

MINUTES
South Carolina Environmental Certification Board Meeting
October 26, 2023 at 10:00 a.m.
Synergy Business Park, Kingstree Building
110 Centerview Drive, Upstate Conference Room
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 10:03 a.m. Other members participating in the meeting included Phillip Thompson-King, of Columbia; Jason Fell, of Saluda; Douglas Kinard, of Prosperity; Ronald Jay Swearingen, of Greenwood; and Sidney Tuck, of Spartanburg. A quorum was present.

Staff members participating during the meeting included Hardwick Stuart, Esq., Office of Advice Counsel; Erin Baldwin, Esq., Office of Disciplinary Counsel; Maurice Smith, Office of Investigations and Enforcement; Johnnie Rose, Board Executive; Cleve Langdale, Program Coordinator; and Sherri Moorer, Administrative Coordinator.

Others participating included: Jo Ellen Trueblood, Miran Tyrrell, Tanner Pettigrew, Heather Lawson, Dallen Jones, Jill Miller, Billy Rushing, Jeffrey Tucker, Tilton James, Kevin Wisham, David Fore, Norman Reese, Kevin Knab, George Ferguson, and Courtney Glover (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. Tuck gave the invocation.

Adoption of Agenda

MOTION: To approve the agenda of the October 26, 2023, meeting.
Thompson-King/Tuck/approved

Introduction of Board Members and Others

Board members and staff were introduced.

Approval of Excused Absences

MOTION: To excuse Van Ward from the meeting.
Kinard/Thompson-King/approved

Approval of Meeting Minutes

MOTION: To approve the minutes of the July 27, 2023, and August 15, 2023 meetings.
Thompson-King/Tuck/approved

Chairman's Remarks – Ken Rentiers

Mr. Rentiers presented plaques to Chuck Cortez, Stacy Taylor, and Jimmie Rodgers, and thanked them for their service on the Board.

Staff Reports

Mr. Rose welcomed Jason Fell and Jay Swearingen to the Board. Mr. Fell represents Water Distribution, and Mr. Swearingen represents Well Drillers. Joshua Castleberry will serve as the education representative from Central Carolina Technical College, but is not present at this meeting. There is one vacancy on the Board for a public member.

Mr. Rose said the Board members were provided with a new Non-Disclosure statement that they need to sign and return to him for their Board service.

Finance Report

Mr. Rose said the Board had a cash balance of \$592,163.50.

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 have received 11 complaints since January 1, 2023. There are two active investigations, and nine closed cases.

IRC Report- Office of Investigations and Enforcements

Mr. Smith said there are three cases on the Investigative Review Conference report: one case for a formal complaint, one case for a formal citation, and one letter of caution.

MOTION: To accept the IRC Report.
Thompson-King/Tuck/approved

ODC Report-Office of Disciplinary Counsel-Chris Elliot

Mrs. Baldwin said there are three cases pending in the Office of Disciplinary Counsel. The case scheduled for this meeting was continued.

Board Member Reports

There were no Board member reports.

Application Hearings

- a) Billy Rushing 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.

b) Jeffrey Tucker 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) William Faulkner did not appear for his application hearing.

MOTION: To defer Mr. Faulkner's application hearing until the January 25, 2024, meeting.
Tuck/Thompson-King/approved

d) Matthew Gregory did not appear for his application hearing.

MOTION: To defer Mr. Gregory's application hearing until the January 25, 2024, meeting.
Thompson-King/Fell/approved

e) Garret Scott Parham did not appear for his application hearing.

MOTION: To defer Mr. Parham's application hearing until the January 25, 2024, meeting.
Thompson-King/Swearingen/approved

f) Tilton Janes appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by a court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

g) Scott Law did not appear for his application hearing.

MOTION: To defer Mr. Law's application hearing until the January 25, 2024, meeting.
Thompson-King/Fell/approved

EWT to EPC License Corrections

h) Kevin Wisham appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by a court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

i) David Fore appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by a court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

- j) Norman Reese appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by a court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.
- k) Kevin Knab appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by a court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.
- l) George Ferguson appeared before the Board for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by a 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/Tuck/approve

MOTION: To exit Executive Session.
Tuck/Kinard/approve

Mr. Tuck said no votes were taken during Executive Session.

MOTION: To grant staff authority to issue Mr. James a trainee permit.
Thompson-King/Tuck/approve

MOTION: That Mr. Rushing and Mr. Tucker are denied reciprocity and must take the “D” Well Driller exam.
Swearingen/Thompson-King/approve

MOTION: To grant staff authority to issue the Physical/Chemical trainee permits for Mr. Wisham, Mr. Fore, Mr. Reese, Mr. Knab, and Mr. Ferguson.
Thompson-King/Fell/approve

Old Business

- a) **S.C. Code 40-1-140 Application Updates.** Mr. Langdale said the applications have changed the first “personal history” question to read “Have you been convicted of or pled guilty or nolo contender to any crime involving environmental law?”

MOTION: To accept the changes as proposed on the applications for licensure.
Thompson-King/Fell/approved.

- b) **Update on Proposed Regulations for Chapter 51.** Mr. Rose said the proposed regulations would publish in the State Register on October 27, 2023. This will open a 30-day comment period. Comments on the proposed regulations will be sent directly to him. The Board will be required to have a hearing at the Administrative Law Court if 25 people send comments,

or if an association with 25 or more members or another governmental agency comments. The hearing date is December 18, 2023, at 10 a.m., if necessary. Required edits will be implemented and the regulations will move forward for legislative review in the 2024 session.

New Business

- a) Water Professional International Updates.** Thomas Healy, Vice-President of WPI, gave a presentation on the examinations. Topics discussed included:
- Increasing the time limit to four hours for all exams. Currently, only the “A” level exams have a four-hour time limit, and all other exams have a three-hour time limit. Several states have experimented with keeping a consistent four-hour time limit on all level examinations, and have seen significant increases in pass rates.
 - Lowering the cut score to a 60% or 65%. This is at state discretion. The Board asked Mr. Healey if he could provide data on the pass rates at 60%, 65%, and 70% since the inception of the current exam.
 - WPI completed a Job Task Analysis Survey in early 2023. They had over 25,000 operators respond to the survey. The exam will be updated based on these responses in the third or fourth quarter of 2024.
 - Streamline content areas and identify the three largest content providers.
 - New Need-to-Know criteria will be released six months prior to the exam update in 2024.
 - Customize the exam. There is a 25,000-question bank for the exams. The exam committee can give WPI a blueprint and customize the exam for South Carolina. This process will take three to eight months.
 - UCS 2.0 Conversion. The Uniform Candidate System will have a dedicated landing page for South Carolina available on November 30, 2023. This page will allow SMS messaging capability, enhanced reporting capabilities, streamlined scheduling procedures, and access to score reports through the portal.
 - Mr. Thompson-King requested a meeting between Mr. Healey and the Exam Writing Committee.

MOTION: To extend the time on lower level exams to four hours to be uniform at all levels.
Thompson-King/Fell/approve

- b) Delegation of Authority to Deny Applications at Staff Level.** Mr. Rose requested to defer this item.

MOTION: To defer this item until the January 24, 2024, meeting.
Thompson-King/Fell/approve

- c) Investigative Review Conference (IRC) Member Update.** Mr. Rose said there is a need for professional members in all categories, preferably ‘A’ level operators. He asked the Board members to send him suggestions for members to serve.

d) Continuing Education Audits for Reporting Year 2021-2023. Mr. Rose said continuing education audits are scheduled to be sent on November 2, 2023. They will do a 5% audit, and present discrepancies to the Board at the January 24, 2024, meeting.

e) Strategic Plans for 2024. Mr. Rose asked the Board members to consider discussion of issues they have not addressed. Mr. Tuck asked if the strategic planning could be done as a workshop, with a facilitator present. Mr. Stewart said he would research this so the Board will know the parameters they have to work with on strategic planning.

f) Board Member Special Project for 2024. Mr. Rose said he would like Board assistance to improve the website. He asked the Board members to provide him with a description of each license type by December 15, 2023.

g) 2024 Board Conference Travel

MOTION: To approve travel for up to two Board members and staff to the WPI Conference in Newport Beach, California, on January 9-12, 2024.
Kinard/Tuck/approve

MOTION: To approve travel for the Board Executive and as many team members as possible to attend the Upstate Rural Water Meeting in Greenville, SC, on January 18, 2024.
Thompson-King/Fell/approve

Discussion Topics

There were no discussion topics.

Public Comments

There were no public comments.

Executive Session

The Board did not go into Executive Session.

Adjournment

There being no further business:

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

The meeting adjourned at 1:13 p.m.