

MINUTES

**South Carolina Board of Environmental Certification
Board Meeting
10:00 a.m. May 12, 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 10:04 a.m. Other members present 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, Jamie Saxon, and Christa Bell, 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 January 13, 2009 Meeting Minutes

Motion: Dwight Johnson made a motion, seconded by Mitch Dew and unanimously carried, that the Board approve the minutes.

Invocation

Hank Rutland delivered the invocation.

Administrative Hearings

Theodore L. Brown, Sr.-Well Driller #1448

James A. Darby, Jr.-Well Driller #85

Chairman, Mike Bailes, called the hearings to order. Legal Counsel, Christa Bell, summarized the findings and recommendations of the hearing officer and urged the board to uphold the recommendations.

Mr. Brown had no comment.

Mr. Darby requested copies of all evidence, and stated he would not accept a public reprimand.

Chairman Bailes stated the board would take the matter under advisement.

Motion: Dwight Johnson made a motion at 10:19 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: Drennan Park made a motion at 11:00 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: in the case of Theodore L. Brown, Well Driller #1448, David Baize made a motion, seconded by Dwight Johnson and unanimously carried, that the Board upholds and accepts the Hearing officer's recommendation to place the respondent on probation for a period of not less than four (4) years.

Motion: in the case of James A. Darby, Jr., Well Driller #85, Drennan Park made a motion, seconded by David Baize, to accept and uphold the recommendation of the hearing officer to issue the respondent a public reprimand. The motion was opposed by Jimmy Rodgers, and Mitch Dew.

Office of Investigative Enforcement (OIE) Report

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

Motion: Mitch Dew made a motion, seconded by Dwight Johnson and unanimously carried, to accept the IRC report.

Administrator's Remarks

Assistant Deputy Director, David Christian III Office of Licensure and Compliance (OLC)

Assistant Deputy Director, David Christian III, Office of Licensing and Compliance (OLC), appeared before the board along with his staff. Mr. Christian introduced his staff, and gave an update on the initial licensing process that officially began operating on August 1st of 2008. He stated that all licensing functions should be under (OLC) by April of 2010. Chairman Mike Bailes said that he had received numerous calls from licensees stating they had not received their renewal reminder notices which contained their user ID's and passwords. Chairman Bailes' concern was that new licensees who are not familiar with the renewal process; would not know they needed to call and obtain their personal information for online renewal payment. Chairman Bailes asked if (OLC) could resend the reminder notices. Mr. Christian stated that LLR has had some problems with the postal service regarding outgoing mail. He said since it appeared that a large number of licensees had not received their notices, his department would reprint and mail them again.

Administrator Dona Ferguson informed the board members that a telephone listing for "OLC" had been placed on top of their board folders. This information will provide board members with contact names and telephone numbers should they have any questions regarding initial licensing or renewals.

She reminded the board members that at the January 13th board meeting, they had approved the draft regulation changes. Since that time, Dona stated that she had received a letter from Paul Calamita, General Counsel for the S. C. Water Quality Association, requesting the board modify its regulations to include certain amendments outlined in their letter. Dona suggested Board Chair Mike Bailes appoint a task committee to review the letter, and iron out the differences before submitting the draft for the next legislative session.

Chairman, Mike Bailes, appointed the following members to serve on the task force committee for legislative drafting, David Baize, Richard Welch, Elizabeth Williams and Dona Ferguson. Dona will contact Paul Calamita to see who will represent the "WQA".

Chairman's Remarks

Sue Schneider, General Manager Spartanburg Water System

Sue Schneider, General Manager, for Spartanburg Water System presented a proposed "Accelerated Certification Program" for Environmental Operators. She stated that in today's workforce, and as operators continue to retire over the next five years, there will be a significant shortage of operators filling the available water and wastewater positions. She suggested reducing the time required for obtaining a "B" or "A" level certification while at the same time ensuring that operators can demonstrate they are qualified, capable, and have the knowledge to effectively perform the duties of a "B" or "A" level operator.

Currently Central Carolina Technical College offers an approved program equivalent to one year's experience. The proposed in-house program is intended to build or be equivalent to the CCTC program by developing an on-site advanced level course curriculum to be followed "by a hands on" demonstration of a knowledge testing program at a participating utility. There would also be specific requirements and assumptions, and they would implement the following equivalency standards as an alternative to the existing process of determining actual operating experience for "C" or higher licensed operators. 1) Continue to recognize 30 semester hours post-secondary education as equivalent to 1 year of operating experience. However, all ABC examples of approved education subject matter would be used to select study areas deemed eligible for equivalency consideration in addition to the currently accepted science and math categories. 2) 280 (or a number consistent with ECB's current practice) contact hours of completed continuing education within the ABC "Need to Know" subject areas would be deemed equivalent to 1 year of operating experience. This would minimize the process that already exists.

Committee Updates

Continuing Education Review Committee

Hank Rutland reported that the Continuing Education Review Committee which consists of Hank Rutland, Dee Bennett, Elizabeth Williams, and Joe Devito, are recommending the board adopt ABC's "Need to Know" Continuing Education Course Topic criteria replacing the existing criteria on ECB's website. ABC's criteria offers a broader relevant continuing education base, and will more than meet the board's CE requirements.

Motion: Hank Rutland made a motion, seconded by Dwight Johnson and unanimously carried, that the board adopts ABC's CE Course Topic criteria for continuing education.

Operator Experience Review Committee

Hank stated his committee was formed in January 2008 to consider whether the experience requirements for operator certification should be further quantified or defined as a number of hours worked per year; compared to the current calendar year requirements under the law. The committee consists of Hank Rutland, Patrick Jackson, Jim Matthews, and Richard Welch. They found that the level of experience varied widely, and water and wastewater systems are very diverse.

Motion: Hank Rutland made a motion, seconded by Dwight Johnson and unanimously carried that board continues to observe the current law as it relates to the one year of actual operating experience.

Administrator, Dona Ferguson, asked Hank was she correct in understanding that regardless of how many hours worked, the operators would receive credit? Hank responded by saying, if they worked a full calendar year they will be eligible for experience credit.

Chairman, Mike Bailes informed the board that since his term expires on July 1, 2009, this would be his last board meeting.

Public Comments

John Young voiced his concerns about licensees not receiving their renewal reminder cards. Since the renewal deadline is fast approaching, Mr. Young asked that "OLC" provide him with a list of operators who have not paid their renewal fees; he asked that he receive this before June 1st. He also requested a copy of the Environmental Certification Board's draft regulation changes. Mr. Young stated he thought it was an excellent idea that the board adopted ABC's CE criteria, and he suggested the changes go into effect July 1st to coincide with the July 1, 2009 through June 30, 2011 continuing education period.

Sue Schneider stated she wanted the board to be aware that although their facilities were partners in public health care, they were not on DHEC's list to receive vaccines in case of a pandemic of viruses. She urged the board members to contact Commissioner Earle Hunter, DHEC, and express their concerns that the water and sanitation departments are essential.

Adjournment

Motion: Mike Bailes made a motion at 11:49 a.m., seconded by Dwight Johnson 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. May 12, 2009
Synergy Business Park
Kingstree Building-110 Centerview Drive
Conference Room 108
Columbia, South Carolina

- 1. 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.
- 2. Approval of the January 13, 2009 Meeting Minutes**
- 3. Administrative Hearings**
 - A. Theodore L. Brown, Sr.-Well Driller #1448
 - B. James A. Darby, Jr.-Well Driller #85
- 4. Office of Investigative Enforcement (OIE) Report**
 - A. Maurice Smith
 - B. IRC
- 5. Administrator's Remarks**
 - A. Office of Licensure and Compliance (OLC)-David Christian III
 - B. Regulations Update
- 6. Chairman's Remarks**
 - A. Committee Updates
- 7. New Business**
- 8. Public Comments**
(No Votes Taken)
- 9. Adjournment**

The next meeting of the South Carolina Environmental Certification Board is scheduled for Tuesday, July 14, 2009, in Room 105.