

MINUTES

S.C. Environmental Certification Board
Tuesday, July 9, 2013, 10:00 A.M.
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210

The invocation was given by Hank Rutland, 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 10:00 a.m. Other members participating in the meeting included vice-Chair, Elizabeth Williams, of Sumter; David Baize, of Irmo; Mitch Dew, of Latta; Dwight Johnson, of Jefferson; Jimmy Rodgers, of Greenwood, and Hank Rutland, of Orangeburg.

Staff members participating during the meeting included: Lenora Addison-Miles, Administrator; Georgia Lewis, Advice Counsel; Erin Baldwin, General Counsel; Todd Bond, Chief Investigator, OIE; Sharon Wolfe, and Maurice Smith, OIE, Sara McCartha, Legal Counsel, and Theresa Garner, Program Assistant.

Public Notice

Chairman Armes 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

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.

Excused Absences

All board members were present.

Approval of the May 14, 2013 Meeting Minutes

MOTION

Dwight Johnson made a motion to approve the May 14, 2013 meeting minutes as presented. Hank Rutland seconded the motion which carried unanimously.

Chairman's Remarks-William Armes

Chairman Armes stated that board members should have received a position statement from the Water Quality Association (WQA) concerning the Trainee Permit, which would be discussed later on in the meeting under public comments. Also; discussion of LLR's position that was stated to the task force pursuant to the Governor's Executive Order. Mr. Armes said he wanted to point out that the Environmental Certification Board had no legislation action pending regarding these matters.

Application Hearings

Gonzalo Luis Castrillon-Water Treatment

Mr. Castrillon was not present. Legal Counsel, Georgia Lewis, advised that this be continued upon request by applicant.

Kenneth Wayne Haynes-Biological Wastewater Treatment

Chairman Armes called the application hearing to order. He stated all comments would be directed to the board chairman, and he reminded everyone the meeting was being recorded. Mr. Haynes was sworn in, along with Mr. Randy Holton, Environmental Health Manager for Tyger River Correctional Institution, who was speaking on Mr. Haynes' behalf. Mr. Haynes waived his right to legal counsel. Mrs. Garner stated that since Mr. Haynes had answered "Yes" to the question on the application that asks "Have you ever been convicted of or pled guilty to any felony or crime involving Drugs or Moral Turpitude?" (Excluding Minor Traffic violations) Based on the information provided in his SLED report his application could not be approved at the staff level.

Mr. Haynes stated that in 1997 he got into some trouble and was charged with manslaughter. While being incarcerated, he took the opportunity the state offered to better himself; by starting to work at the Tyger River Waste Treatment Plant to learn all he could so that he could be of value to the waste treatment industry. Mr. Haynes stated his job responsibilities consisted of running the PH, and DO lists, maintenance work, chlorine and bar screen.

Mr. Randy Holton stated that part of the Tyger River Correctional Institution was to rehabilitate the inmates. He said they have a 350,000 gallon activated sludge plant and as daily operations they use inmates under supervision at the facility to do maintenance and laboratory functions. Part of the rehabilitation is to offer them a path when they get released is to provide for their families and themselves. In Mr. Haynes' situation, he is being trained by Mr. Holton on a daily basis. His overall responsibilities include water quality, how to take care of equipment, daily maintenance that would go into a small package plant. Mr. Holton said if the board grants him the license, he hopes to have Mr. Haynes up to an "A" level within four years; so that when he is released he will have a good opportunity to make a living for his family. Mr. Holton stated that Mr. Haynes has shown aptitude in HVAC, plumbing, electrical, and carpentry. Anything he is asked to do, he does it willingly and with initiative. Mr. Holton said he would appreciate if the board would consider granting Mr. Haynes his license.

Executive Session

MOTION

Mitch Dew made a motion to enter into executive session for legal advice. David Baize seconded the motion which carried unanimously.

Return to Public Session

MOTION

Dwight Johnson made a motion to return to public session. Jimmy Rodgers seconded the motion which carried unanimously. It was noted for the record that no votes or actions were taken while in executive session.

MOTION

Mitch Dew made a motion to grant Mr. Haynes' request for a Biological Wastewater Trainee Permit. Dwight Johnson seconded the motion which carried unanimously.

William Brian McCants-Biological Wastewater Treatment

Chairman Armes called the application hearing to order. He stated all comments would be directed to the board chairman, and reminded everyone the meeting was being recorded. Mr. McCants was sworn in along with his supervisor, Mr. David DeSousa. Mr. McCants waived his right to legal counsel. Mrs. Garner stated the board received Mr. McCants Biological Wastewater application on May 24, 2013, and because Mr. McCants had answered "Yes" to the question on the application that asks "Have you ever been convicted of or pled guilty to any felony or crime involving Drugs or Moral Turpitude?" (Excluding Minor Traffic violations) Based on the information provided in his SLED report his application could not be approved at the staff level. The Board received a letter from Mr. Fred Wrigley, Operator in Charge", on June 26, 2013 requesting an application hearing for Mr. McCants. Mr. Wrigley stated that Mr. DeSousa would be present, and speaking on behalf of Mr. McCants. Mr. McCants was sent a letter acknowledging receipt of his request.

Mr. McCants stated currently he is the bar screen operator, and oversees daily operations of the bar screen, and most of the maintenance with the bar screen. He said he has eleven months before being released. Mr. McCants said that Fred Wrigley introduced him to the wastewater treatment exam. He was formerly employed for twelve years by International Paper, in Georgetown. Mr. McCants said he thought the wastewater treatment field would be a good career for him.

Mr. David DeSousa, Building and Grounds Manager, for Kirkland Corrections, stated that he was Mr. McCants direct supervisor. Mr. McCants has been working in the maintenance shop with Mr. DeSousa for about a year. Since then, he has been maintaining and working on the bar screen, and keeps it clean. He said he does a good job, shows initiative, and if any problem arises he brings it to his attention as well as the other supervisors. Mr. DeSousa stated he thought this would give Mr. McCants good training for when he gets out, a way for him to support his family. He will be going to Tyger River for additional training in the wastewater treatment facility prior to his release.

MOTION

Mitch Dew made a motion to grant Mr. McCants request for a Biological Wastewater Trainee Permit. Hank Rutland seconded the motion which carried unanimously.

Interim Administrator's Remarks-Theresa Garner

Mrs. Garner reported the year- end cash balance was, \$163, 444.35. Between April 1, 2013 and July 8, 2013, 5,712 licensees renewed online. The total number of licensees renewing for 2014, was 8,312. Total number of non payments for the period of June 30, 2013, was 881.

Office of Investigations and Enforcement (OIE)

Sharon Wolfe stated that Todd Bond would be replacing her as Chief Investigator, and Maurice Smith would be the Investigator for the Environmental Certification Board. Sharon said both men would be a wonderful asset to the investigative team.

Mr. Smith stated he has been investigating off and on for this board for the past six years. He has 36 years of law enforcement investigations and military service experience. He has taken Water Treatment, Biological and Physical/Chemical Wastewater courses at South Carolina Environmental Training Center, and has partnered with DHEC on numerous investigations regarding well drilling. He has also investigated and handled cases for Harbor Pilots that cause Environmental incidents.

Advice Counsel, Georgia Lewis, asked Mr. Bond if the citation information that was forwarded to OIE from the May 14th meeting, was being initiated. Mr. Bond said OIE did have the citations and were working on the language; the final drafts would be presented at the September meeting.

Mr. Bond stated he has been with LLR for fourteen years, and has been a Chief Investigator for the past two years, and has been involved with five or six other boards at LLR. He said while Environmental Certification Board is new to him; enforcement of practice laws is not, and he is looking forward to working with this board.

Office of Investigations and Enforcement (OIE) Report

Mr. Todd Bond reported there was no IRC report to be given. Currently through July 9th, there is one active investigation, of the cases that have been received this year, four have been closed, and a total of eight cases have been closed in 2013.

Office of General Counsel (OGC)Report

Erin Baldwin, Office of General Counsel, reported there were no advisory opinions at this time. Mrs. Baldwin introduced herself, and distributed her business cards to each board member. She informed board members that she is replacing Christa Bell, Office of General Counsel; Christa is now the Assistant Deputy Director of the agency.

Election of Officers

NOMINATIONS

Mitch Dew nominated William Armes as Chairman. Dwight Johnson seconded the nomination which carried unanimously.

MOTION

Dwight Johnson made a motion to close the nominations. Hank Rutland seconded the motion which carried unanimously.

NOMINATIONS

Dwight Johnson nominated Elizabeth Williams as Vice-Chair. Hank Rutland seconded the nomination which carried unanimously.

MOTION

Mitch Dew made a motion to close the nominations. Hank Rutland seconded the motion which carried unanimously.

Discussion Topics

Review of LLR's Response to the Governor's Executive Order

Sara McCartha, Advice Counsel, presented an overview of LLR's response to the Governor's Executive Order. Sara said her specialty was in the legislative process, and that she works with Holly Beeson, Counsel for Office of Governmental Affairs, and the Director, serving as her backup. She wanted to let the board know what they would be looking at as far as the statutes and regulations, and answer any procedural questions they might have regarding the process or how you file a bill, how you file regulations, or answer any direct questions.

Sara stated a bill is how you change your Practice Act, which is title 40. The Practice Act controls what your regulations can rule on basically, it is the controlling law. In order to change the statute, you have to write a bill and find a sponsor for it. In terms of writing the bill, this is where Mrs. Lewis and the board members come into play, how can you make your statute work better for your industry? Are there parts that are out dated and no longer applicable to your practice, are there things that you are aware of that are not working well in your own practice or that of your colleagues? You can make changes in your Practice Act in a workshop, board meeting, you can establish a subcommittee; seek input from an association, if that is the will of the board. Once you get a document that you would like to file with the general assembly, you need to find a sponsor, finding someone who is involved in the industry would be beneficial. Also; look for the committees where your bill would reside, in the house and on the senate side. For regulations, you must file a Notice of Drafting.

Chairman Armes stated that in the response report that was sent to the Task Force, 40-23-20 (2) wasn't the final decision, the minutes of May 14, 2013 reflect the position of the board. LLR's position on Operator Trainee Licenses is the board does not need a trainee level. He said regarding the six hour CE carry over, it appears LLR is in favor of the recommendation. Advice Counsel, Georgia Lewis, proposed the changes that were in the last meeting be given to legal's staff person so that she can reflect those changes in the statute and regulations. Mrs. Lewis will provide the draft changes at the September 10th meeting.

Committee Reports

Elizabeth Williams stated that the Youth Apprenticeship Program where high school students can work as youth apprentices at local water or wastewater facilities has been approved by the Department of Labor. Dual enrollment of the Online Certificate Program will start in the fall, for the most part; they are looking for juniors and seniors. Hopefully they will be able to partner with local utilities and offer them hands on experience. She said CCTC has put together some marketing brochures for high school students and utilities to share. They are also speaking at organizations, etc.

Elizabeth Williams stated that in September of 2009 the board made a motion to accept the completion of a registered apprenticeship program approved by USDOL or the South Carolina technical schools as the equivalence of experience necessary for each level of licensure after the "D" level, and the completion would be demonstrated by submitting a USDOL certificate. Elizabeth stated that if a utility chose to use the registered apprenticeship program approved by the Department of Labor, and used the ABC criteria as a checklist that operator could look at advancement more quickly. Since that motion was made there has not been a utility to use the Advancement Program, and there may be one or two in the near future and they wanted some clarification on the motion. Elizabeth said the way the motion was written it implies that the entire program must be completed and the Department of Labor certificate must be sent to the board. She said the intent was at each level for the advancement. She asked if the board could amend that motion for clarification. Legal Counsel, Georgia Lewis, stated this would need to be a line item for the next agenda.

Elizabeth Williams informed board members that she and Jimmy Rodgers have met several times regarding the Well Driller Exams, and categorizing the questions. She said the "D" exam is finished, they are working on the "C", and "B" exams. She said they hoped to have completed the review by the next board meeting.

Public Comments

Phillip Thompson-King-Representing the S. C. WQA

Mr. King encouraged board members to make the necessary statutory changes. He said the industry is growing and they are trying to attract new people into the field of wastewater treatment. He said it was within the board's power to allow people under 18 to enter this field as a trainee and he was here to support those efforts; which would allow a broader pool of applicants and let young people see if this is a field they would like to pursue as a career, and allow the facilities to replenish some of the talent that is leaving the industry on a daily basis. Mr. King is employed by Chester Sewer District.

John Young-Representing the WEASC-Environmental Certification Liaison Committee

John Young stated this was a repeat of what he spoke on at the last meeting. He said his read of the statute and regulations for water and wastewater respectfully, does not prohibit somebody that is less than eighteen or has less than a high school degree from taking an examination. He said policy prohibits less than eighteen less than a high school degree from taking an examination. He said he believes if high school students were given an opportunity to sit for the exams, a lot of them would pass. He said entering the workforce and having passed the examination, he thought employers would put a high value on that because the exam is the hurdle. He said he does not perceive that the hurdle is experience or being eighteen or being a high school graduate. He said he would like to recommend a change of policy to stop disallowing less than eighteen less than high school degree from taking the exam, just an opportunity to stand for the exam. He asked that this item be placed on the agenda for the next meeting. He said it was something that could be effective immediately. He said he was not suggesting we give people trainee permits, he was suggesting we let them take the exams. Legal Counsel, Georgia Lewis, stated she would take this under consideration and research.

Adjournment

MOTION

Dwight Johnson made a motion to adjourn the meeting at 11:50 a.m. Mitch Dew seconded the motion which carried unanimously.

The next meeting of the S. C. Environmental Certification Board is scheduled for September 10, 2013, in room 108.