

MINUTES
South Carolina Board of Environmental Certification
Board Meeting
10:00 a.m., September 10, 2013
Synergy Business Park
Kingtree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

Hank Rutland delivered the invocation followed by the Pledge of Allegiance.

Meeting Called to Order

William Armes, Chairman, of Simpsonville, called the regular scheduled meeting of the S. C. Environmental Certification Board to order at 10:05 a.m. Other members participating in the meeting included vice-Chair, Elizabeth Williams, of Sumter; David Baize, of Irmo; Jimmy Rodgers, of Greenwood, and Hank Rutland, of Orangeburg.

Staff members participating during the meeting included: Erin Baldwin, General Counsel; Todd Bond, Chief Investigator, OIE; Sandra Dickert, Administrative Assistant; Pam Dunkin, Administrative Assistant; Theresa Garner, Interim Administrator; and Georgia Lewis, Advice Counsel.

William Armes announced that public notice of this meeting was properly posted at the S. C. Board of Environmental Certification Office, Synergy Business Park, Kingtree 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

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.

Approval of Excused Absences

MOTION

Hank Rutland made a motion to excuse Dwight Johnson's absence from the meeting. Jimmy Rodgers seconded the motion, which carried unanimously.

MOTION

David Baize made a motion to excuse Mitch Dew's absence from the meeting. Jimmy Rodgers seconded the motion, which carried unanimously.

Approval of the July 9, 2013 Minutes

MOTION

Hank Rutland made a motion the Board approves the July 9, 2013 meeting minutes as presented. Jimmy Rodgers seconded the motion, which carried unanimously.

Chairman's Remarks-William Armes

William Armes thanked everyone for being present. He stated there were several matters on the agenda for the board's consideration during this meeting.

Interim Administrator's Remarks-Theresa Garner

Theresa Garner gave the following report.

She thanked fellow employees for their assistance in making matters run smoothly for the board meetings and handling the updating of board statutes and regulations for the four boards.

She reported there were currently 8,806 licensees through June 30, 2014. Audit letters were mailed out on July 31st and reminder cards were mailed on August the 28th. Over half of the licensees had responded to the audit. The licensees have until September 11th to respond, and those not responding will be issued a Cease and Desist Order via certified mail.

The beginning cash balance for fiscal year 2014 was \$273,995.78. Total revenue for August was \$66,122.49.

The bottled water exam was finalized, and information was sent to Applied Measurement Professionals (AMP) on September 3, 2013. Testing will begin eight (8) weeks from that date.

Since ABC is holding their annual conference in South Carolina in January 2014, ABC asked if the board would like to spotlight our accomplishments and program by completing a questionnaire form. This information will appear in ABC's fall edition of the Certifier. Mr. Armes graciously agreed to answer some of the questions and Theresa Garner completed the statistical portion.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during this meeting.

Legislative Update, If Needed, Legislative Liaison Office

There were no legislative updates given during this meeting.

OIE Report - Office of Investigations and Enforcement

Todd Bond presented the OIE Report. He reported since the beginning of the year OIE has received six complaints, and currently has one active investigation, and has closed nine cases.

The IRC did not meet prior to this board meeting.

OGC Report - Office of General Counsel-Erin Baldwin

Erin Baldwin reported there was one case pending in OGC. She noted case #2011-5 alleges incompetence on behalf of the respondent; however, OGC has verified the respondent has died. Now OGC cannot take action and is asking for Board approval to dismiss the case since the respondent has passed away.

MOTION

David Baize made a motion the board approves dismissal of case #2011-5. Hank Rutland seconded the motion, which carried unanimously.

Todd Bond presented a modified citation for the board's review and approval. He said, basically, his understanding was the board wanted the language to reflect unlicensed practice, and aiding and abetting practice, and there is also language for a cease and desist. During discussion Mr. Bond noted one line of the citation did not print and four words were noted for correction. The board discussed issuing penalties for violations. It was noted that after the third violation the individual would have to appear before the board; there is a 15 day appeal process.

MOTION

David Baize made a motion the first offense will be \$500.00, the second offense will be \$1,000.00 and the third offense will be \$2,000.00. Hank Rutland seconded the motion, which carried unanimously.

MOTION

David Baize made a motion the board approves the citation, notification of penalty, notice of violation of law as modified by the record. Hank Rutland seconded the motion, which carried unanimously.

The board asked that the citation authority be posted on the website once the process begins.

New Business

i. **Regulations & Statutes-Review of Final Drafts**

Discussion ensued regarding the final draft of the regulations. The discussion included, but was not limited, to minimum age requirements, testing, direct supervision, removing high school diploma from the regulations, and the extension of permits under extenuating circumstances. Discussion also involved removing the phrase regarding extenuating circumstances at the end of the sentence in Section 51-5.1. The sentence would then read: *Trainee licenses will be valid only for the two (2) year period and will not be renewed except when an examination for a graded certificate has been passed.* ~~or there are extenuating circumstances acceptable to the board.~~

MOTION

David Baize made a motion the board approves the regulations as amended. Hank Rutland seconded the motion, which carried unanimously.

The Board then discussed the final draft of the statutes. Discussion included but was not limited to the definitions, including moving direct supervision from the regulations to the statutes, removal of "apprentice" regarding Class 'D' well drillers, supervision of Class "D" well drillers, changing accessible and general supervision to direct supervision, and removal of the definition of 'general supervision' from definitions.

MOTION

David Baize made a motion the board approves the statute changes as presented. Mrs. Williams seconded the motion, which carried unanimously.

Mrs. Lewis stated she would make the changes and forward to Theresa to send to board members for their review, along with names of legislators, and lists of committees.

ii. **USDOL Apprenticeship Program**

Mrs. Williams referred to a motion recorded in the September 8, 2009 Minutes, whereby Mr. Rodgers amended a motion to state the completion of a registered apprenticeship program approved by the USDOL or the South Carolina technical schools would be accepted as the

equivalence of the experience necessary for each level of licensure after the "D", and the completion is demonstrated by submission of a USDOL certificate. Mr. Johnson seconded the motion, which carried unanimously.

Mrs. Williams said the motion was unclear as for the apprentice advancement, according to the motion they must complete the entire apprenticeship program. She stated she thought the board's intent was to allow this as they gradually progressed through the program.

MOTION

Mrs. Williams made a motion stating the completion of a registered apprenticeship program, approved by the USDOL may be accepted as the equivalence of the experience necessary for the next level of licensure after the "D" year. The completion is demonstrated by submission of the ABC Need-to-Know criteria checklist provided in the on-the-job training portion of the apprenticeship program. A letter stating the requested advancement for the operator to the next level of certification should be submitted as well. David Baize seconded the motion, which carried unanimously.

iii. Approval to attend the ABC Conference

MOTION

Hank Rutland made a motion to approve both, William Armes, and Elizabeth Williams as representatives, to attend the ABC Conference in Charleston, South Carolina, in January 2014. David Baize seconded the motion, which carried unanimously.

Discussion Topics

There were no discussion topics.

Committee Reports

There were no committee reports given.

Public Comments

John Young –Representing the WEASC

Mr. Young asked what regulation number referred to the \$2,000.00 limit on violations. Advice Counsel, Georgia Lewis, stated it could be found in statutes 43-23-95(B) (1)

Mr. Young stated the board voted on the investigators giving citations but he did not see the citations as an agenda item. Advice Counsel stated the board voted to approve the field citations at the May 14, 2013 meeting, and the motion was reflected in the minutes. Also; the July 9, 2013 minutes refers to Mr. Bond's statement that he would present the final citation draft at the September meeting.

Executive Session

The board did not enter into executive session.

Return to Public Session

Adjournment

MOTION

David Baize made a motion to adjourn the meeting at 12:20 p.m. Hank Rutland seconded the motion which carried unanimously.

The next meeting of the S.C. Board of Environmental Certification is scheduled for November 12, 2013, in Room 108.