

South Carolina State Board of Environmental Certification

Board Meeting Minutes-July 10, 2007

The Board held a regular scheduled meeting on July 10, 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.

Chairman, Mike Bailes called the meeting to order at 10:05 a.m. The invocation was given by William Armes. Other members were William Armes, David Baize, Dwight Johnson and Drennan Park. Dona Caldwell, Administrator, DeLeon Andrews, Investigator, Theresa Garner, Board Staff; LLR Assistant Deputy Director, Bob Selman. Absent were excused board members, Frankie Burden, and Hank Rutland. Scheduled speakers were: Sue Schneider, Spartanburg Water; Paul Calamita, General Counsel, Water Quality Association, and Becky Dennis, Kiawah Island.

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.

Chairman, Mike Bailes, welcomed everyone.

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

Motion: William Armes moved, seconded by Dwight Johnson, to approve the May 8th Board Minutes. **The motion carried. Approved.**

Election of Officers

Chairman Mike Bailes opened the floor for nominations for the Vice-Chair's position. Dwight Johnson nominated William Armes, and Drennan Park seconded the nomination. **The vote was unanimous. Approved.**

Chairman Mike Bailes opened the floor for nominations for the Chairman's position.

Board Meeting-July 10, 2007-Page 2

William Armes nominated Mike Bailes, and Dwight Johnson seconded the nomination. **The vote was unanimous. Approved.**

Sue Schneider, General Manager Spartanburg Water State of Water Industry

Sue Schneider spoke on behalf of the water industry; stating there was a crisis in South Carolina as well as across the country in recruiting and filling water and wastewater operator positions. She voiced her concerns, and asked the Environmental Certification Board to partner with the water and wastewater utilities in solving this issue. She stated she is the Vice-Chair of the AWWA Work Force Strategy Committee, and as part of those duties she works with the utilities across the country to address work force issues. She said what she wanted to focus on with the board is the need to have operators prepared to effectively operate the facilities. She asked the board to support and work alongside S. C. water utilities and wastewater utilities to develop strategies to insure present and future work force demands were met.

William Armes stated that because he was a sitting board member he felt that he needed to make a comment. He said there was a crisis in the business sense but he did not know if there was an operator shortage, he thought the crisis was more potentially business oriented. William said as a public utility and business industry Spartanburg Water has to hire operators to meet a state mandate. Because of this reason, and the fact the board oversees operators for public health reasons he felt this prompted Sue's request to appear before the board. He stated he was not sure how much the board could help Spartanburg Water in terms of bringing people to the profession. Certainly this was an opportunity and a win win situation as to how the operator would develop and adhere to the law, and certainly the board had an interest. However, he did not think the state was in a position to spend an enormous amount of time and effort to support recruiting operators, he thought that was more of a business, tech school or college demand. Regardless, he stated that he would like to be on a committee and serve, but he just wanted to clarify that the board is a governing body verses a recruiting body.

Paul Calamita-General Counsel-Water Quality Association Concerns

Paul Calamita spoke on behalf of the Water Quality Association, stating their members are comprised of a couple of dozen of the water and sewer utilities, statewide. Their board

Board Meeting-July 10, 2007-Page 3

consists of seven (7) members representing Charleston Water Systems, Easley, North Charleston, North Myrtle Beach, Rock Hill, Summerville and Beaufort-Jasper. Generally, while their organization is intended to address the water and sewer related publicly owned utility issues around the state, licensing of operators, is also a big concern. They think it is critical to be able to attract young people to their profession and that communities have an appropriate licensing program. The organization wants to make sure they focus the right amount of resources and attention on that program. He said their association stands ready to be a resource on water and wastewater licensing issues from a public utility prospective. Mr. Calamita stated he would like to see the board provide the operators with some flexibility to move in and out of the business, and addressed the following issues: 1) Mail out draft minutes to the public prior to the board meeting. 2) Board Agenda-Setting time aside for public comments. 3) LLR Citation Authority-Chair, Mike Bailes said that item was in committee. 4) Citations and Penalties-the association feels citations and penalties should come through the board process. As a public body they don't like administrative fines against them, they prefer it comes through a public board. 5) Periodic review of the Environmental Certification Board Rules. He said some of the other government agencies have a two or three year period and have a general review where they open it up to the public and ask if there are issues with either one set of rules or a broad set of rules. It would be helpful if the board had a fixed review date. 6) Carry over of education credits. 7) Flexibility for senior operators. Statutory changes may be required and they would like to partner with the board to make the necessary changes.

Becky Dennis-Kiawah Island Affidavit of Employment Form

Becky Dennis requested that there be more clarity in the instruction portion of the affidavit. She also questioned the need for listing specific duties that the operators are performing. Chairman, Mike Bailes, responded, saying that because of multiple licensing, the information gives Dona and staff an opportunity to see that the operators are working in the plant, and what their duties are. Chairman, Mike Bailes, said this was developed to help staff understand cross-training. Dona said this also meets the requirement of the law and helps document the experience. Becky asked if the affidavit is not filled in from A through G, would the form be rejected. Dona said, no. She stated she only returns the forms if they are not signed and there are no dates of experience. Becky referred to sections 5 & 6 regarding the average hours worked, and whether or not you are full or part-time. She stated there is nothing in the statute or policy that requires or clarifies what actual time worked is. Mike and Dona said thirty (30) hours a week is what the board considers to be full time, and this was done by policy. Becky also asked why the board required the affidavits to be notarized. Chairman, Mike Bailes, stated that this was done to safeguard someone from forging a signature.

Board Meeting-July 10, 2007-Page 4

Chairman's Report

There was no chairman's report given.

Committee Updates

Chairman, Mike Bailes, stated the committee had not met regarding the citation and notification of penalties.

David Baize asked since the question of citations was brought up as one of the concerns; should the board clarify they had three items they were specifically going to look at. Sue suggested they set up a committee for ways to facilitate flexibility to get more operators, and Paul Calamita provided a specific list of issues and suggested another committee or formal meeting. David said he just wanted to make sure the board was clear on how they were going to look at each item, time frame, etc.

Motion: At 11:05 a.m. William Armes moved, seconded by Dwight Johnson to go into executive session for legal advice. **Motion:** Dwight Johnson moved, seconded by Dreannan Park to come out of executive session. **The motion carried. It was noted for the record that no votes or motions were made while in executive session.** The meeting reconvened at 11:35 a.m.

Chairman, Mike Bailes, said in light of what the board heard today, he was going to form some new committees. An Operator Development Committee, chaired by Sue Schneider, other members will be Elizabeth Williams, William Armes, David Baize and Mike Bailes. A Water Quality Committee, which will consist of David Baize, Dona Caldwell and Mike Bailes.

Investigator's Report

The investigator's report was given by DeLeon Andrews.

61 Open Investigations (new cases included)
 9 New Investigations
41 Old Investigations
 5 Pending July 23rd IRC Meeting
 6 Pending closing of files (June 27th IRC)
 2 Closed Investigations
16 Legal

Adjournment

Motion: William Armes moved, seconded by Dwight Johnson to adjourn the meeting at 11:40 a.m.