

MINUTES

Environmental Certification Board

Tuesday, September 14, 2010

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, S. C.

1. Meeting Called to Order

William Armes, Chairman, called the regular scheduled meeting of the S. C. Environmental Certification Board to order at 10:00 a.m. Other board members participating at this meeting included: David Baize, Vice-Chairman, of Columbia; Dwight Johnson, of Jefferson; Jimmy Rodgers, of Greenwood; Hank Rutland, of Orangeburg; and Elizabeth Williams, of Sumter. Mitch Dew, of Latta, arrived at 10:10 a.m.

Staff members participating during the meeting included Administrator, Lenora Addison-Miles; Sharon Dantzler, Deputy General Counsel; and Theresa Garner, Program Assistant. Also present was Dona Ferguson.

a. Public Notice

Chairman 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.

b. Pledge of Allegiance and Invocation

The Pledge of Allegiance was led by Board Chairman, William Armes; the invocation was given by Hank Rutland.

2. Tracey McCarley, Education Coordinator

On behalf of Assistant Deputy Director, Randy Bryant, Tracey McCarley appeared before the Board to discuss providing financial information to LLR's Boards. She said that Mr. Bryant mandated that the reports become a part of the record and memorialized in Board meeting minutes. In order to custom format the reports, Ms. McCarley asked the members what they would like included in the reports, and if they wanted the information presented on a quarterly or yearly basis. The board requested they receive quarterly reports, along with a summary report from the previous year. Also, they would like an explanation for any significant changes in line items, budget cuts or freezes.

3. Approval of the July 13, 2010 Meeting Minutes

MOTION

Dwight Johnson made a motion to approve the July 13, 2010 meeting minutes. David Baize seconded the motion, which carried unanimously.

4. Application Hearing

Shannon A. Thurman-Biological Wastewater

Chairman, William Armes, called the Application Hearing to order, and reminded everyone that the proceedings were being recorded, all witnesses would be sworn in, and all remarks would be directed to the chairman. Before testifying, Mr. Thurman was sworn in along with two witnesses.

Mr. Thurman waived his right to legal counsel. He said his father, Raymond Thurman, and a friend, Samuel Grantley, would be testifying on his behalf.

Mr. Thurman stated that in 2007 he was living in the State of Georgia, and got into some trouble, he got pass those issues, and moved back to South Carolina. He has since enrolled in courses at Greenville Technical College, and submitted a biological wastewater treatment application, attaching a Court Order from the state of Georgia, a criminal background check from the County of Greenville, S. C., and a Sled Report from South Carolina.

Mr. Thurman said he is currently under a first amendment, first time offenders law. If he completes what is required of him by the State of Georgia, he will not have a record. Mr. Thurman thanked the board for the opportunity to appear, and asked them to consider issuing him a Biological Wastewater Trainee permit.

James T. Thurman and Grantley Samuel testified on Shannon Thurman's behalf.

Sharon Dantzler, Legal Counsel, explained to Mr. Thurman that she was there to make certain that enough information was being given at this hearing; and that any decisions the board makes would be acceptable to the courts.

MOTION

David Baize made a motion to accept Mr. Thurman's request for a biological wastewater trainee permit with the following conditions: Dwight Johnson seconded the motion, which carried unanimously. 1) Mr. Thurman will be placed on probation for five (5) years. 2) He must submit a current SLED report once a year, at the time of renewal.

5. IRC REPORT

Steve Freshley, Chief Investigator, of OIE, presented the IRC Report for July.

4 Complaints

2 dismissed-no jurisdiction

2 recommended for a formal complaint

MOTION

David Baize made a motion to accept the July 21, 2010 IRC Logic Report. Mitch Dew seconded the motion, which carried unanimously.

Mr. Freshley stated the board presently has four (4) active cases. The oldest is 504 days old, and the youngest is 21 days old.

6. Chairman's Remarks-William Armes

Chairman Armes welcomed the members of the IRC, and told them how much the board appreciates their professional and technical expertise. He stated the reason for inviting the committee members, was for them to have an opportunity to observe how the board functions, and to attend the workshop following the board meeting.

7. Administrator's Remarks-Lenora Addison-Miles

Ms. Miles reported as of July 1st, the board has issued 131 licenses, 113 individual renewals online, and closed five (5) cases, four (4) were Consent Agreements and one (1) was a letter of caution.

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

Sharon Dantzer, Legal Counsel, advised board members, that in the past it has been the board's practice to issue the same probation period for an applicant as was issued in the court's disposition.

b. Legislative Update, If Needed. Legislative Liaison Office

Sharon Dantzer, Legal Counsel, reminded the board that next year is the first year of the two year legislative session. She said if the board is serious about regulatory changes, this would be the time to make those changes; there is a double publication process before they can be taken down town. Ninety (90) days from the time you do a Notice of Drafting, then you would wait for comments, the next step is the Notice of Proposed Regulations, again, you would wait for comments.

c. OIE Report-Office of Investigations and Enforcement

Refer to Item 5 on the Agenda.

d. OGC Report-Office of General Counsel

Paula Magargle presented the OGC report, she stated there are currently 12 cases open, 4 are pending action, 5 are pending hearings, and 3 are pending final order hearings.

8. Discussion Topics

Chairman Armes presented the following candidate names for selection as Hearing Officer's. Mike Bailes, Don Jackson, and Drennan Park.

Motion

David Baize made a motion to accept all three candidate names to serve as Hearing Officer's. Mitch Dew seconded the motion, which carried unanimously.

9. Committee Reports

Legislative Committee

David Baize said, at the last meeting the board suggested the committee start drafting changes to the regulations. He said the following people have volunteered to serve on the committee, Jim Matthews, Becky Dennis, Alicia Wilson from Charleston CPW, Richard Welch, and Greg Withycombe of DHEC, and Lenora Addison-Miles, Administrator, ECB. David said as soon as the committee is formed, they will meet, hopefully within a week or so and look at the lists of regulation changes.

Continuing Education Committee

Jimmy Rodgers reported that his committee had met, and he asked the board to consider four (4) things to help them move forward.

- 1) The regulations states that licensees must have 12 hours of "relevant" Continuing Education. He said the committee would like the word "relevant" to become more specific.
- 2) They would like ABC to furnish a list of reference material that is used in preparing the exams.
- 3) They would like the board to ask ABC to furnish them with exams, and pass/fail ratios.
- 4) The committee believes that the board should consider all continuing education and that it be pre-approved by staff.

Chairman, William Armes, asked Elizabeth Williams to form a Development and Review Committee to obtain information that will help provide study reference material for well drillers. He also asked Jimmy Rodgers to serve on the committee.

10. Public Comments

There were no public comments.

11. Executive Session

The Board did not enter into executive session.

12. Adjournment

Motion

Mitch Dew made a motion to adjourn the meeting. Dwight Johnson seconded the motion, which carried unanimously.

The September 14, 2010 meeting of the S. C. Environmental Certification Board adjourned at 11:10 a.m.