

MINUTES
SC Soil Classifiers Advisory Council Meeting
March 15, 2022 at 10 a.m. by Virtual Video/Teleconference

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

Chairman Thorp called the meeting to order at 10:06 a.m.

Other members participating included M. Lance Brewington, Dennis DeFrancesco, and Randall Fowler.

Staff attending included Hardwick Stuart, Esq., Office of Advice Counsel; Joseph Epting, Esq., Office of Advice Council; Pam Dunkin, Administrator; Johnnie Rose, Program Coordinator; and Sherri Moorer, Program Assistant.

Others attending included Deb Carter, CE Broker; David Vaughan, SC Department of Health and Environmental Control (DHEC); Mark Mann, Professional Soil Classifier; Tyler Sgro, Professional Soil Classifier; and Sean Cary (Creel Court Reporting).

Statement of Public Notice

Mr. Thorp 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 provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. The meeting is being held via video and teleconference. Members of the public who wish to attend may do so by telephone or the Internet. For login information, please call (803)896-4580 or email Contact.Soil@lir.sc.gov.

Approval of Agenda

MOTION: To approve the agenda.
Brewington/DeFrancesco/approved.

Approval of Excused Absences

MOTION: To excuse Chris Fincham from the meeting.
DeFrancesco/Fowler/approved

Chairman's Remarks

Mr. Thorp said he had several discussions regarding the DHEC proposed changes for soil evaluations. There is an agenda item for this update.

Approval of Minutes

Mr. Thorp asked a motion to approve the minutes of the September 14, 2021, meeting.

MOTION: To approve the minutes of the September 14, 2021, meeting.
DeFrancesco/Fowler/approved

Administrative Report

Mrs. Dunkin gave the Administrative Report:

- The Council currently has 43 licensed soil classifiers.
- The Council had a cash balance of \$63,382.17 as of January 31, 2022. A copy of the Cash Report is included in the meeting handouts. \$200,000 was moved to the Council account after Abhi Deshpande, the Director of Finance and Procurement, made a presentation to the Council at the last meeting. Council needs to monitor this. She told Council to let her know if they want an agenda item to discuss a fee increase at a future meeting.
- All of the deficiencies for the 2021 Continuing Education Audits have been fulfilled.
- On-demand exams are now available to all candidates as continuous testing, so there is no further need for the traditional scheduled exam dates. The Soil Science Society of America has sunsetted the April and November exam dates effective the end of 2021.
- The next Council meeting will be on September 13, 2022. Council has the option to continue to hold meetings by WebEx webinar, or to return to in-person meetings.
- There are no cases in the Office of Investigations and Enforcement.
- There is no Investigative Review Committee Report.
- There are no cases in the Office of Disciplinary Counsel.
- Mrs. Dunkin reminded the Council members to file their Statement of Economic Interest by the noon deadline on March 30, 2022.

Council Member Reports

Mr. DeFrancesco asked if the application review process is as streamlined as possible. Mr. Stuart said the Council should consider establishing parameters for staff-level licensure. Council requested this as an agenda item for the next meeting.

New Business

1. **CE Broker.** Deb Carter made a presentation of the services offered by CE Broker. LLR contracted with CE Broker five years ago to create a CE tracker system, and that contract was recently renewed. The system offers licensees a variety of services for storing and tracking their continuing education activities. Ms. Carter is meeting with staff to tailor the system to work with each Board, and to integrate it with our licensure system. The goal is to reduce the amount of review and paperwork handled by staff and the Council for audits. There are 16 soil classifiers with CE Broker accounts. Council is in favor of phasing in use of CE Broker for continuing education. Staff will send an eblast to notify the licensees of services offered by CE Broker, and encouraging them to set up a free account.

2. Update on H.5103 and S.295. David Vaughan with DHEC gave an update on S.1132 and H.5103, which are the bills proposing updates to the DHEC Onsite Wastewater Systems. S.1132 had two readings on the Senate Floor, and H.5103 passed subcommittee and will go to committee soon. DHEC has been working on these changes for five years to create a more efficient, streamlined product for customers and the State of South Carolina. There are four main points in these changes that affect Professional Soil Classifiers:

- The definition of rippable rock updated to reflect use of mini-excavator.
- Processing times for variances. This increased setbacks and addresses concerns about the 610 standard in coastal environments.
- Address problems with staffing and abilities to issue permits by allowing the Department to contract with qualified individuals. The intention is that a licensed entity has to reflect that the soil evaluation for issuing septic permits falls within the purview of licensure as defined in the Soil Classifier statute. In addition, contractors must pass the Fundamentals and Professional Practice Exams offered by the Soil Science Society of America. Contractors cannot charge more than three times the fee for a permit application.
- Subdivisions with ten or more lots must go through the process of hiring a professional soil classifier.

Mr. DeFrancesco expressed concern over the fee cap. He fears the contractors will do substandard work with this low fee. Mr. Vaughan said DHEC will hold the contractors to the same standard as staff, and will monitor a percentage of the work.

Mr. Brewington asked if the contractors would be covered under DHEC liability. Mr. Vaughn said no, it would be a contract between the Department and the contractors doing the work.

Mr. Sgro asked if DHEC has always required the SSSA exams as proof of competency. Mr. Vaughn said it became one of the requirements as they worked through the process of determining competency of the contractors. This is still under development, and can still change course if there are developments in the future. The regulation gives DHEC flexibility to serve their intended purposes.

Mrs. Dunkin gave an update on S.295. This bill deals with the way that Boards consider criminal background checks for applications, and for issuing licenses to individuals who complete apprenticeship programs through the U.S. Department of Labor. Staff will keep Council up-to-date on the progress of this bill. Mr. Stuart requested that staff get specific information on the apprenticeship programs to confirm what affect this part of the bill might have on this Council.

3. Regulatory Review of Chapter 108. Mrs. Dunkin said that regulatory reviews are done every five to seven years, and it is time for another review. Mr. Thorp said that it looks like there were no changes proposed in the 2017 review. The soil classifier law and regulations have recently been reviewed by outside entities with the pending DHEC regulations, and it would be unwise to make changes at this point. Mr. DeFrancesco agreed, and said he did not see anything in the regulations

that needs an update. Mr. Stuart told Council that they would need to do an official report even if they decide not to make any changes. He suggested delegating Council members to review the regulations and communicate their recommendations for changes to staff.

MOTION: For John Thorp, Lance Brewington, and Dennis DeFrancesco to review Chapter 108 and communicate their recommendations to staff.
DeFrancesco/Fowler/approved

Public Comments

There were no public comments.

Notice of Next Meeting

The next meeting of the SC Soil Classifiers Advisory Council will be held on Tuesday, September 13, 2022, and will begin at 10 a.m.

There being no further business:

MOTION: To adjourn. DeFrancesco/Fowler/approved

The meeting adjourned at 11:40 a.m.

Respectfully Submitted,

Sherri Moorer

Sherri F. Moorer, Program Assistant