

MINUTES
South Carolina Environmental Certification Board
Board Meeting
July 14, 2020 Via Virtual Video/Teleconference

Meeting Called to Order

Chair Elizabeth Williams, of Sumter, called the meeting of the South Carolina Environmental Certification Board to order at 10:00 a.m. Other members participating in the meeting included: Vice-Chairman, J. Kenneth Rentiers, of Columbia, Stacey Taylor, of Columbia; Charles Cortez, II, of Pelzer; Robert G. Davis, Jr., of Hilton Head; Doug Kinard, of Prosperity; James Rodgers, of Greenwood; Phillip Thompson-King, of Columbia; and Sidney K. Tuck, of Spartanburg.

Staff members participating during the meeting included: Pam Dunkin, Administrator; Johnnie Rose, Program Coordinator; Hardwick Stuart, Office of Advice Counsel; Chris Elliot, Office of Disciplinary Counsel.

Others participating included: Paul Calmita, Esq.; Ben Williamson, Jim Matthews, Tony Briggs, JoEllen Trueblood; John Young; Val Green, D’Netric Williams, Christopher Lotton; Miran Tyrrell; Todd Adams; Benjamin Wilson; Francis Green, III; and Sean Cary (Creel Court Reporting).

Statement of Public Notice

Ms. Williams announced that public notice of this meeting was properly posted at the S.C. Environmental Certification Board Office, Synergy Business Park, Kingtree Building, and on the board website 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. In accordance with the Governor’s directives regarding social distancing, the meeting is being held via video and teleconference. Members of the public who wish to attend may do so by telephone or the Internet.

Invocation

Mr. Rentiers gave the Invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Introduction of Board Members and Others

Board members and Board staff introduced themselves.

Approval of Excused Absences

MOTION: To approve the absence of Jimmie Rodgers.
Thompson-King /Cortez/approved.

Approval of the January 28, 2020, Minutes

MOTION: To approve the minutes of the January 28, 2020, meeting.
Cortez/Kinard/approved.

Chairman's Remarks – Elizabeth Williams

Mrs. Williams welcomed everyone to the Board meeting and thanked them for accommodating a virtual meeting.

Staff Reports

Mrs. Dunkin gave the Administrator's Report:

- During this meeting, please be sure to mute yourself if you are not speaking. This will help to keep out any background noise which can be disruptive to the meeting.
- Also, be sure to identify yourself first before speaking to help those that are taking the minutes.
- The next Board meeting is scheduled for Tuesday, October 27, 2020. As we get closer to that date, we will let the Board know whether or not this will be a virtual meeting.
- The Board has 8988 licensees with 3908 left to renew their licenses by September 30th. Reminder emails will go out in August and September to those whose renewals are still pending.
- Please continue to direct licensees and applicants that come to you with questions or concerns to contact the Board staff.
- As of May 31, 2020, the Board had a cash balance of \$672,619.54. A copy of the cash balance report is included in the meeting handouts.

Advisory Opinions, If Needed, Office of Advice Counsel

No advisory opinions were given during this meeting.

OIE Report-Office of Investigations and Enforcements

There are no active investigations.

IRC Report- Office of Investigations and Enforcements

There are no active cases for review.

ODC Report-Office of Disciplinary Counsel-Chris Elliot

Mr. Elliot reported one case in the Office of Disciplinary Counsel.

Application Hearings

- a) Mr. Tony Briggs appeared before the Board for an Application Hearing. He was not represented by counsel; however, Christopher Lofton served as a witness. All persons testifying were sworn

in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

- b) Mr. D'Netric Williams appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.
- c) Mr. Todd Adams appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.
- d) Mr. Benjamin Williamson appeared before the Board for an Application Hearing. He was represented by counsel, Paul Calmita and Paul Guest served as a witness. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.
- e) Mr. Francis Green, III appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

MOTION: For the Board to enter into executive session to seek legal advice regarding application hearings. Tuck/Taylor/approved.

Return to Public Session

MOTION: For the Board to return to public session.
Tuck/Cortez/approved.

Chairwoman Williams noted that no votes or actions were taken while in executive session.

MOTION: To approve Mr. Tony Briggs as a Water Distribution Operator Trainee.
Cortez/Taylor/approved.

MOTION: To approve Mr. D'Netric Williams as a Water Treatment Operator Trainee.
Tuck/Cortez/approved.

MOTION: To approve Mr. Todd Adams as a Biological Wastewater Treatment Operator class C license via reciprocity. Thompson-King/Kinard/approved.

MOTION: To approve Mr. Benjamin Williamson as a Biological Wastewater Treatment Operator class A via reciprocity. Thompson-King/Taylor/approved.

MOTION: To deny Mr. Francis Green as a Biological Wastewater Treatment Operator; however, Mr. Green can apply to sit for the 'A' level exam and upon passing he can be granted the 'A' level license. Cortez/Taylor/approved.

New Business

- a) **Approval of Licenses.** Mrs. Williams reminded the Board members to sign the form for approval of licenses and return it to Mr. Rose for the official records.

- b) **Review of Regulation 51-5.** Mrs. Dunkin received an email from a permitting engineer at the SC Department of Health and Environmental Control (DHEC) asking if the operator-in-charge is required to be physically present at treatment and discharge, or can a trainee do it if the supervisor is available remotely (by telephone, email, or radio). Mr. Kinard said this is an issue that comes up frequently, because people are interpreting our requirements for licensure and upgrades to also apply to the DHEC regulations to the operating side of the industry. The Board decided to form a committee that consists of Ken Rentiers, Doug Kinard, and Phillip Thompson-King to work with DHEC to clarify how supervision counts toward licensure versus how it applies toward operations. Mrs. Dunkin will reply back to the DHEC engineer to indicate that the Board will work in conjunction with DHEC on this issue. Mrs. Williams asked Mr. Rose to put this item on the next agenda for further discussion.

Committee Reports

- a) **Reciprocity Committee.** Mr. Thompson-King said the reciprocity committee met on July 6, 2020. They are working toward providing staff with guidance to make reciprocity decisions without applicants having to appear before the Board. One item of consideration is whether states use the ABC criteria, which would allow staff-level licensure. They will bring an update to the next Board meeting.

Discussion Topics

- a) **2019 – 2021 Continuing Education Reporting.** Mr. Stuart said the Governor issued a directive that allows Boards to make allowances for continuing education adjustments due to COVID-19. Mrs. Williams said the regulations afford the Board a great deal of flexibility, and she does not believe that any action will be necessary to accommodate continuing education audits next year. The Board agreed that licensees should be encouraged to obtain continuing education through online courses and events. The deadline will not be changed, but frequent communications should be sent to licensees to remind them to obtain their hours online. Board staff will prepare notices to be posted to the website and sent to licensees by eblast. Mrs. Williams asked Mr. Rose to carry this over as an agenda item for further discussion at the next meeting.

Public Comments

- a) Mr. Matthews said that Mr. Kinard's comments on the staffing of treatment facilities is correct. The DHEC regulations were written to say what trainees can and cannot do, and includes provisions that allow work with remote training. It's common for a facility to run without an operator physically present, and DHEC never meant to require it.

- b) Ms. Trueblood agreed, and said that the DHEC permit dictates what grade operator has to be at the facility and when they have to be at the facility. Most processes are automated and the DHEC regulations allow for remote monitoring on weekends, holidays, and during training sessions.

Adjournment

There being no further business:

MOTION: To adjourn. Rentiers/Thompson-King/approved

The meeting adjourned at 1:26 p.m.