

MINUTES

Environmental Certification Board

Tuesday, March 8, 2011

Synergy Business Park, Kingstree Building, Conference Room 108

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

Chairman, William Armes, 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; Mitch Dew, of Latta; Dwight Johnson, of Jefferson; Jimmy Rodgers, of Greenwood; Elizabeth Williams, of Sumter; and Henry Rutland of Orangeburg.

Staff members participating during the meeting included Lenora Addison-Miles, Administrator; Sharon Dantzer, Assistant Deputy General Counsel; Dean Griggs, Advice Counsel; Paula Magargle, Hearing Attorney; Theresa Garner, Program Assistant, Angela Scott, Administrative Assistant; Beth Cumalander, Administrative Assistant.

Other participating in the meeting included: Becky Dennis; James Matthews; Virginia Patrick; Carl Shealey; and Patrick Taylor.

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 January 5, 2011 Meeting Minutes:

January 5, 2011

MOTION:

Mr. Dwight Johnson made a motion to approve the January 5, 2011, meeting minutes. Mr. Mitch Dew seconded the motion, which carried unanimously.

Hearing Officer's Recommendation:

Dean Griggs, Advice Counsel

Mr. Lloyd Stevens

The Board held a Final Order Hearing regarding Mr. Lloyd Stevens. Mr. Stevens was represented by Mr. Blackburn. Mrs. Paula Magargle, Esquire represented the State.

MOTION:

Mr. James Rodgers made a motion to dismiss the Hearing Officer's Recommendations regarding Mr. Lloyd Stevens. 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.)

IRC Report:

No report was given.

Chairman's Remarks – William Armes:

Chairman Armes welcomed and thanked everyone for attending the meeting. He thanked staff for their outstanding work. He reported that he met with Mrs. Catherine Templeton, Director of LLR. He stated the meeting was very productive and he expressed the need for the Board to continue to have experienced staff at all times. He went on to say that Mrs. Templeton has a good understanding of the needs of the Board; and realizes that every Board has its own uniqueness.

Administrator's Remarks:

Licensing Report:

Mrs. Lenora Addison-Miles reported since the last meeting held on January 5, 2011, the Board issued 193 licenses and there are 9,226 active licensees.

State Ethics Commission:

Mrs. Miles reminded the Board that the Statement of Economic Interest forms must be filed electronically with the State Ethics Commission by April 15, 2011. The penalty for not having the forms completed is \$100.00 per day.

Mileage Reimbursement Rate:

Mrs. Miles reported effective January 1, 2011, the mileage reimbursement rate increased to 50.5 cents.

ABC Testing:

Mrs. Miles reported that LLR has signed a Revised Testing Service Agreement with ABC that includes The Very Small Water Systems Examination; which is required with the Class E Water Treatment License. In order to bring clarity to the implementation of the Class E license the subject of the E Examination and license was raised during the Regulations Committee Meeting held in September 2010 indicating that there was a need for the Level E license; and as a result staff contacted ABC regarding the implementation of the exam. Staff, Advice Counsel, and ABC negotiated a revised Testing Service Agreement which included the E Exam. The implementation of the examination was not something staff arbitrarily initiated, once the Revised Agreement was signed and accepted by LLR; staff notified interested parties and posted it on the Board's website. Anyone applying for a water treatment license after May 1, 2011 will be required to take the "E" exam.

Advisory Opinions, If Needed, 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:

Mrs. Lenora Addison- Miles reported that there are 2 cases in the Office of Investigation and Enforcement.

OGC Report- General Counsel:

Mrs. Lenora Addison-Miles reported there are 3 cases pending in the Office of General Counsel.

Discussion Topics:

Notice to Public Concerning Approval Standards for Continuing Education Courses

Ms. Elizabeth Williams stated the Board's Website has a link to ABC's Need To Know Criteria for anyone seeking approval for Continuing Education Courses. Ms. Williams recommended that the Board setup course guidelines to distinguish what courses are relevant.

Chairman Armes requested once the committee completes their review that a written recommendation be submitted for the Board's approval.

Ms. Becky Dennis, representing the Water Quality Association; stated that if the other two changes are made then the Water Quality Association will agree not to object to the regulation changes dealing with the carryover provision.

Mrs. Miles stated that staff received the amended regulations. She went on to say that under §51-4(F) it adds alternatively in accordance to §40-23-230(C) (3) a licensee can demonstrate that he complies with the current continuing education requirements after the department renews the license provided he has not engaged in licensed activities until he has completed the continuing education requirements. Mrs. Miles stated that it would delete §G which would eliminate carryovers.

Regulations

MOTION:

David Baize made a motion to withdraw and resubmit the amended regulations. Mr. Dwight Johnson seconded the motion, which carried unanimously.

Chairman Armes thanked Mr. David Baize, Ms. Elizabeth Williams and others for working on the regulation revisions.

Patrick Jackson-RWA Overview of Curriculum for Water University Certification Program

Mr. Patrick Jackson gave a brief overview of the Water University Curriculum that focuses on technical, financial, and managerial sustainability. He asked the board to review the curriculum and consider giving experience credit for the course.

Chairman Armes requested that the information be sent to Mrs. Miles and it be placed on the May 3, 2011, Agenda. Chairman Armes stated the Board is seeking ways of bringing individuals into the profession and allowing for advancement.

Committee Reports:

Examination Committee

Ms. Williams reported that she and James Rodgers worked on the Well Driller Examinations, and turned the information over to Mrs. Miles. She reported that she attended the ABC National Conference in January 2011 and numerous topics were discussed. She presented the Board with information on the Validation of Certification Exams and stated the information is listed on their website. She went on to say it is always good to make sure what South Carolina operators are receiving; is pertinent to what the Board is doing.

Ms. Williams recommended that the Board Members that represent a particular license group review the ABC examination questions.

Chairman Armes asked whether the review should be done in a controlled environment.

Ms. Williams stated in order for the members to review the exam questions it would have to be done in a controlled environment and arrangements must be made with Mrs. Miles.

Ms. Dantzer advised that Electronic Property Rights do not belong to the Board; they belong to the organization whose duties are to maintain the validity of the exam. Therefore, the Board has to develop a final statement stating who and for what circumstances the exam questions are being reviewed.

Chairman Armes asked each member who represent a particular license group to chair that committee to review the ABC examination questions.

Public Comments:

Mr. Jim Matthews stated that the link on the Board's website is very helpful and he was able to review approved Continuing Education classes. In addition, he stated that at a previous meeting he expressed a concern regarding errors on the examination. He asked whether the website had an icon where comments can be made regarding the examination questions.

Mrs. Theresa Garner reported there is a section on ABC's Website where comments can be made.

Ms. Elizabeth Williams stated that ABC keeps statistical information on examination questions and if applicants are constantly getting a question incorrect; the question is reviewed for clarity.

Ms. Becky Dennis asked whether the Board preapproved all the examinations administered by ABC.

Chairman Armes stated that the Board contracted with ABC to administer the exams.

Date of Next Examination:

The next meeting of the S.C. Environmental Certification Board is scheduled for Tuesday, May 3, 2011, Room 105.

Adjournment:

Mr. Hank Rutland moved the meeting be adjourned. Mr. David Dew seconded the motion, which carried unanimously. The March 8, 2011, meeting of the South Carolina Board of Environmental Certification was adjourned at 11:37 a.m.