

MINUTES
South Carolina Environmental Certification Board Meeting
January 25, 2024 at 10:00 a.m.
Synergy Business Park, Kingstree Building
110 Centerview Drive, Lowcountry Conference Room
Columbia, SC 29210

Meeting Called to Order

Vice Chair Phillip Thompson-King, of Columbia, called the meeting of the South Carolina Environmental Certification Board to order at 10:18 a.m. Other members participating in the meeting included Jason Fell, of Saluda; Douglas Kinard, of Prosperity; Ronald Jay Swearingen, of Greenwood; William Van Ward, of Florence; Josh Castleberry, of Sumter; and Sidney Tuck, of Spartanburg. A quorum was present.

Staff members participating during the meeting included Kyle Tennis, Esq., Office of Advice Counsel; Chris Elliott, Esq., Office of Advice Counsel; Maurice Smith, Office of Investigations and Enforcement; Johnnie Rose, Board Executive; Cleve Langdale, Program Coordinator; and Sherri Moorner, Administrative Coordinator.

Others participating included: Allen Gay, Alice Douglass, Richard Johnson, Willene James, Dorothy Mason, Simon Lawson, Heather Lawson, Nicholas Stafford, Jo Trueblood, John Young, Becky Dennis, Dallen Jones, Michael Tavano, Miran Tyrrell, Steven Anders, Joshua Haney, and Mark Fowler.

Statement of Public Notice

Mr. Thompson-King stated 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's 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 January 25, 2024, meeting.
Swearingen/Fell/approved.

Introduction of Board Members and Others

Board members and staff were introduced.

Approval of Excused Absences

MOTION: To excuse Doug Kinard and Ken Rentiers from the meeting.
Fell/Tuck/approved.

Approval of Meeting Minutes

MOTION: To approve the minutes of the October 26, 2023 meeting.
Swearingen/Fell/approved.

Chairman's Remarks – Phillip Thompson-King

None.

Staff Reports

Mr. Rose welcomed the Board and public to the first meeting of the year. He reminded Board members to direct media, licensees, applicants, and members of the public who have questions to direct them to the Board staff for proper routing. He reminded Board members of the rules regarding conflicts of interest and quorums. As of January 16th, our Board has 2,454 biological wastewater operators, 39 bottled water operators, 2,365 water distribution operators, 1,818 physical chemical operators, 513 well drillers, and 1,898 water treatment operators, for a grand total of about 9,087 licensees.

Finance Report

Mr. Rose stated the Board has a cash balance of \$534, 512.40.

Advisory Opinions, Office of Advice Counsel

Mr. Tennis stated there are no advisory opinions.

OIE Report-Office of Investigations and Enforcement

Mr. Smith stated the Office of Investigations and Enforcement Report have received 12 complaints from January 1, 2023 to October 20, 2023. There is one active investigations, and ten closed cases.

IRC Report

Mr. Smith stated that as of January 25, 2024 there was one case for dismissal, two cases for citations have been issued, and two cases for a letter of caution that will require a vote..

MOTION: To accept the IRC Report.
Tuck/Ward/approved.

ODC Report-Office of Disciplinary Counsel-Chris Elliot

Mr. Elliot stated that there were three cases with the Office of Disciplinary Counsel, one of which would be heard today.

DISCIPLINARY HEARING

2022-11 was heard. 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.

MOTION: To enter Executive Session at 1:32 p.m.
Tuck/Castleberry/approved.

MOTION: To exit Executive Session at 2:39 p.m.
Thompson-King/Castleberry/approved.

MOTION: To dismiss 2022-11, and issue a letter of caution reminding the licensee of his responsibilities as a supervisor of record.
Thompson-King/Castleberry/approved.

Board Member Reports

There were no Board member reports.

Application Hearings

- a) Steven Anders 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.

MOTION: To close the hearing.
Tuck/Ward/approved.

MOTION: To enter Executive Session to receive legal counsel at 2:51 p.m.
Tuck/Castleberry/approved.

MOTION: To exit Executive Session at 2:59 p.m.
Ward/Castleberry/approved.

MOTION: To allow Mr. Anders licensure as a trainee water distribution operator.
Tuck/Castleberry/approved.

MOTION: To come out of the closed hearing.
Ward/Tuck/approved.

Old Business

a) Exam Time Limit Increase:

Mr. Rose stated that the exams have been raised from a three-hour time limit to a four-hour time limit. The exam prices have been raised to \$134 from \$112.

b) New Onboarding of IRC Members:

Mr. Rose requested volunteers or recommendations to sit on the Investigative Review Committee.

c) 2021-2023 Continuing Education Audit Report Update:

Mr. Rose stated that the Board staff conducted an audit of 5%, or 211, of the Board's licensees' continuing education. 22% of those audited licensees had not yet completed their audit. Staff will reach out to counsel for next steps.

d) Strategic Planning Update:

Mr. Rose stated that the Board could benefit from the implementation of strategic planning. He asked that Board spend quarter one communicating issues to be addressed. Mr. Tuck

expressed a desire for a more comprehensive, facilitated strategic plan. Mr. Fell suggested a budget.

MOTION: To determine a budget for the strategic planning session.
Fell/Castleberry/approved.

MOTION: To set aside \$10,000 to have a facilitated work session or sessions to chart out some strategic planning.
Tuck/Fell/approved.

New Business

a) 2024 Legislative Updates

Mr. Rose stated that the 125th General Assembly convened in regular session Tuesday, January 9th. The Board will be made aware of anything coming down the pipeline.

b) IIC24 Annual Conference Update

Mr. Thompson-King thanked the Board for the opportunity for training. One of the highlights was new tests, test study-guides, and need-to-know criteria, to be released in the third quarter of this year. The development of exams is ongoing but Mr. Thompson-King believes AWWA and WEF are focusing their efforts well. Mr. Rose stated that one takeaway was the fallacy behind comparative examination ratings and passing rates between programs. There were also many variables in the licensure pipeline between states introduced through training. Mr. Thompson-King pointed out that conceptual learning is often eroding due to farmed-out laboratories and consultants. Mr. Fell pointed out that successful States invest in educational and training programs. Mr. Rose drew the Board's attention to data for pass rates in various states. Some states have an examination passing score of 70, Massachusetts has a passing score of 60.

c) Education, Training, and Workforce Development for Operators:

Mr. Rose stated a desire for information regarding available programs for operators. Mr. Castleberry stated there is a wide array at Central Carolina Technical College, including two certificate programs that are for college credit but useful for operator test prep. He suggested that surveys of operator's test-preparation might be useful data. Mr. Rose stated that the most useful methods of preparation could be included in Board brochures and information packets. Mr. Tuck stated that there are many avenues for training, and that he wanted to make sure we don't overly focus on one.

d) PSI's Exam Scheduling Platform Migration

Mr. Rose stated that PSI has moved to a new landing page for scheduling exams. Some difficulties are occurring during the adjustment process, especially with PSI receiving candidates information, but the issues are being resolved rapidly. Mr. Fell stated that he had some candidates with problems, but they were able to solve them. Mr. Rose requested that any ongoing issues be brought to staff's attention.

e) Operation Exam Eligibility for Exam Repeaters

Mr. Rose presented the Board with a letter that will be sent to operators who have failed exams twice, before they enroll in their third attempt. The letter shows supporting links, study guides, need-to-know-criteria, and a practice examination. Mr. Rose raised the

suggestion that repeat failure be given a 90 day hold before another attempt is allowed. Mr Thompson-King, Mr. Tuck, and Mr. Fell spoke for the letter with information, but against the 90 day hold. Mr. Castleberry asked counsel what limitations the Board had regarding exam requirements. Mr. Tennis said any hold times would require regulatory changes at a minimum.

f) Water and Wastewater Operator Shortages By the Water Coalition:

Mr. Young stated that a paper was issued in 2022 identifying 5 items that could be worked on by the Board with the Water Coalition's help. Ms. Trueblood stated that those items are, the examination pass rate, experience credit, operator reciprocity, processing time, and CE Broker. Processing times and CE Broker have been resolved. Mr. Young pointed out that the Water Coalition and their people are to work with the Board. Mr. Tuck said these issues should be raised during strategic planning. Mr. Fell added that some of these issues would be appropriate for the Exam Review Committee. Mr. Thompson-King elaborated on some of the complexities of large-scale standardized testing.

g) 2024 Board travel

MOTION: To approve Board travel for at least two staff members and two Boards members or any combination of four for travel to any events identified by staff.

Tuck/Fell/approved.

h) 2025 Board Meeting Updates

Mr. Rose stated that conference rooms and dates have been selected for the 2025 Meetings of the Board.

MOTION: To approve the Board meeting dates for 2025 as presented.

Tuck/Castleberry/approved.

MOTION: To defer this item until the January 24, 2024, meeting.

Thompson-King/Fell/approved.

Agenda Topics for Future Meetings

Mr. Thompson-King suggested that pass rates and exam passing scores might be linked, but that adjusting the passing scores is some that would require a great deal of consideration.

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.

Tuck/Castleberry/approved.

The meeting adjourned at 4:18 p.m.