

**MINUTES**  
**South Carolina Board of Environmental Certification**  
**Board Meeting**  
**10:00 a.m., August 15, 2017**  
**Synergy Business Park**  
**Kingstree Building, Room 105**  
**110 Centerview Drive**  
**Columbia, South Carolina**

**Meeting Called to Order**

Chairman, Elizabeth Williams, of Sumter, called the regular scheduled meeting of the South Carolina Environmental Certification Board to order at 10:00 a.m. Other members participating in the meeting Included: Robert G. Davis, Jr., of Hilton Head; Doug Kinard, of Prosperity; Ken Rentiers, of Columbia; Jimmy Rodgers, of Greenwood; Stacy Taylor, of Columbia; Phillip Thompson-King, of Columbia; and Sidney K. Tuck, of Spartanburg

Staff members participating during the meeting included: Molly Price, Administrator; Meredith Buttler, Program Assistant; and Hardwick Stuart, Office of Advice Counsel.

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

**Pledge of Allegiance**

**Introduction of Board Members and Others**

Board members and Board staff introduced themselves.

**Approval of Excused Absences**

There were no absences

**Approval of the May 9, 2017 Minutes**

**MOTION:** To approve the minutes of the May 9, 2017 meeting.  
Davis/Tuck/approved.

**Chairman's Remarks-Elizabeth Williams**

Mrs. Williams stated that she did not have any remarks.

### **Recognition of Renewable Water Resources (ReWa) Operators**

Mrs. Williams recognized the operators from Renewable Water Resources who volunteered their time and expertise in helping with the containment of the Pinnacle Mountain Fire and Hurricane Matthew Recovery. ReWa provided emergency service generators, pumps, and various vehicles in addition to 18 staff members who worked on the multiple day projects. The SC Environmental Certification Board recognized both ReWa and its operators for their dedication to the industry and to serving and protecting the public. ReWa operators present to receive the plaque bestowed by the Board included Brian Wood, Kyler Hinton, and Adam Harvey.

### **Staff Reports**

Mrs. Price reminded the board members when making a motion, to make sure the motion is clear, and that they speak loud enough to be heard by the court reporter and staff member who is taking the minutes.

Mrs. Price reported the board's current account balance as of July 2017 is \$584,518.50. She stated the Board has 8,749 active licensees and that the number is usually low this time of year due to renewals. She informed the Board that on July 7, 2017, 823 Lapsed Letter notifications were sent out to licensees and that to date, 244 of those have been renewed. A total of 5,972 licenses were renewed online which Ms. Price stated is a good percentage considering the removal of the password from the renewal notice proved to be a deterrent to many.

Mrs. Price informed the Board that it is a Continuing Education Audit year. On July 24, 2017, 129 operators were sent audit notifications requesting that they submit their proof of 12 CE hours by August 11, 2017. At the end of the day on August 11, 2017, 40 follow up letters were sent out. These operators were given till August 31, 2017 to comply. Failure to comply may result in suspension or revocation of the license.

The LLR agency has begun implementing a system for 100% audits. Certain boards have begun the process, but the Environmental Certification Board will not at this time. The audit administration is online and handled by a third party. Staff are prepared to handle the audit this year.

The Board is in the midst of renewals. On the Renewal Notices this year the passwords were not included, which has caused increased phone volume with licensees looking to reset their password. Molly encouraged licensees to have a personal email address on-file as this is necessary in resetting the password. New this year, there is an invoice system so that individuals may renew their own licenses and send invoices for payment to their company rather than having a company staff member log in and renew for the licensee.

Mrs. Price informed the Board of the proposed 2018 meeting dates to take place at the Kingstree Building: January 23, April 24, July 31, and October 16.

Ms. Williams inquired into any updates regarding the 100% audit that LLR proposed for all boards. At this time, Mr. Price stated that there no updates were available and it would be optional for the boards to participate.

Mrs. Buttler reported to the Board that ABC has completed their Pilot Exam calculations and that all score reports held between May 1 and July 31 have since been sent to the operators. As of August 1, 2017, all exams have returned to instantaneous scoring. During the May 1 to July 31 window, 125 operators took the Biological exams, 103 operators took the Water Distribution exams and 64 operators took the Water Treatment exams. The Board staff are working hard to gather and analyze the exam results to understand how the new exams compare to the old. Information gathered thus far has shown a lower passing rate, however, of the small pool of operators who have taken the new exams, many of them took and failed the old exams multiple times. Staff recommendation is to continue to collect and analyze exam results over the next 6 months and report the finding to the Board at a future Board meeting. In addition to the exam results, staff have also been collecting and analyzing the survey question answers.

Advisory Opinions, If Needed, Office of Advice Counsel

No advisory opinions were given during this meeting.

OIE Report-Office of Investigations and Enforcements

On behalf of Todd Bond, Ms. Price reported that a total complaints received since January 1, 2017 is 7, 4 active investigations and 3 cases have been closed.

IRC Report- Office of Investigations and Enforcements

Ms. Price reported that the IRC met on August 2, 2017, to discuss two cases. The committee recommend a Dismissal of Complaint and issuance of Formal Complaint.

**MOTION:** To approve the IRC report.  
Rentiers/Davis/approved.

ODC Report-Office of Disciplinary Counsel-Erin Baldwin

No ODC report was given. Ms. Baldwin informed the Board that there is a possibility that the next Board meeting would require a disciplinary hearing notice. The case may resolve with an agreement prior to the meeting and Ms. Baldwin will keep the Board and staff abreast of all updates.

**Application Hearing**

**Application hearings were recorded by a certified court reporter in the event a verbatim transcript is necessary. All persons testifying were sworn in by the court report.**

Elizabeth Williams, Board Chair, called the Application Hearings to order.

- a. Jonathan Michael Arrington: Well Driller

Mr. Arrington appeared before the board to answer questions regarding his prior criminal history. He brought a recommendation letter from his employer and copies of his sentencing sheets. Mr. Arrington currently works with a well drilling company and has been learning the trade under licensed well driller. Mr. Cortez put forth questions to Mr. Arrington regarding the dates of the charges and what exactly they entailed. Mr. Tuck followed by questioning as to Mr. Arrington's age at the time of the charges. Mr. Cortez also asked Mr. Arrington to explain who filed the charges and how the transgressions came to light.

### **Executive Session**

**MOTION:** For the Board to enter into executive session to seek legal advice regarding Mr. Arrington's applications.  
Tuck/ Thompson-King /approved.

### **Return to Public Session**

**MOTION:** For the Board to return to public session.  
Thompson-King /Kinard/approved.

Board Chairman, Elizabeth Williams, noted for the record that no votes or actions were taken while in executive session.

**MOTION:** To approve Mr. Arrington's to become a Well Driller Trainee.  
Rodgers/Davis  
Objections: Cortez/Tuck  
Majority approved

### **New Business**

#### a) 'A' Biological Wastewater Examination Validation

In an effort to better understand how the new and old examinations compare, Ms. Price and Ms. Williams proposed that the Board send five current level 'A' Biological Wastewater Operators to take the new ABC examination. The five operators would be selected from a cross section of the industry, age ranges and experience time. Ms. Price stated that this would allow the Board to validate whether or not the exam was too difficult as well as provide the Board with feedback regarding the content. The Board would be responsible for paying for the exams for the operators. Mr. Taylor raised the concern that though these operators passed the old exams, they might not put the same level of study into passing these exams and therefore the results would be skewed. Ms. Williams stated that the operators selected would most likely study for the new exam. Ms. Price would like to have the information available for reporting to the Board at the November meeting.

**MOTION:** To approve the selecting of five 'A' level Biological Wastewater Operators to take the new examinations, expenses to be paid by the Board.  
Thompson-King/Cortez/approved.

b) 2018 Annual ABC Conference travel approval January 16-19, 2018

The annual ABC conference will be taking place in San Antonio, TX on January 16-19, 2018. Board members will consult their calendars and respond to staff of their desire to attend.

**MOTION:** To approve one staff member and two Board members to attend the 2018 ABC Conference.  
Thompson-King/Davis/approved.

c) 2018 SC Environmental Conference travel approval March 11-14, 2018

The annual SC Environmental Conference will take place in Myrtle Beach on March 11-14, 2018. The Organization has offered to give the Board a non-profit registration rate that includes a booth space during the conference and registrations for staff. Ms. Price or Ms. Buttler would be responsible for manning the booth during the conference.

**MOTION:** To approve two staff members and one Board member to attend the 2018 Environmental Conference.  
Cortez/Thompson-King/approved.

d) Travel Approval for Advice Council to Attend FARB Seminar October 5-8, 2017

The Federation of Associations of Regulatory Boards Seminar will take place in Savannah, GA and LLR has requested that all advice attorneys attend the seminar, with an emphasis on the Ethics. Mr. Stuarts travel expenses will be split between the Environmental and two other boards, roughly \$650 per board.

**MOTION:** To approve two staff members and one Board member to attend the 2018 Environmental Conference.  
Thompson-King/Tuck/approved.

e) Regulatory Review Pursuant to Executive Order 2017-19

Advisory Council, Hardwick Stuart, informed the Board that per Executive Order from the Governor that all Boards are to review their Regulations and submit a report of the Boards intent to repeal, amend or add to the regulations. After thorough review by the Board, the following report has been submitted to the Governor's Office:

*Proposed New Regulations: none*

*Regulations the Board Intends to Repeal or Withdraw: none*

*Regulations the Board Intends to Amend: none*

*Regulations that Appropriately Protect the Public's Interest as Currently Written:*

51-1  
51-2  
51-3  
51-4  
51-5  
51-6  
51-7

**MOTION:** To authorize the Board Chairman to sign the report as discussed at the meeting.  
Cortez/Thompson-King/approved.

### **Discussion Topics**

a) Midlands Technical College – Environmental Systems Certification

Ms. Ivelisse Ortiz-Hernandez from Midlands Technical College presented to the Board the new Environmental Systems Certification that will be offered to student in Spring 2018. Ms. Ortiz-Hernandez stated that the intent was to prepare the students to meet the demand for qualified operators and help them achieve licensure quickly.

### **Committee Reports**

There were no committee reports at this meeting.

### **Public Comments**

Mr. John Young with the Savannah River Site National Lab addressed the Board regarding accelerating the license upgrade process after passing of examinations. Mr. Young stated that operators would like to see more immediate turn-around time between passing of the exam and upgrading the license. Mr. Young was informed that the time gap between an operator passing the exam and license upgrade is due to the operators not submitting the Experience Verification Form to the Board for review. Once the Board receives a completed Experience Verification Form, it is usually processed within the same day. A reminder will be put into the next Board newsletter with directions on where to locate the form.

Mr. Young also brought before the Board the idea of Emeritus status license for senior operators. He feels that such a category will help keep operators in the field longer. Ms. Price stated that such a change would most likely be a statutory change. The current board renewal fees are kept low in an effort to keep such senior operators. Ms. Price also informed Mr. Young and the Board that there is a Bill before the House regarding the instatement of Continuing Education exemptions based on year of experience and age.

### **Adjournment**

**MOTION:** To adjourn the meeting.

Cortez/Thompson-King/approved.

The August 15, 2017 meeting of the S.C. Board of Environmental Certification adjourned at 11:37 a.m.

The next meeting of the S.C. Environmental Certification Board is scheduled for November 14, 2017, in room 108.