

MINUTES

Environmental Certification Board

Tuesday, September 13, 2011

110 Centerview Drive, Columbia South Carolina 29210

Meeting Called to Order:

William Armes, Chairman, called the regular scheduled meeting of the S. C. Environmental Certification Board to order at 10:04 a.m. Other board members participating in this meeting included David Baize, of Columbia; Mitch Dew, of Latta; Dwight Johnson, of Jefferson; Hank Rutland, of Orangeburg, and Elizabeth Williams, of Sumter. Jimmy Rodgers, of Greenwood, arrived late.

Staff members participating during the meeting included Lenora Addison-Miles, Administrator; Dean Grigg, General 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, 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.

Pledge of Allegiance and Invocation

The Pledge of Allegiance was led by Chairman Armes; the invocation was given by Hank Rutland.

Approval of the July 12, 2011 Meeting Minutes

MOTION:

Mitch Dew made a motion to approve the July 12, 2011, meeting minutes. Hank Rutland seconded the motion which carried unanimously.

Renewal Application Hearing:

William D. Moore-Biological Wastewater Renewal #10082, P/C Wastewater Renewal #4287, and Water Treatment Renewal #6581

Chairman, William Armes, called the Renewal Application Hearing to Order, and reminded everyone that the proceedings were being recorded, all witnesses would be sworn in, and all remarks would be directed to the chairman. Mr. Moore was sworn in for testimony. Also present was Mr. Moore's legal representative, Mr. Robert Treacy, Jr. of George Sink, P. A.

Attorney, Robert Treacy, gave an explanation of the charges listed on Mr. Moore's SLED Report. Mr. Moore responded to questions from Legal Counsel, Dean Grigg, and board members, regarding the circumstances of his charges.

Chairman Armes stated Mr. Moore's request for renewal application would be taken under advisement in executive session.

Executive Session:

David Baize made a motion to go into executive session at 10:25 a.m. Dwight Johnson seconded the motion which carried unanimously.

Return to Public Session:

A motion was made at 10:53 a.m. by Dwight Johnson to come out of executive session. David Baize seconded the motion which carried unanimously. Chairman Armes noted for the record that no votes or actions were taken while in executive session.

MOTION:

Dwight Johnson made a motion that Legal Counsel, Dean Grigg, read the motion. Dean Grigg, Legal Counsel, read the motion as follows: Mr. Moore's application for renewal is approved with regards to the Biological Wastewater, the Physical/Chemical Wastewater, and the Water Treatment licenses that appear on the agenda. Under 3A, with the further acknowledgement by the board that; if at any time Mr. Moore decides to pursue relicensing of his Water Distribution license, he would be allowed to go through the proper process of completing an application, reexamination, whatever is required under our statute to do so without having to come back before the board. Hank Rutland seconded the motion which carried unanimously.

Legal Counsel, Dean Grigg, stated that he wanted to make clear one thing that was discussed, if for some reason Mr. Moore is not able to get the charges resolved and a conviction should result; there may be further issues at that point.

Chairman Armes stated Legal Counsel will prepare a Final Order signed by the board chair, fully expressing the board's conclusion in the appropriate language and format; which the board has traditionally used.

Chairman's Remarks-William Armes

William Armes, Chairman, thanked everyone for attending the meeting.

Administrator's Remarks-Lenora Addison-Miles

Administrator, Lenora Miles, stated the agency has initiated the use of a court reporter for all board meetings in providing verbatim transcripts of the meetings. She stated presently there are 8, 917 active licensees', and the cash balance for July was \$132,902.66. She informed board members that all out of state travel must be submitted for review and approval by the agency director, and the board must vote to send a representative to a particular meeting or event and document it in the minutes.

Mr. Armes stated that he was planning to attend the ABC Conference, and probably would be asking for reimbursement for registration. He encouraged board members who were interested in participating, to consider attending the conference.

Advisory Opinions, If Needed, Office of General Counsel:

There were no advisory opinions given.

Legislative Updates, If Needed, Legislative Liaison Office:

There was no report given.

OIE Report-Office of Investigation and Enforcement

Mr. Steve Freshley presented the August 24, 2011, IRC Report. (2) Cases were issued Cease and Desists, and (1) was, No Violation.

MOTION:

Mitch Dew made a motion to approve the IRC Report. Hank Rutland seconded the motion which carried unanimously.

OGC Report-General Counsel

There was no report given.

Committee Reports:

Education Committee

Elizabeth Williams stated that the Education Committee to review relevant continuing education has been formed but has not met.

Apprenticeship Program

Elizabeth Williams reminded board members that (2) years ago the board approved an apprenticeship program that incorporated the ABC "Need to Know" criteria that would count towards operator advancement if the operator registered as an apprentice and demonstrated competency at the appropriate level. After completion the employer and/or supervisor will forward a letter to staff along with the attached "Need to Know" criteria.

Bond Issues

David Baize requested discussion of the Bond Issues be placed on the November 8th board agenda.

Adjournment

MOTION:

Dwight Johnson made a motion to adjourn the meeting at 11:12 a.m. Hank Rutland seconded the motion which carried unanimously.

The next meeting of the Board is scheduled for November 8, 2011, in Room 108.

NOTE: These minutes are a brief summary of the meeting recordings of the motions, and official actions taken by the Board. A transcript providing more details of this meeting is available on the Board's website:

www.llr.state.sc.us/POL/Environmental