

MINUTES
South Carolina Environmental Certification Board
Board Meeting
10:00 a.m., July 31, 2018
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: Charles Cortez, of Pelzer, Robert G. Davis, Jr., of Hilton Head; Doug Kinard, of Prosperity; Ken Rentiers, of Columbia; 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 Coordinator; Hardwick Stuart, Office of Advice Counsel; Maurice Smith, Office of Investigations; and Erin Baldwin, Office of Disciplinary Counsel.

Mrs. Williams announced 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 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

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 James Rodgers, due to work conflict.
Rentiers/Thompson-King/approved.

Approval of the April 24, 2018 Minutes

MOTION: To approve the minutes of the April 24, 2018 meeting.
Thompson-King/Davis/approved.

Chairman's Remarks-Elizabeth Williams

Ms. Williams stated that via the monthly exam reports, she noted that there are several operators across the different licensure categories who have attempted the exams multiple time. After confirming with Board staff, it has been found that several operators are now in the double digits of attempts. Ms. Williams brought before the Board the idea of creating a letter that acknowledges the passing problem and providing additional resources such as additional training or an ADA accommodations. The Board has asked staff to create a sample letter that would be sent out to operators after the third failed attempt to pass the exam. The letter will be presented to the Board for review at the October 16, 2018 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 2018 is \$634,896.94. Currently the Board is in renewals and has 8,607 active licensees with 487 licenses lapsed from the 2018/2019 renewal cycle. The lapsed operates have until June 30, 2019 to renew. All renewals now must be mailed in with a check or money order and proof of completed Continuing Education during the 2015/2017 cycle.

The Environmental Newsletter was sent out on June 14, 2018, and is posted on the website. There is an entire section in the newsletter focusing just on the exams. The section includes information about the additional test center locations, fee increases and break out of study reference material for each license category.

Board staff has been monitoring exam rates and survey responses since May 1, 2017. Presently, the passing rates are climbing, reaching close to the same passing rates as the old exams. During a recent AMP/PSI integration, the Board's survey questions were removed from the examinations. As a result, survey data between June 1 and July 12 was not recorded.

The proposed 2019 Board Meeting dates have been presented to the Board. If any Board member sees any conflicts, please report to staff.

The next board meeting will be held on October 16, 2018 in room 105

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, Investigator Maurice Smith reported six complaints had been submitted. Five of the complaints have completed investigations and with one is still in process.

IRC Report- Office of Investigations and Enforcements

On behalf of Todd Bond, Investigator Smith reported that there were three cases discussed at the July 14, 2018 IRC meeting. The IRC report recommend two cases be dismissed and one be issued a letter of caution.

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

Ms. Erin Baldwin stated a case had been left off the IRC report, case 2017-1. The IRC recommended a letter of caution be issued and dismissal of the case.

MOTION: To approve the amended IRC report.
Rentiers/Thompson-King/approved.

ODC Report-Office of Disciplinary Counsel-Erin Baldwin

Ms. Baldwin reported that there are four pending cases. One of the cases has been closed and one will be heard at the meeting today. The remaining two will continue to remain open.

Disciplinary Hearing

Disciplinary case 2016-13 defendant, Caleb Hartzog, appeared before the Board for a Disciplinary Hearing. He was represented by counsel, Michael Tanner. All persons testifying were sworn in by the court reporter. Board member Douglas Kinard recused himself from the hearing. The Defense requested to combine the Disciplinary hearing and application hearing for Mr. Hartzog's 2018/2019 licensure renewals into one hearing. All hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

MOTION: For the Board to enter into executive session to seek legal advice regarding the hearings.
Tuck/Thompson-King/approved.

Return to Public Session

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

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

MOTION: Per Memorandum of Agreement, the Board seeks to combine 10(b) and 10(f) into one violation, resulting in a total of six violations. As the Board finds Mr. Hartzog to be in violation of all, the Board request revocation of all licenses for the period of one year

from the date of Board Order and a \$100 fine per violation to be paid 60 days from Board Order. Mr. Hartzog may reapply after the one year period.
Taylor/Cortez/approved

Application Hearing

Due to multiple hearings, the Board elected to hear all application hearings and then go into executive session afterwards.

Mr. Curtis Hames appeared before the Board for an Application Hearing. He was not represented by counsel. Mr. Hames was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Mr. Jacobi Grant appeared before the Board for an Application Hearing. He was not represented by counsel. The assistant director of Charleston Water Systems, Mr. Chad Price, served as a witness. 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.

Executive Session

MOTION: For the Board to enter into executive session to seek legal advice regarding application hearings.
Taylor/ Kinard/approved.

Return to Public Session

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

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

MOTION: To approve Mr. Hames to become a Physical/Chemical Wastewater Trainee.
Thompson-King/Taylor/approved

MOTION: To approve Mr. Grant to become a Water Distribution Trainee.
Cortez/Thompson-King/approved

Mr. Jeffrey Rivers Tucker appeared before the Board for an Application Rehearing. He was represented by counsel, Robyn Madden of Turner, Padgett, Graham, & Laney P.A. No other witness were present. 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.

Executive Session

MOTION: For the Board to enter into executive session to seek legal advice regarding application hearings.

Thompson-King/ Kinard/approved.

Return to Public Session

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

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

MOTION: To approve 'D' Well Driller license, provided Mr. Tucker's submit to the Board written employment documentation under a licensed well driller in accordance with 40-23-340(B)(1). Furthermore, the Board has determined that Mr. Tucker has satisfied the terms of the Cease & Desist.
Tuck/Cortez/approved

Unfinished Business

a) Water Treatment Examination Test Group Results and Feedback

Ms. Williams shared the feedback provided by the two water treatment operators as part of the exam test group. Ms. Buttler reported that one test group member dropped out due to work/time demands and the remaining two have not been in contact with the Board. Ms. Price added that passing rates for the new exams are now comparable to the old examination passing rates.

New Business

a) Travel approval for 2018 SC Rural Water Association Annual Conference, September 10-12, 2018 in Myrtle Beach, SC

Ms. Price has been invited to speak and is requesting Ms. Buttler's attendance to help with the presentation and operator questions.

MOTION: To approve travel for two staff members.
Tuck/Cortez/approved.

b) Travel approval for WEASC Operators Annual Conference, November 1-4, 2018, in Myrtle Beach, SC

Ms. Price is the keynote speaker and is requesting Ms. Buttler's attendance to help with the presentation and to answer operator questions.

MOTION: To approve travel for two staff members.
Thompson-King/Kinard/approved.

- c) Travel approval for 2019 ABC Annual Conference, January 8-11, 2019, in Savannah, GA

MOTION: To approve travel for two board members and two staff members.
Thompson-King/Cortez/approved.

- d) Travel approval for 2019 SC Environmental Conference, March 10-13 2019, in Myrtle Beach, SC

MOTION: To approve travel for two staff members.
Cortez/Thompson-King/approved.

- e) Recognition Initiative: Operator Work Experience Milestones

Ms. Williams reminded the Board that at the last meeting, it was brought up that there are several operators in the various categories with 40+ years of operating experience. Ms. Williams would like to the Board to find a way to recognize these individuals. The Board would like to recognize the operator with 50 years of experience to the next Board meeting. Operator with forty years or more experience will be sent a certificate of recognition. Board staff will work on letters, certificates and cleaning up the operator list. Materials will be presented to the Board for approval at the next meeting.

Discussion Topics

There were no discussion topics at this meeting

Committee Reports

There were no committee reports at this meeting.

Public Comments

There were no public comments at this meeting

Adjournment

MOTION: To adjourn the meeting.
Tuck/Taylor/approved.

The July 31, 2018 meeting of the S.C. Environmental Certification Board adjourned at 2:17 p.m.

The next meeting of the S.C. Environmental Certification Board is scheduled for October 16, 2018, in room 105.