

MINUTES
Environmental Certification Board
Tuesday, March, 9, 2010
Synergy Business Park, Kingstree Building, Conference Room 105
110 Centerview Drive, Columbia, SC

1. Meeting Called to Order

William Armes, Chairman, of Greenville, called the regular scheduled meeting of the S.C. Environmental Certification Board to order at 10:03 a.m. Other Board members participating during this meeting included: David Baize, Vice Chairman, of Columbia; David Dew, of Latta; Drennan Park, of Charleston; James Rodgers, Jr., of Greenwood; Henry Rutland, III, of Orangeburg; and Elizabeth Williams, of Sumter.

Mr. Dwight Johnson, of Jefferson, was granted an excused absence.

Staff members participating during the meeting included: Beth Cumalander, Administrative Specialist; Sharon Dantzer, Deputy General Counsel; Sandra Dickert, Administrative Assistant; April Dorroh, Administrative Assistant; and Theresa Garner, Program Assistant.

a. Public Notice

Mr. Armes announced 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.

2. Approval of the November 10, 2009 Meeting Minutes

Discussion ensued regarding training on A and B facilities on page two.

MOTION

Mr. Henry Rutland made a motion to approve the November 10, 2009 meeting minutes. Mr. David Baize seconded the motion, which carried unanimously.

3. Chairman's Remarks-William Armes

Mr. Armes made remarks regarding his attendance at the Association's Boards of Certification 2010 conference, and encouraged the members to support the continued attendance at future conferences. He noted Ken Kerry of the University of California-Syracuse was a participant of the conference, and Ms. Elizabeth Williams was a speaker during the conference.

Mr. Armes stated the Board would be going live with the May 11, 2010 Board meeting.

Mr. Armes stated a joint resolution (Bill H.4546) has been introduced in the House of Representatives which would pull some of the boards from the agency and place them into a pilot project. He is asking if the Board has done well within the agency (LLR). He asked if the Board has done well by operating under the agency's umbrella and stated on the surface it is always good to consolidate resources. He wants to ensure the staff assigned to the Board remains intact. He noted the Board could discuss this matter in committee reports.

4. Administrator's Remarks, For Information-Jay Pitts-Interim Administrator

Mr. Pitts was unable to attend this meeting.

Mrs. Garner stated she believed the members received an email from Mrs. Ferguson. She noted Mrs. Ferguson should be attending the May 2010 Board meeting.

Mrs. Garner stated the May 2010 Board meeting would be a live streaming meeting and that a link would be placed on the agenda.

a. Filing Statement of Economic Interest Forms

Mrs. Garner stated the deadline for filing the Statement of Economic Interest forms with the S.C. Ethics Commission is April 15, 2010. She further stated failure to submit or submit late will result in \$100.00 penalties. She noted the forms could be completed and submitted online.

b. Report on the Total Number of Current Licensees

Mrs. Garner reported the board currently has a total of 9,292 licensees. 2,745 Biological Wastewater, 24 Bottled Water, 1,991 Water Distribution, 1,980 Water Treatment, 1,875 Physical/Chemical Wastewater Operators, and 677 Well Drillers.

c. Advisory Opinions, If Needed, Office of General Counsel

No advisory opinions were given during this meeting.

d. Legislative Update, If Needed, Legislative Liaison Office

No legislative update was given during this meeting.

e. OIE Report-Office of Investigations and Enforcement

Mr. Steve Freshley, Chief Investigator with the Office of Investigations and Enforcement (OIE), stated he works with seven boards. He further stated there are currently ten active cases which have not been presented to the IRC. He noted eight of the ten cases will be presented to the IRC during the April IRC meeting. He said the oldest case is 315 days old and staff is waiting on a sentencing report from the federal district court on that case. He stated the next oldest case is 61 days old, which is a working case. He noted the investigator involved in the environmental cases, Maurice Smith, is attending a class. Mr. Smith works closely with the Department of Health and Environmental Control (DHEC) and has attended several of their inspections.

f. OGC Report-Office of General Counsel

No report from the Office of General Counsel (OGC) was given at this time.

5. Unfinished Business

a. Approval of October OIE Case #2009-11

Ms. Dantzler stated the S.C. Supreme Court has made it very clear that in order to have a constitutional process we must separate the investigation function from the adjudication function. The Board is the adjudication function. The Board hears the facts and determines if there is a violation and determines the sanctions. The price is that limited information is available to the Board prior to a hearing, a consent agreement, a Memorandum of Agreement, or a hearing. Ms. Dantzler stated when the IRC presents its report the Board will see logic for cases involving dismissals and letters of caution. However, when the case is recommended for

a formal complaint the Board cannot receive knowledge prior to the hearing. The case will either come to the board in a consent agreement, a Memorandum of Agreement (MOA), or a hearing.

MOTION

Drennan Park made a motion OIE Case #2009-11 be accepted. David Baize seconded the motion, which carried unanimously.

6. Discussion Topics

Mr. Armes stated he would like to appoint a committee to review Bill H.4546, and asked for a volunteer to chair the legislative committee. David Baize said he thought Dona Ferguson was chair person for that committee. David volunteered to serve along with Dona.

During the discussion on this matter it was noted that the first subcommittee hearing on the bill would be held on March 10, 2010.

7. Committee Reports

Mr. Armes stated the standing committees are legislative, exam validation and review, ethics, continuing education, and regulations.

David Baize suggested the (IRC) Investigative Review Committee, review the lists of committee members. During discussion on this matter Mrs. Garner suggested she email the lists to the board members.

Mr. Rodgers asked who sets the standards for continuing education. Discussion on this matter ensued. It was noted when a licensee submits a license renewal notice the individual must show 12 hours of continuing education.

Discussion ensued regarding a well driller who has repeatedly taken the exam and comes close to passing; however, has not yet passed. The well driller feels he has studied all of the materials and believes he misses the same questions. Mr. Armes asked Mr. Rodgers to chair the Continuing Education Committee, and also asked him to bring a report regarding well driller exam criteria to the next meeting.

8. Public Comments

Jim Matthews, liaison with the WEA, stated there is a "Need to Know" list on the website which is used to create the exams. He noted there is also another list that is an approved list of continuing education topics.

Mr. Matthews stated during a previous meeting there arose an opportunity to comment on exam questions administered by AMP. He has had to take some of the exams and has been pleased until he took the A exams, where he found approximately six questions that were poorly written. He believes AMP has the technology to include a comments section for questions that do not appear to have a correct answer. He noted the proctor indicated those questions would go back to AMP. He said there were questions in which words were obviously left out of the stem, and contained grammatical errors as well. He stated poorly written questions should be rewritten. He said his overall experience with the exams was good, and he was impressed.

Mr. Matthews stated the biennial renewal will begin in 2011. He asked if licensees would turn in contact hours at that time. The Board replied affirmatively.

Mr. Matthews asked if it is mandatory to submit "Experience Verification" forms electronically, or if an individual could mail in the forms. Mrs. Garner stated the agency would prefer for individuals to submit electronically, but individuals can submit by mail.

Mr. Matthews stated the new licenses are smaller and won't fit in the 8.5 x 11 frames. He noted the operators like the 8.5 x 11 licenses better and would be willing to pay extra for the larger prints. Mrs. Garner stated all of the licensing boards have moved to the smaller licenses, and the agency no longer has access to that size.

Mr. Rutland noted he was glad to see the licenses now have the gold seal.

9. Executive Session

The Board did not enter into executive session.

10. Adjournment

MOTION

Mr. Henry Rutland made a motion to adjourn the meeting. Mr. David Baize seconded the motion, which carried unanimously.

The March 9, 2010 meeting of the SC Environmental Certification Board adjourned at 11:11 a.m.