

**STATE BOARD OF ENVIRONMENTAL CERTIFICATION  
BOARD MEETING MINUTES  
Kingstree Building Room 108  
Columbia, South Carolina 29210**

**Tuesday, May 11, 2010**

**10:00 a.m.**

**Public Notice:**

Chairman William Armes stated that **public notice** of the meeting was properly posted at the Board office and provided to organizations and news media in compliance with Section 30-4-80 of the S.C. Freedom of Information Act. A quorum was present at all times.

**Called To Order:**

Chairman William Armes called the regular meeting of the State Board of Environmental Certification to order at 10:00 a.m. Other members present included David Baize, Mitch Dew, Dwight Johnson, Drennan Park, Jimmy Rodgers, Hank Rutland and Elizabeth Williams.

Staff Members participating in the meeting included General Counsel; Paula Magargle, Advice Counsel, Eddy Lane, Dona Ferguson, Administrator; Theresa Garner, Program Assistant; Angela Scott, Administrative Assistant; and Beth Cumalander, Administrative Assistant.

**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.

**Invocation:**

Mr. Rutland delivered the invocation.

**Approval of Minutes: - March 9, 2010, Meeting**

**MOTION:**

Mr. Park moved to approve the meeting minutes from March 9, 2010. Mitch Dew seconded the motion, which carried unanimously.

**Hearing Officer's Recommendations for A Final Order:**

Eddy Lane, Advice Counsel  
Paula Magargle, General Counsel

*Mr. Jerry R. Alexander*

Chairman Armes asked to be recused from the voting on the Hearing Officer's Recommendation because he has seen the contents of the Final Order.

**MOTION:**

Mr. Park made a motion to adopt the Hearing Officer's Recommendations. Mitch Dew seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**Chairman's Remarks**

*Chairman Armes*

Chairman Armes welcomed Administrator Dona Ferguson back, and thanked the members for attending.

**Administrator's Remarks**

*Dona Ferguson*

**Seven Hundred Fifty Dollar Fine:**

Dona Ferguson stated that there were concerns at the November 2009, meeting regarding the Seven Hundred Fifty dollars (\$750.00) fine. In September 2002, the Board adopted a policy requiring anyone who was issued a Cease and Desist to appear before the Board prior to a license being issued. In cases involving Well Drillers, the Board decided to be less punitive and gave Well Drillers that were issued a Cease and Desist the option of paying the Seven Hundred Fifty dollars (\$750.00) fine and be eligible for licensure without appearing before the Board. In addition, staff would document the licensing file.

**Budget Cuts:**

Mrs. Ferguson reported every year LLR is required to pay ten (10%) percent of their expenditures back to the General Assembly. Last year the General Assembly took an additional Ten Million (\$10,000,000.00) dollars from LLR's cash account. The cash account is for the entire agency, which consists of 39 Occupational and Licensing Boards. She reported the Senate version of the Budget has already taken an additional Four Hundred Sixty-Four Thousand (\$464,000.00) dollars this year, and more is forth coming.

**Advisory Opinions:**

NONE

**Legislative Update:**

Dona Ferguson reported House Bill 4546 is a joint resolution introduced by eleven representatives to establish the self-directed semi-independent agency pilot project to create certain professional and occupational licensing boards as separate and distinct individual state agencies. Presently LLR is still in tack and there are no plans for these Boards to pull out of LLR.

**Office of Investigations and Enforcement (OIE):**

Mr. Steve Freshley reported the number of investigations and open complaints cases as of today:

**6 – Active Cases**

**5 – Working Cases**

**3 of the 5 – Working cases are 39 days old and Companion Cases**

Mr. Freshley reported that it is the Office of Investigation and Enforcement's goal to have all cases opened and addressed by the Investigative Review Committee (IRC) within six (6) months from the date the case is opened.

Chairman Armes asked the following questions:

1. Whether OIE was getting an adequate response from the IRC regarding technical professional questions;
2. Whether there are areas that are not being addressed in the educational material or areas where there are repeat violations; and
3. Whether other agencies are rendering a timely response.

Mr. Freshley's answer was yes; OIE receives great support and has a great working relationship with the professional members and agencies that attend the IRC meetings. He reported that the administrator usually handles education.

Mrs. Ferguson reported that her observation over the years has been that repeat offenders are not the result of lack of education or knowledge; but cost and economics.

Office of Licensure and Compliance (OIE):

Not present.

Office of General Counsel (OGC):

Legal Counsel, Paula Magargle, reported the number of cases as of today:

17 – **Open Cases**

13– **Cases Pending Action**

3 – **Cases Pending Hearings**

1 – **Case Pending Final Order Hearing**

1 – **Case Closed**

2 – **Cases Pending Consent Agreement or Memorandum of Agreement**

**Discussion Topics:**

Board Workshop:

Chairman Armes reported that previously the Board discussed having a Board Workshop to review the Board's Statute and Regulations. He stated the Office of Licensure and Compliance recently sent out renewal forms and requested operators to renew on line. He asked whether there were any complaints or problems.

Mrs. Ferguson apologized to the Board for her absence, and expressed the importance of the Board having a workshop. She asked the Board members to submit the names of individuals they would like to serve on the IRC; at the July 13, 2010 Board Meeting. Mrs. Ferguson said that she would schedule a date for the workshop prior to the July 13th Board Meeting. She stated that the renewal process goes through June 30, 2010, and renewal forms may be downloaded or printed from the website.

**Committee Reports:**

Legislative Committee §40-23:

Mrs. Ferguson reported that she and David Baize would have an open meeting and invite everyone to attend. She reported that §51(4) would have to be amended to concur with House Bill 3543 §40-23-230(B) (2) that passed last year. This bill allows current licensee's 365 days to renew. The amendment would have to be posted in the State Register. Therefore; changes would have to be made this summer, and presented to the legislature by October 2010.

Mr. Baize stated if there were any other changes, they should be made at that time.

Continuing Education:

Mr. Rodgers reported that they are still collecting information and comparing notes. He has asked assistance from Ms. Janet Jordan, Executive Director of the S. C. Groundwater Association, and Mr. Mark Whittle, Field Technical person for Bayroy Corporation.

Public Comments:

NONE

Meeting Date:

The next meeting of the Environmental Certification Board is scheduled for Tuesday, July 13, 2010, in conference room 108.

Adjournment:

Hank Rutland moved for the meeting to be adjourned. Drennan Park seconded the motion, which carried unanimously.

The May 11, 2010, meeting of the State Board of Environmental Certification was adjourned at 10:53 a.m.

**A video of this meeting can be viewed at: [www.llr.state.sc.us/POL/Environmental](http://www.llr.state.sc.us/POL/Environmental) on the Board's home page, click "Board Information", and follow the link to the video.**