

MINUTES
South Carolina Board of Environmental Certification
Board Meeting
10:00 a.m., May 9, 2017
Synergy Business Park
Kingstree Building, Room 108
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.

Section 40-23-40

Mrs. Williams announced the purpose of this Board is to protect the general public through the regulation of persons engaged in occupations appointed by the legislature for regulation by the board. These occupations are referred to in Chapter 23 collectively as Environmental Systems Operators.

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

MOTION: To approve the absence of Board Member Charles Cortez due to scheduling conflicts. Rentiers/Tuck/approved.

Approval of the September 6, 2016 Minutes

MOTION: To approve the minutes of the January 24, 2017 meeting.
Rentiers/Davis/approved.

Chairman's Remarks-Elizabeth Williams

Mrs. Williams stated that the items that she would like to speak on are is slated to be discussed later in the meeting.

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 March 2017 is \$406,794.83. She stated the Board has 9,373 active licensees.

Mrs. Price informed the Board that it is a Continuing Education Audit year. The audit will take place in the fall. Individuals selected for the audit will have 30 days in which to turn in their materials. The audit will be handled at staff level and report back to the Board at the November Board meeting.

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-files 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 stated that the next Board meeting is scheduled for August 15, 2017 at the Kingstree Building.

Advisory Opinions, If Needed, Office of Advice Counsel

No advisory opinions were given during this meeting.

OIE Report-Office of Investigations and Enforcements

No OIE report was given during this meeting.

IRC Report- Office of Investigations and Enforcements

Todd Bond reported that the IRC met on April 27, 2017, to discuss three cases. The committee ordered a Cease and Desist, Formal Complaint and Letter of Caution.

MOTION: To approve the IRC report.
Kinard/Rentiers/approved.

ODC Report-Office of Disciplinary Counsel-Erin Baldwin

No ODC report was given.

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. Raul J. Rivera: Water Treatment

Mr. Rivera appeared before the board to answer questions regarding his prior criminal history. He brought copies of three letters of reference from former employers in Florida. Mr. Rivera currently holds a valid 'C' Florida license and has faced no disciplinary actions against him in any of his previous work locations. Mr. Rivera stated that he was not currently employed at a facility within the state. Mr. Thompson-King questioned why two of the three reference letters were not signed. Mr. Rivera said the letters were emailed to him two days prior to the meeting date and he wasn't aware that they needed to be signed.

b. Christopher Stogner: Biological Wastewater

Mr. Stogner appeared before the board to answer questions regarding his prior criminal history. He brought copies of program certificates showing his attempts to improve his life. Mr. James Wood, Mr. Stogner's supervisor, appeared before the Board on behalf of Mr. Stogner. Mr. Wood testified that Mr. Stogner is a valued asset to the treatment facility and strongly encouraged the Board to approve Mr. Stogner's application. Mr. Stogner is currently a wastewater treatment operator at the Allendale facility and has worked there for the past year. Mrs. Price questioned Mr. Stogner's ability to access the testing facility sites should the Board approve his application. Mr. Wood stated that he would see to it that Mr. Stogner would get to the exam facilities. Mrs. Price also asked if Mr. Wood was a licensed operator. Mr. Wood stated that he is not.

Executive Session

MOTION: For the Board to enter into executive session to seek legal advice regarding Mr. Rivera and Mr. Stogner's applications.
Tuck/Rentiers/approved.

Return to Public Session

MOTION: For the Board to return to public session.
Tuck/Rentiers/approved.

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

MOTION: To approve Mr. Rivera's application per reciprocity to a 'C' Water Treatment Operator per verification of reference of Mr. Enlow, Mr. Henry and Ms. Barcus.
Thompson-King/Taylor/approved.

MOTION: To approve Mr. Stogner's application as a Biological Wastewater Trainee.
Kinard/Davis/approved.

Unfinished Business

a. Review of ABC Examinations

New exams were launched May 1, 2017 for Water Treatment, Water Distribution, and Biological Wastewater. Ms. Price reminded the Board that the more people who take the exams the faster the scores will be released by ABC. ABC informed us this process could take up to six weeks. A notification was sent to all operators a month prior to the exam start date, followed by a clarification email as there was confusion amongst the operators about who had to take the new exams. The clarification email provided further explanation as to who would be subject to the new exams and noted that Physical/Chemical Wastewater and Well Driller exams would not be affected by the new exams. Operators have been encouraged to provide feedback to the Board after they take the new exam. Ms. Williams stated that the new Need-to-Know is much more comprehensive and provides the operators with a better breakdown for operators.

b. AMP/ABC Post Examination Survey

The Board's six question survey was implemented for all exams on May 1, 2017. The Board was provided with a copy of the questions. Results will be shared with the Board during subsequent meetings

New Business

1. Background Check requirements

Mrs. Price discussed House Bill 3968 regarding background checks with initial licensure. The Board currently does not do background checks on all applicants and is not part of this proposed bill; however, applicants are asked to verify if they have a criminal history and to provide a state issued background check and explanation with the initial application. If the criminal history is more than 10 years from the application date, Board staff review and make determination of licensure. Applicants with a criminal record within 10 years is brought before the Board for an application hearing.

House Bill 3968 would require select boards at LLR be required to run an in-house background check on every applicant. Currently the Environmental Certification Board is not on this proposed list. Ms. Price stated that the House only has a week left before session closes, so it is not likely that the Bill will pass in this term but it will still be active in the 2018 term.

Mrs. Price wanted to make the Board aware the current proposed legislation and trends within LLR. She stated that she would like to wait in order to understand how the financial aspect of such an operation would be handled before having the Board pursue any actions.

2. 2017 WEASC Conference travel approval

Ms. Williams stated that in the past she has been asked to speak at the Conference, but is unsure as to whether she will be speaking again this year. She would like to attend the conference and encourages other Board member to do so. Ms. Price also voiced her desire to attend the 2017 conference.

MOTION: To approve one staff member and two Board members to attend the 2017 WEASC Conference.
Thompson-King/Davis/approved.

Discussion Topics

There were no discussion topics at this meeting.

Committee Reports

There were no committee reports at this meeting.

Public Comments

Mr. Brad Powers with the South Carolina Rural Water Association, extended to the Board the Association's offer to help in reviewing of the new examinations. The Association and other association around the state would like to pull together a select few members who would serve as a working committee that would help review exam questions and address any problem questions. The committee would be responsible for recommending rewording or culling of the problem questions while making sure to keep the exam away from being South Carolina specific so as to continue the tradition of reciprocity with other states.

Adjournment

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

The May 9, 2017 meeting of the S.C. Board of Environmental Certification adjourned at 11:08 a.m.

The next meeting of the S.C. Environmental Certification Board is scheduled for August 15, 2017, in room 105.