

New regulations went into effect for the SC Environmental Certification Board on May 24, 2024, resulting in the following changes:

- **Chapter 51-1. Applications for Certification** – add that all applications not completed by the applicant within twelve (12) months of receipt by the board shall expire.
- **Chapter 51-3. Levels of Licensure, Requirements for Each Level, Operator-in-Charge Requirements for Facilities.** – add an exception to include, Chapter 51-8; and clarify notification of employment change.
- **Chapter 51-4. Renewal of License and Permit, Continuing Education.** – add a waiver for continuing education.
- **Chapter 51-5. Operator-in-Training Licenses.** – strike the two (2) year period for Trainee licenses.
- **Chapter 51-6. Fees.**
- **Chapter 51-8. Reciprocity.** (New)

Questions regarding the regulation changes may be directed to the Board's office at (803)896-4400 or at Contact.Environmental@llr.sc.gov

Document No. 5245
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD
 CHAPTER 51

Statutory Authority: 1976 Code Sections 40-1-70 and 40-23-60

- 51-1. Applications for Certification.
- 51-3. Levels of Licensure, Requirements for Each Level, Operator-in-Charge Requirements for Facilities.
- 51-4. Renewal of License and Permit, Continuing Education.
- 51-5. Operator-in-Training Licenses.
- 51-6. Fees.
- 51-8. Reciprocity. (New)

Synopsis:

The South Carolina Environmental Certification Board proposes to amend its regulations in conformance with its practice act following its regulatory review prescribed by S.C. Code Section 1-23-120.

The Notice of Drafting was published in the *State Register* on April 28, 2023.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

51-1. Applications for Certification.

Any person who desires to become certified by the board must make application on the proper form. The board on request will furnish this form. The application for initial certification must be accompanied by a nonrefundable fee as specified in 51-6. An application that is not completed by the applicant within twelve (12) months of receipt by the board shall expire.

51-3. Levels of Licensure, Requirements for Each Level, Operator-in-Charge Requirements for Facilities.

A. The board shall certify qualified applicants in accordance with the levels of licensure defined in this article. In each case, the applicant must meet at least the minimum experience requirements set for the level of licensure being sought. Further, each applicant must comply with the examination requirements, as established in 51-2, relevant to the level of licensure desired except as provided in 51-8.

B. An applicant's education, both degree-related and non-degree-related, may be considered by the board in determining whether the applicant meets the experience requirements for licensure. However, no applicant shall receive a graded certificate without having completed at least one (1) year of actual operating experience. This applies for "C", "B" and "A" level licensure only.

C. There will be no additional application fee for an operator to progress from a lower license to a higher one. However, an examination fee will be charged for each examination taken by an applicant.

D. Licensees and applicants are responsible for notifying the board within fifteen (15) days, whenever they change employers and their position requires a certification which they do not currently possess.

E. The levels of licensure for water treatment plant and water distribution operators, and the requirements for each level, are defined in Section 40-23-300, South Carolina Code of Laws, 1976 as amended.

F. The levels of licensure for physical/chemical wastewater treatment plant operators, and the requirements for each level, are defined as:

1. To be licensed by the board as a "Trainee" physical/chemical wastewater treatment plant operator an applicant must:

a. submit an application on forms approved by the board and the prescribed fee.

2. To be licensed by the board as "D" physical/chemical wastewater treatment operator an applicant must:

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- a. hold a valid “Trainee” License;
 - b. have a high school diploma or the equivalent;
 - c. pass an examination approved by the board;
 - d. have completed at least one (1) year of actual operating experience at a physical/chemical wastewater facility, or the equivalent; and,
 - e. submit an affidavit of employment documenting the experience.
3. To be licensed by the board as a “C” physical/chemical wastewater treatment plant operator an applicant must:
- a. hold a valid “D” License;
 - b. pass an examination approved by the board;
 - c. have completed at least two (2) years of actual operating experience at a physical /chemical wastewater facility, or the equivalent; and,
 - d. submit an affidavit of employment documenting the experience.
4. To be licensed by the board as a “B” physical/chemical wastewater treatment plant operator an applicant must:
- a. hold a valid “C” License;
 - b. pass an examination approved by the board;
 - c. have completed at least three (3) years of actual operating experience at a physical/chemical wastewater facility, or the equivalent; and,
 - d. submit an affidavit of employment documenting the experience.
5. To be licensed by the board as an “A” physical/chemical wastewater treatment plant operator an applicant must:
- a. hold a valid “B” License;
 - b. pass an examination approved by the board;
 - c. have completed at least four (4) years of actual operating experience at a physical/chemical wastewater facility, or the equivalent; and,
 - d. submit an affidavit of employment documenting the experience.
- G. The levels of licensure for biological wastewater treatment plant operators, and the requirements for each level, are defined as:
1. To be licensed by the board as a “Trainee” biological wastewater treatment plant operator an applicant must:
 - a. submit an application on forms approved by the board and the prescribed fee.
 2. To be licensed by the board as a “D” biological wastewater treatment plant operator an applicant must:
 - a. hold a valid “Trainee” License;
 - b. have a high school diploma or the equivalent;
 - c. pass an examination approved by the board;
 - d. have completed at least one (1) year of actual operating experience at a biological wastewater facility, or the equivalent; and,
 - e. submit an affidavit of employment documenting the experience.
 3. To be licensed by the board as a “C” biological wastewater treatment plant operator an applicant must:
 - a. hold a valid “D” Operator License;
 - b. pass an examination approved by the board;
 - c. have completed at least two (2) years of actual operating experience at a biological wastewater facility, or the equivalent; and,
 - d. submit an affidavit of employment documenting the experience.
 4. To be licensed by the board as a “B” biological wastewater treatment plant operator an applicant must:
 - a. hold a valid “C” License;
 - b. pass an examination approved by the board;
 - c. have completed at least three (3) years of actual operating experience at a biological wastewater facility, or the equivalent; and,
 - d. submit an affidavit of employment documenting the experience.
 5. To be licensed by the board as an “A” biological wastewater treatment plant operator an applicant must:
 - a. hold a valid “B” License;

- b. pass an examination approved by the board;
- c. have completed at least four (4) years of actual operating experience at a biological wastewater facility, or the equivalent; and,
- d. submit an affidavit of employment documenting the experience.

H. The operator-in-charge of a biological wastewater treatment plant classified by the Department of Health and Environmental Control as requiring the services of a licensed operator must hold licensure as a biological wastewater treatment plant operator at a level no lower than the level of license designated for the classification or grouping assigned the plant by the Department of Health and Environmental Control:

- 1. Group IB wastewater treatment plants require an operator with at least a “D” license.
- 2. Group IIB wastewater treatment plants require an operator with at least a “C” license.
- 3. Group IIIB wastewater treatment plants require an operator with at least a “B” license.
- 4. Group IVB wastewater treatment plants require an operator with at least an “A” license.

I. The operator-in-charge of a physical/chemical wastewater treatment plant classified by the Department of Health and Environmental Control as requiring the services of a certified operator must hold licensure as a physical/chemical wastewater treatment plant operator at a level no lower than the level of licensure designated for the classification or grouping assigned the plant by the Department of Health and Environmental Control.

- 1. Group I-P/C wastewater treatment plants require an operator with at least a “D” Physical/Chemical license.
- 2. Group II-P/C wastewater treatment plants require an operator with at least a “C” Physical/Chemical license.
- 3. Group III-P/C wastewater treatment plants require an operator with at least a “B” Physical/Chemical license.
- 4. Group IV-P/C wastewater treatment plants require an operator with at least an “A” Physical/Chemical license.

J. Actual operating experience shall be verified by an affidavit.

51-4. Renewal of License, Continuing Education.

A. Each license issued by the board shall be renewed annually or biennially on or before June 30. Any license not renewed within three hundred sixty-five (365) days of the date on which the license expired shall be considered lapsed and declared nonrenewable.

B. The board shall charge a renewal fee, the amount of such fee to be fixed by the board, in accordance with 51-6. Renewal applications received between July 1 and June 30 of the following year shall be subject to a reinstatement fee of two hundred dollars (\$200.00).

C. A person who practices while a license is lapsed may be fined up to five hundred dollars (\$500.00).

D. A certificate revoked for cause by the board may be reinstated only by action of the board.

E. Each applicant applying for renewal of any license must provide evidence of having completed twelve (12) hours of relevant continuing education every two (2) years. Alternatively, in accordance with 40-23-230(C)(3), a licensee may demonstrate compliance with the current continuing education requirements after the department renews the license, provided they do not engage in licensed activity until completion of the continuing education requirement. Continuing education credit shall be in accordance with Continuing Education Guidelines as approved by the board. In lieu of continuing education, the applicant may take and pass the appropriate examination for their license grade.

F. Individuals who are at least sixty-two (62) years old and have thirty (30) or more years of licensed experience may request a waiver of the continuing education requirement by submitting a waiver form to the board.

51-5. Operator-in-Training Licenses.

Biological Wastewater Operators, Physical/Chemical Wastewater Operators, Water Treatment Operators, and Water Distribution Operators.

A. For biological wastewater treatment operators, physical/chemical wastewater treatment operators, water treatment operators, and water distribution operators the board shall issue “trainee” licenses for new personnel with qualifications as stated in 51-3. Operation under this license shall always be under the direct supervision of

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a legally licensed operator of the proper grade. All applications must be endorsed by the applicant's chief operator, or operator-in-charge.

51-6. Fees.

The board may charge fees as shown in South Carolina Code of Regulations Chapter 10-15.

51-8. Reciprocity.

As used in S.C. Code Section 40-23-240(B):

A. The board may license a person who is currently credentialed in another jurisdiction of the United States for licensed activities regulated by this chapter if the person demonstrates to the satisfaction of the board that they possess credentials, education, and experience that are the substantial equivalent of the requirements of this chapter for the licensed activity in question.

B. Upon receipt of an application for reciprocity, the board staff shall make a determination of completeness and either (1) approve, (2) deny, or (3) submit it to the relevant board member for a determination.

C. The relevant board member shall either (1) approve, (2) deny, or (3) refer the request to the full Environmental Certification Board for a decision at their next regularly-scheduled meeting.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

Statement of Rationale:

The updated regulations are updated will conform to the Board's practice act.

Document No. 5187
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF REGISTRATION FOR FORESTERS
CHAPTER 53

Statutory Authority: 1976 Code Sections 40-1-70, 48-27-80, 48-27-140, and 48-27-190

53-4. Quorum.

Synopsis:

The South Carolina Board of Registration for Foresters proposes to amend the definition of "quorum" in R.53-4 to be consistent with the definition appearing in the Freedom of Information Act (FOIA), S.C. Code Section 30-4-20(e).

A Notice of Drafting was published in the *State Register* on February 24, 2023.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

53-4. Quorum.

A quorum means a simple majority of the constituent membership of a public body.