

MINUTES
SC Soil Classifiers Advisory Council Meeting
March 10, 2020 at 10 a.m.
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 204
Columbia, SC

Call to Order and Introduction of Council Members and All Other Persons Attending

Chairman Fincham called the meeting to order at 10:04 a.m.

Other members participating included: Dennis DeFrancesco and M. Lance Brewington.

Other members participating by telephone conference call included: John Thorp, Vice Chairman.

Staff attending included: Hardwick Stuart, Esq., Office of Advice Counsel; Chris Elliott, Office of Disciplinary counsel; Pam Dunkin, Administrator; and Sherri Moorer, Program Assistant.

Others attending included: David Vaughan (SC Department of Health and Environmental Control); Renee Shealey (SC Department of Health and Environmental Control); and Courtney Wise (Creel Court Reporting).

Statement of Public Notice

Mr. Fincham stated that public notice of this meeting was properly posted at the S.C. Soil Classifiers Advisory Council office, Synergy Business Park, Kingstree Building, and on the council 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.

Approval of Excused Absences

MOTION: To excuse Randall Fowler due to a schedule conflict.
DeFrancesco/Brewington/approved

Approval of Minutes

Mr. Fincham asked for proposed changes to the minutes of the September 24, 2019, meeting.

MOTION: To approve the minutes of the September 24, 2019, meeting. DeFrancesco/Thorp/approved

Chairman's Remarks

Mr. Fincham thanked Mr. Vaughan and Mrs. Shealey for their attendance, and for keeping an open dialogue with the Council on DHEC regulations and procedures.

Administrative Report

1. Mrs. Dunkin gave the Administrative Report:

- The Council currently has 43 licensed soil classifiers.
- The Council had a cash balance of –(\$)118,437.08 as of January 31, 2020. A cash balance report was included in the meeting handouts. Director Farr sent a report that the proposed regulation for the fee increase is on hold, due to a request from the Legislature for additional information. The Department is

doing adjustments to allocations in response to this request, and will present the proposed regulation in 2021.

- There are no cases in the Office of Investigations and Enforcement
 - There is no IRC Report.
 - The CSSE Exam will be administered at Clemson University on April 17, 2020. Registration for the exam closed yesterday.
 - All of the 2019 continuing education audits have been cleared. Staff met with CE Broker on December 10 to discuss the system. Another meeting is scheduled for mid-March to review the recent audit, and discuss ways to fine-tune the system for future audits. Mrs. Dunkin asked the Council members to send any requests or concerns to her or Mrs. Moorer for discussion at the next meeting with CE Broker.
 - The next Council meeting is scheduled for September 15, 2020.
 - Mrs. Dunkin reminded the Council members to file their Statement of Economic Interest with the SC Ethics Commission by the noon deadline on March 30, 2020.
2. Mr. Elliott said there are no cases in the Office of Disciplinary Counsel.

Council Member Reports

1. Mr. DeFrancesco asked why the renewal date is January 31 of odd numbered years. Mrs. Moorer said the Department requested that they move their renewal date to November 30 or January 31 when the Council moved in 2010. They elected for January 31 to give licensees an extra month to accommodate for the biennial licensure cycle. It also staggers renewal dates with the other Boards in the work group.

New Business

1. **Proposed Regulation Changes for Onsite Wastewater Program.** Mr. Vaughn said the Department of Health and Environmental Control (DHEC) is planning to combine four regulations into one regulation in an effort to streamline their fees. They are not seeking a fee increase at this time, and are looking for efficiencies and other avenues of revenue to handle their workload. The biggest burden is an increase in subdivision applications. DHEC is trying to give applicants options to expedite the permitting process, which includes allowing third party soils work, allowing layout of the system design with a soil classifier evaluation, and allowing engineers to do some groundwork for the subdivision work. This would promote the private sector, and would allow DHEC to forego the site visit and reduce the response time.

DHEC is on track with regulation changes for the three-tier licensure program for septic installers and contractors. The tiers are based on the complexity of the system, and each one requires continuing education similar to that of a master contractor. The fees will be staggered and remain consistent with what they currently charge. Mr. Vaughan said the Notice of Drafting for the proposed regulations is scheduled to publish on March 27, 2020. DHEC will be open to stakeholder feedback and public comments in May and June, and will go back to the Board with draft regulation in August. There will be another 30-day comment period, and the final regulations will go to the Board for final approval the first week in November. Mrs. Shealey encouraged Council to send in their comments. They will send Mrs. Moorer the proposed schedule so she can distribute it to the Council.

Mr. Fincham suggested having repairs done by a master contractor. A paper trail of conditions on permits issued by DHEC with conventional systems would also be helpful, especially if the permit holder chooses not to follow up with the soil classifier, or does not follow the recommendations. Mr. DeFrancesco said it would be helpful to track repairs to identify what systems are failing and why. Mr. Vaughn said tracking repairs used to be a DHEC requirement, but it ceased due to inconsistencies with reporting throughout

the state, and the inability to track the reporting at the time. Mr. Thorp said the Georgia Department of Public Health has a database of their systems that also tracks failures and repairs. DHEC might be able to generate ideas for developing a similar system in South Carolina.

Mr. DeFrancesco asked about transferring licensure of septic installers to the Department of Labor, Licensing, and Regulation (LLR). This would streamline more procedures, and reflect on private sector liability.

Mr. Brewington thanked Mr. Vaughan, Mrs. Shealey, and the DHEC staff for the work they do in the State.

- 2. Military Spouse License Approval.** Mrs. Dunkin said the Department has implemented a process for expedited licensure for military spouses. Applicants through this process must meet the requirements for licensure by reciprocity or comity. Military spouses are eligible for a temporary license without an application fee that is effective for one year, and cannot be renewed under the SC Code of Laws, Section 40-1-630(B). Applicants through this process complete a form verifying that they are a military spouse and a copy of the orders along with all of the routine application paperwork.

Mr. Stuart explained that Section 40-1-630(B) is optional. All laws and regulations for the Council apply to temporary licenses. The temporary license gives jurisdiction to discipline the licensee, if necessary.

MOTION: To approve temporary licensure under Section 40-1-630(B).
DeFrancesco/Brewington/approved.

Notice of Next Meeting

The next meeting of the SC Soil Classifiers Advisory Council will be held on Tuesday, September 15, 2020, at the SC Department of Labor, Licensing and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 204, Columbia, SC, and will begin at 10 a.m.

There being no further business:

MOTION: To adjourn. DeFrancesco/Brewington/approved

The meeting adjourned at 11:14 a.m.

Respectfully Submitted,

Sherri Moorer

Sherri F. Moorer, Program Assistant