

MINUTES
South Carolina Environmental Certification Board
Board Meeting
January 28, 2021 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 10:05 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; Hardwick Stuart, Esq., Office of Advice Counsel; Chris Elliot, Esq., Office of Disciplinary Counsel; Alice Douglas, Office of Disciplinary Counsel; Johnnie Rose, Program Coordinator; and Sherri Moorer, Program Assistant.

Others participating included: Heather Lawson; Ronald Swearingen, Miran Tyrrell; Christopher Lee Watts; John Young; Paul Calamita; and Robert Grant Davis.

Statement of Public Notice

Mrs. Williams announced that public notice of this meeting was properly posted at the S.C. Environmental Certification Board Office, Synergy Business Park, Kingstree 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. Tuck gave the Invocation.

Adoption of Agenda

MOTION: To approve the agenda of the January 28, 2021, meeting.
Rentiers/Kinard/approved

Introduction of Board Members and Others

Board members, Board staff, and visitors introduced themselves.

Approval of the October 27, 2020, Minutes

MOTION: To approve the minutes of the October 27, 2020, meeting.
Cortez/Davis/approved

Chairman's Remarks – Elizabeth Williams

Mrs. Williams thanked the staff for their work to help the Board meet by WebEx Webinar, and in keeping day to day functions running smoothly.

She attended the ABC Conference, which was held virtually on January 20-21, 2021. Over 200 people were in attendance, for this interactive conference. There were many good technical presentations, with a lot of focus on the impact of COVID-19. The SC Board has done a good job of continuing to function in the face of the pandemic.

PSI was hit hard in some states that continue to struggle with getting testing centers open. Once again, South Carolina has done a good job of continuing to function with all of the safety precautions in place for the pandemic.

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 reduce background noise.
- The Board had a cash balance of \$690,637.80 as of December 31, 2020.
- The Board has 8,860 licensees to date. Of those:
 - 2,463 are Biological Wastewater Operators
 - 34 are Bottle Water Operators
 - 2,204 are Water Distribution Operators
 - 1,176 are Physical/Chemical Wastewater Operators
 - 526 are Well Drillers
 - 1,857 are Water Treatment Operators
- Mrs. Dunkin also participated in the ABC Virtual Conference. Most Boards are facing challenges with continuing operations with COVID-19 restrictions in place. Alabama is doing an overview of their program, and many states are forming reciprocity agreements.
- Board staff is working on a newsletter. It will be ready for review at the March 11, 2021, Board meeting.
- Mrs. Dunkin reminded the Board members to file their Statement of Economic Interest with the State Ethics Commission by the noon deadline on March 30, 2021.

Advisory Opinions, Office of Advice Counsel

Mr. Stuart did not have any advisory opinions for this this meeting.

OIE Report-Office of Investigations and Enforcements

Mrs. Dunkin said there are no active investigations.

IRC Report- Office of Investigations and Enforcements

Mrs. Dunkin said 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.

New Business

- a) **DHEC Bureau of Water Letter of Memorandum.** Mrs. Williams said a letter was submitted to the Board on October 26, 2020, in regards to the requirements of permitted wastewater treatment facilities and permitted drinking water treatment facilities to have an operator of the appropriate grade on-site at treatment facilities when treatment and/or discharge occurs. They do not want trainees doing this, even under supervision, and feel it should only be done by an operator of the appropriate grade. Mr. Kinard said that from a licensure perspective it is acceptable for trainees to perform these services under appropriate supervision. Mr. Thompson-King said most plants have a staffing plan to handle these functions that typically include a trainee and an operator of the appropriate grade. Mrs. Williams asked Mr. Kinard if he draft questions and suggestions to the Bureau of Water. Mr. Stuart suggested that Sean Clark with the Bureau of Water attend the next meeting, and Mr. Kinard can work with Mrs. Dunkin and Mr. Rose to gather the questions and suggestions for the next Board meeting.
- b) **FAQ on Opening and Closing Wells.** Jay Swearingen and Chris Watts with the Groundwater Association participated in the meeting to give their feedback on this agenda item. Mrs. Dunkin said the Board developed a Frequently Asked Question item for the website based on a recommendation from Advice Council that only licensed well drillers can open and close wells. Notices of unlicensed individuals performing these services can be sent to her to file a complaint. Mr. Swearingen said the problem is that an unlicensed person could put contamination in the system if the opening or closing of the well isn't done properly. Georgia, Tennessee, and North Carolina have a separate pump installer license. He feels that SC needs to be more proactive in regard to this issue, and perhaps develop these license types. Mr. Taylor said he is concerned that the public doesn't have proper knowledge about the process of opening and closing wells, and they might not know to look at the Board website for this information. He feels there needs to be an ad campaign to encourage the use of licensed drillers. Mr. Stuart said the Association would have to undertake such an effort. Currently, the only action the Board can take is to file complaints and conduct investigations into unlicensed individuals who perform these services. It would require legislation to create new licensure categories. The Groundwater Association would have to propose the legislation, and it could take a couple of years for the law to be changed.

MOTION: To approve the proposed FAQ's as presented in the meeting materials.
Thompson-King/Taylor/approved

Mr. Stuart asked Mr. Swearingen and Mr. Watts to do an additional FAQ that addresses their concerns, and present it for review at the next Board meeting on March 11, 2021. He also requested an article in the upcoming newsletter on this issue.

- c) **Delegation to Staff and Board Members with Regard to Review and Approval of Reciprocity Applications.** Mr. Thompson-King said the committee feels there are three issues with reciprocity. First is equivalency of examinations. Second is recognizing education equivalency. Candidates applying for licensure in South Carolina must have an accredited high school diploma or pass the General Education Development Examination (GED). Third is years of actual operating experience. Mr. Stuart said the biggest issue the Board faces with reciprocity applications is examination equivalency. The SC Code of Laws, Section 40-23-240(B) delegates the Board the authority to determine the credentials in another state as substantially equivalent to any Board member. The committee recommends delegating reciprocity evaluations to staff in cases where the ABC Equivalency Chart can be used to determine exam equivalency. In cases where the staff is unable to determine reciprocity based on the ABC chart, the Board member representing each area of licensure make the determination on reciprocity, and notify staff of their decision.

MOTION: To accept the committee recommendation and amendment to insert “with appropriate specialization” in appointing the Board member.
Cortez/Thompson-King/approved

Old Business

- a) **2019-2021 Continuing Education Reporting.** Mrs. Williams said the largest conference was pushed from March to August, which will affect the number of continuing education hours available to licensees for this reporting period. Mr. Cortez said there are plenty of virtual opportunities for licensees to get their hours. The lab workshop is being held virtually in June, which will be in time for licensees to get hours by the June 30, 2021, deadline. The Board determined that no action needs to be taken at this time on continuing education. Mrs. Williams requested that this agenda item be continued to the March 11, 2021, meeting for an update and further discussion, if necessary.

Discussion Topics

- a) **Innovation in Certification – ABC Conference Update.** Mrs. Dunkin said she and Mrs. Williams covered this in their reports. No Board members had questions or comments on this issue.

Public Comments

There were no public comments at this meeting.

Executive Session

The Board did not go into Executive Session at this meeting.

Adjournment

There being no further business:

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

The meeting adjourned at 11:36 a.m.