cases Included) |
| 8 | New Investigations |
| 8 | February 15 th IRC (4 to Legal, 3 Dismiss, and 1 Letter of Caution) |
| 1 | Pending IRC Meeting |
| 13 | Legal (add 4 from IRC makes a total of 17 cases) |

Vice-chair William Armes asked DeLeon Andrews what the board could do to seek help from DHEC and the POTW's to make sure unlicensed practice is LLR's, Environmental Certification Board's jurisdiction? He said DHEC has the operations permit and the POTW's have certain discharge permits, but ultimately it is LLR's jurisdiction. DeLeon said what he finds is there needs to be more communication between Environmental Certification Board and the pre-treatment coordinators, and he feels he needs some direction from the board. William Armes presented the following two questions to the board. 1) Guidance or expectations of other regulatory agencies when they see unlicensed practice? 2) How can the board enhance their ability to communicate, educate, and encourage the reporting? Dona Caldwell, Administrator, stated our law requires if you chemically, biologically or physically change the components of water or wastewater you are operating and you must be licensed.

Dwight Hayes, Legal Counsel, stated a lot of the companies have not been adequately supervised by the municipalities, and he doesn't think the municipalities fully understand their responsibilities.

David Baize said he would speak with Jeff Debessonnet, Director, NPDES Permits, and get information from him and will ask if he or someone in his department will come to the next board meeting.

Dwight Hayes, Legal Counsel, said at the last board meeting the board discussed having a hearing officer and a support attorney. He stated he thought that James Saxon, would be the Board's legal support. Frankie Burden, will be the hearing officer for well drillers, and Rebecca West will represent water & wastewater operators.

Adjournment

Motion: Hank Rutland, moved, seconded by Dwight Johnson to adjourn the meeting at 12:01 p.m. **Approved.**