

MINUTES

Environmental Certification Board

Tuesday, November 9, 2010

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

William Armes, Chairman, called the regular scheduled meeting of the S. C. Environmental Certification Board to order at 10:03 a.m. Other Board members participating in 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. Absent was excused Board Member, Mitch Dew.

Staff members participating during the meeting included Lenora Addison-Miles, Administrator; Sharon Dantzler, Assistant Deputy General Counsel; Eddy Lane, Advice Counsel; Paula Magargle, Hearing Attorney; Theresa Garner, Program Assistant, Angela Scott, Administrative Assistant; Beth Cumalander, Administrative Assistant, and Dona Ferguson.

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.

Pledge of Allegiance and Invocation:

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

Approval of the September 14, 2010 Meeting Minutes:

MOTION:

Mr. Dwight Johnson made a motion to approve the September 14, 2010, meeting minutes. Mr. James Rodgers seconded the motion, which carried unanimously.

Final Orders:

Mr. William C. Ewing – Well Driller #1505 and Mr. Joshua R. Register – Well Driller #1921

The Board held a Final Order Hearing regarding Mr. William C. Ewing and Mr. Joshua R. Register. Mr. Ewing and Mr. Register concurred to combine the Final Order Hearing and were represented by Ms. Jessica King, Esquire. Mrs. Paula Magargle, Esquire represented the State.

MOTION:

Mr. David Baize made a motion to go into executive session for legal advice. Mr. James Rodgers seconded the motion, which carried unanimously.

Mr. Johnson made a motion to come out of executive session. Mr. Hank Rutland seconded the motion, which carried unanimously.

MOTION:

Mr. David Baize made a motion to accept the Hearing Officer's recommendations on Mr. William C. Ewing and Mr. Joshua R. Register. The complaint against both Respondents be dismissed; a private letter of caution be issued, and both Respondents should engage in continuing education courses involving DHEC, and LLR regulatory compliance in addition to or separate from the standard OSHA eight (8) hour course. Respondent Register should be cautioned to pay closer attention to detail in his documentation as it regards to his well drilling activities; and the Respondents should become more aware of their driller's activities and their compliance with DHEC and LLR regulations. Mr. Rodgers 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.)

Darryl E. Waymyers – Well Driller #1712

The Board held a Final Order Hearing regarding Mr. Darryl E. Waymyers. Mr. Waymyers waived his right to counsel.

MOTION:

Mr. David Baize made a motion to go into executive session for legal advice. Mr. Dwight Johnson seconded the motion, which carried unanimously.

Mr. Dwight Johnson made a motion to come out of executive session. Mr. Hank Rutland seconded the motion, which carried unanimously.

MOTION:

Mr. James Rodgers made a motion to accept the Hearing Officer's recommendations to dismiss the case with a letter of caution. Mr. Dwight Johnson 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.)

Application Hearing:

Theodore R. Yarboro – Water Treatment & Biological Wastewater Treatment

Chairman 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.

Staff notified Mr. Yarboro on October 8, 2010, that an Application Hearing would be held and asked that he be present to answer any questions the Board may have. Mr. Yarboro was not present to give testimony.

Mrs. Sharon Dantzler advised the Board, if they were comfortable with the paperwork; they could precede with the hearing, if not the hearing may be continued until Mr. Yarboro could appear.

The Board decided to proceed with the Application Hearing for Mr. Theodore Yarboro.

MOTION:

Mr. David Baize made a motion to approve Mr. Yarboro's Water Treatment and Biological Wastewater Treatment Applications with a two-year probationary status, provided he submits a current sled report. Mr. Dwight Johnson seconded the motion, which carried unanimously.

IRC Report:

Mr. Steven Freshley, Chief Investigator of OIE, presented the IRC Report for October 25, 2010.

MOTION:

Mr. Henry Rutland made a motion to accept the October 25, 2010, IRC Logic Report. Mr. David Baize seconded the motion, which carried unanimously.

Chairman's Remarks – William Armes:

Chairman Armes welcomed and thanked everyone for attending the meeting.

Administrator's Remarks:

Mrs. Lenora Addison-Miles reported as of September 14, 2010, the Board issued 112 licenses and there are 8,992 active licensees.

Advisory Opinions, If Need, Office of General Counsel:

There were no advisory opinions given.

Legislative Update, If Needed, Legislative Liaison Office:

There were no legislative updates given.

OIE Report- Office of Investigation and Enforcement:

Mr. Freshley stated that the Board presently has four (4) active cases. The oldest is 118 days old, and the youngest is 4 days old.

OGC Report- General Counsel:

There was no OGC Report given.

Committee Reports:

Legislative Committee Report

Mr. David Baize reported the Legislative Committee met and have submitted the recommendations to the Board for approval. Mr. Baize thanked everyone who worked on the committee.

Chairman Armes stated that he would like the committee to prepare a brief summary of the recommended changes.

Mrs. Dantzler stated that the regulations would be published in the December register and the comment period is the first three weeks of January 2011.

MOTION:

Mrs. Elizabeth Williams made a motion to accept the committee recommendations in its entirety. Mr. Dwight Johnson seconded the motion, which carried unanimously.

Chairman Armes thanked everyone who worked on the committee.

Public Comments:

Jim Matthews

Mr. Jim Matthews asked if there were any state specific questions on the certification examinations, and what state criteria would examinees be tested on. In addition, he stated that some of the questions on the examinations are not well written. He requested that examinees be given an option to respond to the problem.

Mr. David Baize stated that one of the recommendations of the committee is to get an E-License for Drinking Water Operators.

Mrs. Dona Ferguson stated that there are five hundred questions in the testing bank, which rotates in the computer, so not everyone may receive a state specific question.

Mrs. Dantzler advised that the questions were taken directly from the statute.

Chairman Armes requested that Mrs. Elizabeth Williams chair a committee to review examination criteria.

Date of Next Meeting:

The next meeting of the S.C. Board of Environmental Certification is scheduled for Wednesday, January 5, 2011, Room 108.

Adjournment:

Mr. David Baize moved the meeting be adjourned. Mr. Dwight Johnson seconded the motion, which carried unanimously. The November 9, 2010, meeting of the South Carolina Board of Environmental Certification was adjourned at 12:42 p.m.