

MINUTES
South Carolina Board of Environmental Certification
Board Meeting
10:00 a.m., May 12, 2015
Synergy Business Park
Kingstree Building
110 Centerview Drive, Room 108
Columbia, South Carolina

Mr. 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 South Carolina Environmental Certification Board to order at 10:04 a.m. Other members participating in the meeting included: David Baize, of Irmo; Charles Cortez, of Pelzer; David Dew, of Latta; Kenneth Rentiers, of Columbia; Hank Rutland, of Orangeburg; and Vice-Chair, Elizabeth Williams, of Sumter.

Staff members participating during the meeting included: Theresa Garner, Program Assistant; Alex Imgrund, Office of Advice Counsel; Erin Baldwin, Office of Disciplinary Counsel, and Sandy Dickert, Administrative Assistant, OBS.

William 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

William Armes 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.

Approval of Excused Absences

MOTION

Mitch Dew made a motion the Board approves the excused absences of board members, Dwight Johnson, and Jimmy Rodgers. Hank Rutland seconded the motion which carried unanimously.

Approval of the January 13, 2015 Minutes

MOTION

Ken Rentiers made a motion the Board approves the minutes of the January 13, 2015 meeting. Charles Cortez seconded the motion, which carried unanimously.

Chairman's Remarks-William Armes

Mr. Armes stated he appreciated being able to attend the 2015 ABC Conference in Long Beach, California, in January. He said the key topics were: ABC's Module Standards, and the new operator program, C2EP, Certified Environmental Professionals. He thanked Elizabeth Williams for chairing the January meeting in his absence.

Administrator's Remarks-Theresa Garner on behalf of Molly Price

Board members were encouraged to refer to the board member manuals on the board member website, should they have questions regarding board member responsibilities, etc. The manual is an excellent resource and has useful information.

Mrs. Garner reported the total amount of Revenue generated from July 1st through March 31, (FY 2015), was \$70, 428.51. Minus the indirect and direct expenditures, the current balance is \$293, 923.48.

The board has received 2,720 renewal payments (2,204) were online renewal payments. There are still 6,405 licensees who have not paid.

In March, licensees were given an option to submit applications electronically. Since that time, the board has received nine (9) online applications.

The revised Well Driller exams were implemented, and made available through AMP, on February 9, 2015.

Advisory Opinions, If Needed, Office of Advice Counsel

No Advisory opinions were given during this meeting.

OIE Report-Office of Investigations and Enforcements

There was no OIE Report given during this meeting.

OGC Report-Office of Disciplinary Counsel-Erin Baldwin

Erin Baldwin presented the OGC Report. She stated as of May 1, 2015, the board had one open case, which may be scheduled for a disciplinary hearing on September 1st.

Application Hearings

a. David B. Austin-Water Distribution

This application hearing was recorded by a certified court reporter in the event a verbatim transcript is necessary. Mr. Austin was sworn in by the court reporter.

The application hearing was called to order. Mr. Austin waived his right for legal counsel.

Theresa Garner informed board members that staff received Mr. Austin's application for re-certification as a Water Distribution Operator, License #2301, on June 11, 2014. Mr. Austin answered "Yes" to the question, "Have you ever been convicted of or Pled Guilty to any Felony or Crime involving Drugs or Moral Turpitude?" Based on his response, and review of his SLED Report, it was determined that his application could not be approved at the staff level. (His SLED Report was not received until February 3, 2015.)

Mr. Austin held a prior "D" certification which was issued on 11/13/2007. His original application was received on May 20, 2004; he answered "No" to the question "Have you ever been convicted of or Pled Guilty to any Felony or Crime involving Drugs or Moral Turpitude?"

On February 12, 2015, Mr. Austin was notified that he would need to appear before the Board to answer any questions they might have regarding the convictions listed on his SLED Report. On March 31, 2015, Mrs. Garner received a telephone call confirming that Mr. Austin would like to appear before the Board. He was sent an acknowledgement letter on March 31, 2015, letting him know his name would be placed on the agenda.

His application package was complete.

Mr. Austin stated that when he completed the original application in 2004, he did not read the questions properly, and answered "No" to the conviction question. When he reapplied, he realized he had answered the question incorrectly, he apologized for the error.

Executive Session

MOTION

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

Return to Public Session

MOTION

Mr. Dew made a motion the Board return to public session. Ken Rentiers seconded the motion, which carried unanimously.

William Armes noted for the record that no motions were made, and no votes were taken while in executive session.

MOTION

David Baize made a motion the Board approves Mr. Austin's request for licensure. Charles Cortez seconded the motion, which carried unanimously.

b. **Daryl L. Phillips-Water Treatment**

This application hearing was recorded by a certified court reporter in the event a verbatim transcript is necessary. Mr. Phillips was sworn in by the court reporter.

The application hearing was called to order. Mr. Phillips waived his right for legal counsel.

Theresa Garner informed board members that staff received Mr. Phillips application for certification as a Water Treatment Operator, on April 10, 2015. He answered "Yes", to the question "Have you been convicted of or pled guilty to any felony, non-felony or crime involving drugs or moral turpitude or environmental law?" Based on his response, and review of his SLED Report, it was determined that his application could not be approved at the staff level.

Mr. Phillips was notified on April 13, 2015, that he would need to appear before the board to answer any questions the board might have regarding the convictions listed on his SLED Report. Mrs. Garner received a telephone call from Mr. Phillips confirming his board appearance on May 12th. He was sent an acknowledgement letter on April 30, 2015 letting him know his name would be placed on the agenda.

Staff received additional information on May 4th, regarding Mr. Phillips charges: including a letter to the Lexington County Solicitor, from Swansea Magistrate Court, informing Mr. Meyers that Mr. Phillips could proceed to have his charges expunged. Also: Mr. Phillips' submitted a letter giving an explanation of the events that took place prior to his arrest. Mr. Phillips' wife also submitted a notarized statement outlining the circumstances.

His application package was complete.

Mr. Phillips stated he regretted his actions, and this was a hard learned lesson.

MOTION

David Baize made a motion the Board approves Mr. Phillips request for licensure. Hank Rutland seconded the motion, which carried unanimously.

New Business

Update on Exam Review for ABC's Water Distribution, Water Treatment and P/C Wastewater Questions

Discussion ensued regarding the exam questions for ABC's water distribution, water treatment, and P/C wastewater. Discussion topics included the pass/fail ratio's, individuals taking the exams unprepared, the questions being fair and straight forward, and training the trainers/instructors. It was noted that the ABC website has a breakdown of the exam questions; however, individuals taking the exams are given a breakdown of the individual exam that was taken. It was also noted that ABC and C2EP has committee's that would like operator participation, for question content. The committees do not allow trainers/instructors to serve.

Chairman Armes reformed the Education Review Committee, and asked Elizabeth Williams, Charles Cortez, and Jim Matthews to serve on the committee.

Discussion Topics

a. **ABC's Model Standards of Operator Certification**

William Armes stated the Model Standards attempt to normalize all programs, and suggested the Board continue to review the document. He also suggested the Board use the Model Standards as a reference.

Committee Reports

There were no committee reports given during this meeting.

Public Comments

No public comments were made during this meeting.

Adjournment

MOTION

There being no further business to be discussed at this time, Charles Cortez made a motion the meeting be adjourned. Hank Rutland seconded the motion, which carried unanimously.

The May 12, 2015 meeting of the S.C. Board of Environmental Certification adjourned at 11:45 a.m.

The next meeting of the S. C. Environmental Certification Board is scheduled for September 1, 2015, in room 108.