

MINUTES
South Carolina Environmental Certification Board Meeting
April 13, 2023 at 10:00 a.m.
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, SC 29210

Meeting Called to Order

Chairman Ken Rentiers, of Columbia, called the meeting of the South Carolina Environmental Certification Board to order at 10:00 a.m. Other members participating in the meeting included Phillip Thompson-King, of Columbia; Doug Kinard, of Prosperity; James Rodgers, Jr., of Greenwood; and Van Ward of Florence. A quorum was present.

Staff members participating during the meeting included Hardwick Stuart, Esq., Office of Advice Counsel; Chris Elliott, Esq., Office of Disciplinary Counsel; Maurice Smith, Office of Investigations and Enforcement; Johnnie Rose, Administrator; and Sherri Moorer, Administrative Coordinator.

Others participating included: Kyle Fetterly; Aubrey Brooks; Josh Durham; Frederick Wrigley; Joseph Marcinkus; Keith Walters; Jerry M. Screen, Esq.; John Owens; Jo Ellen Trueblood; Tara Friday, SCRWA; Tanner Pettigrew, SRS; and Dallen Jones, City of Sumter; and Nadine Garrett, Creel Court Reporting.

Statement of Public Notice

Mr. Rentiers said 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.

Invocation

Mr. Thompson-King gave the invocation.

Adoption of Agenda

MOTION: To approve the agenda of the April 13, 2023, meeting.
Thompson-King/Kinard/approved

Introduction of Board Members and Others

Board members, Board staff, and visitors were introduced.

Approval of Excused Absences

MOTION: To excuse Ken Tuck and Stacy Taylor from the meeting.
Thompson-King/Kinard/approved

Approval of the January 31, 2023 Minutes

MOTION: To approve the minutes from the January 31, 2023 meeting.
Thompson-King/Kinard/approved

Chairman's Remarks – Ken Rentiers

Mr. Rentiers commended Pam Dunkin for her work with the Board, and welcomed Johnnie Rose as the new Board administrator. He thanked Mr. Rose and the staff for their work.

Staff Reports

Mr. Rose gave the Administrator's Report:

- Please refer licensees and/or applicants to staff for assistance.
- To date, the Board has 9,112 active licensees. License renewals opened on April 10, 2023, with a renewal deadline of June 30, 2023. Late renewals will begin on July 1, 2023, with a \$200 per license late fee. Licenses not renewed by June 30, 2024, must go through the reapplication process.
- The Investigative Review Committee (IRC) is in need of professional members. Please send Mr. Rose the name of individuals interested in serving.
- The Statement of Economic Interest was due by noon on March 30, 2023. Mr. Rose reminded the Board members to file, if they have not done so already.
- The agency is renovating the first floor of the building, and hope to have the new conference rooms available by the next meeting.
- Mr. Rose included a copy of the new license cards in use by the agency. The new card is an 8.5" X 11" card. The Board will begin using the new cards after the renewal period closes.

Finance Report

Mr. Rose said the Board had a cash balance of \$508,661.18 as of March 31, 2023.

Advisory Opinions, Office of Advice Counsel

Mr. Stuart said there are no advisory opinions.

OIE Report-Office of Investigations and Enforcement

Mr. Smith said the Office of Investigations and Enforcement Report did not receive any complaints February 1, 2023 – April 13 2023. There is one active case, for a total of three cases in the Office of Investigations an Enforcement.

IRC Report- Office of Investigations and Enforcements

Mr. Smith said there is no Investigative Review Committee Report.

ODC Report-Office of Disciplinary Counsel-Chris Elliot

Mr. Elliott said there is one case in the Office of Disciplinary Counsel.

Board Member Reports

There were no Board member reports.

Application Hearings

- a) Kyle Fetterly appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.
- b) Aubrey Brooks appeared before the Board for an Application Hearing. He was not represented by counsel. Frederick Wrigley served as a witness. All persons testifying were sworn in by court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.
- c) Josh Durham appeared before the Board for an Application Hearing. He was not represented by counsel. Frederick Wrigley served as a witness. All persons testifying were sworn in by court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.
- d) Markus Mercer did not appear for his application hearing.
- e) Joseph Marcinkus appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.
- f) Keith Walters appeared before the Board for an Application Hearing. He was represented by Jerry M. Screen. John Owens served as a witness. All persons testifying were sworn in by court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

MOTION: To enter Executive Session, with staff remaining.
Thompson-King/Kinard/approve

MOTION: To exit Executive Session.
Thompson-King/Ward/approve

MOTION: That because of experience and education given, Mr. Fetterly be given the opportunity to take the exam for the level of licensure that he is seeking, and to delegate staff authority to issue the license upon receipt of passing examination scores.
Rodgers/Thompson-King/approve

MOTION: To grant staff authority to issue a trainee permit to Mr. Brooks upon receipt of all application materials.
Thompson-King/Kinard/approve

MOTION: To grant staff authority to issue a trainee permit to Mr. Durham upon receipt of all application materials.
Thompson-King/Kinard/approve

MOTION: To grant Mr. Marcinkus the 'A' level Biological Wastewater license, based on reciprocity with Massachusetts.
Thompson-King/Ward/approve

MOTION: To grant staff authority to issue a trainee permit to Mr. Walters upon receipt of all application materials.
Thompson-King/Kinard/approve

The Board took a break from 11:37 a.m. – 11:45 a.m.

New Business

- a) **CE Exemption.** Mr. Rose proposed that the Board consider a continuing education exemption for age and experience as part of their regulatory review. Mr. Stuart distributed the language from a similar exemption that the SC Board of Registration for Foresters passed in 2021. The purpose of the exemption is to give retiring individuals incentive to keep their license by removing the burden of obtaining continuing education hours that they no longer need due to retirement and/or limited practice. The Board agreed to put this before the Regulatory Review Committee for consideration.

MOTION: To support moving forward with an age and experience continuing education exemption for individuals sixty-two (62) years old or older, and with thirty (30) or more years of licensed experience.
Thompson-King/Kinard/approve

Committee Reports

- a) **Regulatory Review Committee.** Mr. Rose said the committee is in the process of identifying which sections of the regulations need modification. They anticipate having a Notice of Drafting and a marked-up draft ready for Board review at the next meeting. The Notice of Drafting and proposed changes need to be submitted to the Agency legislative liaison by September for review during the 2024 Legislative Session.
- b) **Exam Review Committee.** Mr. Rose said the committee closed on March 31, 2023. Several individuals did practice runs of the new exam, and he is reviewing the data. So far, the results seem favorable. He would like to review the pass/fail rates in the coming months, and give the Board a full report at the next meeting.

Discussion Topics

Mr. Thompson-King reiterated appreciation for Mrs. Dunkin's work with the Board, and looks forward to working with Mr. Rose as Administrator.

Public Comments

Ms. Trueblood expressed support for the continuing education exemption for age and experience. She appreciates the Board's work.

Executive Session

The Board did not go into Executive Session.

Adjournment

There being no further business:

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

The meeting adjourned at 11:58 a.m.