

MINUTES

**South Carolina Board of Environmental Certification
Board Meeting
10:00 a.m. January 13, 2009
Synergy Business Park
110 Centerview, Kingstree Building, Room 108
Columbia, South Carolina**

Meeting Called to Order

Chairman, Mike Bailes, called the meeting to order at 10:02 a.m. Other members present for the meeting included David Baize, Mitch Dew, Dwight Johnson, Drennan Park, Jimmy Rodgers, Hank Rutland and Elizabeth Williams. Absent was excused Vice-Chair, William Armes.

Staff members participating in the meeting included: Dona Ferguson, Administrator; Theresa Garner, Program Assistant; Sharon Dantzler, Legal Counsel.

Mike Bailes noted for the record that public notice of this meeting was properly posted at the S. C. Board of Environmental Certification Office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

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 the chapter collectively as Environmental Systems Operators.

Approval of the September 9th, 2008 Meeting Minutes

Motion: Dwight Johnson made a motion, seconded by Hank Rutland and unanimously carried, that the Board approves the minutes.

Invocation

Hank Rutland delivered the invocation.

Application Hearings

Brent A. Walden-Biological Wastewater

Chairman, Mike Bailes, called the hearing to order. Mr. Walden was sworn in for testimony, along with Mr. Bradley S. Weaver, who testified on Mr. Walden's behalf.

Administrator, Dona Ferguson, stated staff was not able to approve the application request because Mr. Walden is currently incarcerated at the Tiger River Correctional Institution.

Mr. Walden waived his right to legal counsel. He explained that when he was nineteen years old, he was arrested for DUI. Consequently, because of this incident, he is currently serving time in the Tiger River Correctional Institution. He assured the board that he now takes his responsibilities seriously and is trying to turn his life around. He asked the board to consider issuing him a biological wastewater trainee permit. His goal is to take and pass the exams, and hopefully find employment in a wastewater facility when he is released in 2012.

Legal Counsel, Sharon Dantzler, asked Mr. Walden had he been tested for drug addiction, alcoholism, or alcohol dependency, and if he thought he had any dependencies. He answered no to both questions.

Mr. Bradley Weaver testified on Mr. Walden's behalf. He stated that Mr. Walden has worked for him for a year, and has not gotten into any trouble, is a hard worker, follows the rules, and catches on quickly. Mr. Weaver stated that even though he closely supervises Mr. Walden's work, Mr. Walden is quite capable of doing the work without direct supervision.

Legal Counsel, Sharon Dantzler asked Mr. Weaver if he had seen any indication of any addiction or alcoholism from Mr. Walden. Mr. Weaver's response was, no.

Chairman Bailes stated that Mr. Walden's request would be taken under advisement.

Motion: Dwight Johnson made a motion at 10:15 a.m., seconded by David Baize and unanimously carried, that the Board enter into executive session to seek legal advice.

Return to Public Session

Motion: Dwight Johnson made a motion at 10:30 a.m., seconded by Hank Rutland and unanimously carried, that the Board return to public session.

Chairman, Mike Bailes, noted for the record that no votes were taken during executive session.

Motion: Mitch Dew made a motion, seconded by Dwight Johnson and unanimously carried, that the Board grants Mr. Walden a Biological Wastewater Trainee Permit.

James C. Hedrick-Biological Wastewater

Chairman, Mike Bailes called the hearing to order. Mr. Hedrick was sworn in for testimony.

Administrator, Dona Ferguson, stated staff was not able to approve the application request because Mr. Hedrick had been issued a Cease and Desist for operating without a license. She stated that previously Mr. Hedrick had been issued a trainee permit, and also a trainee permit extension; which expired July of 2008. Maurice Smith, Investigator for OIE, investigated a complaint against Mr. Hedrick, who works for the Town of Kingstree, for allegedly performing wastewater operations without a license. Maurice issued Mr. Hedrick a Cease and Desist.

Mr. Hedrick waived his right to legal counsel. Mr. Hedrick stated that in the past six months he has suffered a great tragedy in losing his best friend. In the course of the ordeal, he put off requesting another trainee permit extension. He presently works in the lab, and was told that he did not need a license. His job duties consist of PH, DO, temperature, cutting the grass, and washing the clarifiers. He stated that he never operated the system during this time; there was an "A" and "D" level operator on duty. He asked the board to consider allowing him another trainee permit extension.

Legal Counsel, Sharon Dantzler, asked Mr. Hedrick, since the expiration of his trainee permit had his work duties changed in any way, and was his supervisor aware that his trainee permit had expired. Mr. Hedrick said they both were aware the permit had expired, and as a result his supervisor changed his job duties and that is when he began working in the lab. Ms. Dantzler asked if he had intended to renew his permit at some point, his response was, yes. She asked if he had taken any exams, he said he had taken and failed two exams. Ms. Dantzler asked Mr. Hedrick to describe the type of work he did from July 2008 until the present. Mr. Hedrick stated he worked in the lab doing the PH, the DO, the temperature, cutting the grass, cutting the pressure water on, and washing the clarifiers.

He would go down to the press building and move the containers back and forth with the dump trucks. Then Mr. Hedrick and his boss would go inside, and he would run the machines, and check the pump stations.

Chairman Bailes stated that Mr. Hedrick's request would be taken under advisement.

Motion: Drennan Park made a motion at 10:28 a.m., seconded by Hank Rutland and unanimously carried, that the Board enter into executive session to seek legal advice.

Return to Public Session

Motion: Hank Rutland made a motion at 11:04 a.m., seconded by Dwight Johnson and unanimously carried, that the Board return to public session.

Chairman Bailes noted for the record that no votes were taken during executive session.

Motion: Drennan Park made a motion, seconded by Dwight Johnson and unanimously carried, to lift the Cease and Desist Order and approve the request for a (1) year extension of Mr. Hedrick's Biological Wastewater trainee permit. Mr. Park asked that the record show that the Board found no evidence of unlicensed practice.

Office of Investigative Enforcement (OIE) Report

Dona Ferguson, Administrator, presented the (OIE) Report.

Chairman's Remarks

Committee Updates: Hank Rutland stated the Operator Experience Committee has not been able to meet. He said the Continuing Education Relevancy Committee, which consists of Hank Rutland, Elizabeth Williams, Joe Divito and Dee Bennett, met on October the 28th. The committee is recommending that the board consider replacing their CEU criteria with ABC's. Hank handed out a packet of information and asked the board members to review and consider aligning with ABC and using their continuing education criteria. The committee suggested linking our website to ABC's, reviewing the information, and providing input at the March meeting.

There were no other committee updates.

Administrator's Remarks

Administrator, Dona Ferguson, reported that licensing is now under Licensure and Compliance and is located on the 3rd floor. She said that department is actually issuing licenses for most boards but it was a misnomer to say they are issuing our licenses because technically they are not. We are still processing ours, just because our licenses can only be issued on promotions. The final result is that "OLC" will be issuing all licenses but presently they are not issuing our promotions. Dona showed the members a copy of the new pocket cards and certificates that will be replacing what is currently being mailed out. She stated that she and Mike Bailes will be attending the ABC Conference held in California on January 26th through January the 30th. Dona gave an update on the Notice of Drafting that was placed in the November registry; she stated that she has not received any comments. She handed out copies of the draft to the board members for their review, the wording reflects the change for renewal payment from (90) days to (365) days.

Motion: Mitch Dew made a motion, seconded by Dwight Johnson and unanimously carried, that the board accepts the draft notice.

New Business

Chairman Bailes stated that some meetings back, there had been a discussion that the board members would meet with the Investigative Review Committee (IRC) but they have yet to do so. Dona suggested that they meet in conjunction with the next board meeting; along with the investigators and LLR's litigation attorney. The members were in agreement.

Chairman Bailes asked if the board members had reviewed their copies of the AMP Pass/Failed Ratio's. He said he was greatly concerned with the scores, and asked Dona if ABC could send a copy of the exams for review. He asked the board members to forward a list of names of operators who could serve on the Exam Review Committee. **Legal Counsel, Sharon Dantzer**, stated that each of the boards that are faced with these types of issues is looking at the traditional path of licensure; which is education, experience, and examination. She said essentially the board has a two prong requisite, and perhaps at some point they may want to consider adding an educational component at the "C" or "B" level.

Public Comments

Jim Matthews stated that he thinks AMP's exams are very fair, and he thinks the number one cause of exam failures is lack of preparation. He stated you can get a breakdown of the questions of each category from the ABC website. He said as an instructor, according to his feedback, he was told that ABC has revised their formula sheets but AMP is not giving them out at their exam sites. Administrator, Dona Ferguson, said since she will be attending the conference she will make sure ABC is aware that the examinees are not getting the updated information.

John Young had concerns regarding electronic renewal payments for his company. He wanted to know how that was going to work since they have so many employees and the company will be paying for their renewals. Dona suggested he talk to Annette Disher of "OLC" who will be handling the renewal processing.

Adjournment

Motion: Dwight Johnson made a motion at 11:25 p.m., seconded by Hank Rutland, and unanimously carried, to adjourn the meeting since there was no further discussion of business at this time.

AGENDA
South Carolina Environmental Certification Board
Board Meeting
10:00 a.m. January 13, 2009
Synergy Business Park
Kingstree Building-110 Centerview Drive
Conference Room 108
Columbia, South Carolina

I Meeting Called to Order-Public notice of this meeting was properly posted at the South Carolina Environmental Certification Board, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

II Approval of the September 9, 2008 Meeting Minutes

III Application Hearings

1. James C. Hedrick-Biological Wastewater
2. Brent A. Walden-Biological Wastewater

IV Office of Investigative Enforcement (OIE) Report

- A. Complaints
- B. Investigative Activity

V Administrator's Remarks

VI New Business

VII Public Comments
(No Votes Taken)

VIII Adjournment

The next meeting of the South Carolina Environmental Certification Board is scheduled for Tuesday, March 10, 2009, in Room 105.