

MINUTES
SC Soil Classifiers Advisory Council Meeting
March 14, 2023 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 Thorp called the meeting to order at 10:06 a.m.

Other members participating included Chris Fincham, Vice-Chairman; Randall Fowler; M. Lance Brewington; and Jason Goff.

Staff attending included Joseph Epting, Office of Advice Counsel; Todd Bond, Office of Investigations and Enforcement; Johnnie Rose, Interim Administrator; and Sherri Moorer, Administrative Coordinator.

Others attending included Alex James, Home Builders Association of South Carolina; David Vaughan, SC Department of Health and Environmental Control (DHEC); Dennis DeFrancesco; Jeffrey Bryan Rikard; Tyler Sgro; and Katherine Boone (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.

Approval of Agenda

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

Chairman's Remarks

Mr. Thorp said there will be a presentation from Alex James with the Home Builder's Association of SC to address the current demand on the industry.

Dennis DeFrancesco Plaque Presentation

Mr. Rose presented Mr. DeFrancesco with a plaque to commemorate his service on the Advisory Council from July 1, 2008 – November 30, 2022.

Mr. Thorp gave a summary of Mr. DeFrancesco's career. Mr. DeFrancesco began his career by moving from Pennsylvania to Florida, and did his first soil map 49 years ago. He rose through the ranks and moved from Florida to South Carolina, with brief work on special projects in North Dakota and Montana. Mr. DeFrancesco became a Natural Resource Conservation Service (NRCS) Cooperative Soil Surveyor for five counties: Chester, Aiken, Orangeburg, Lexington, and Camden. He is in the select One Million Acre Mappers club.

Mr. DeFrancesco has been with the SC Soil Classifiers Advisory Council since the beginning of the program, and helped to shepherd the transition from the Department of Natural Resources to the

Department of Labor, Licensing and Regulation. He defended the Council from deregulation in 2012-2013, speaking to legislators and representatives about the nature of the practice and the importance of the profession to the environment and public health and protection. He retired from NRCS after 33 years, and is now a private consultant practicing soil classification for the onsite wastewater function.

Mr. Fowler and Mr. Fincham spoke about Mr. DeFrancesco's mentorship when they began working in the field in SC, and thanked him for his long career and important work. Mr. Thorp presented Mr. DeFrancesco with a T-shirt.

Approval of Minutes

Mr. Thorp asked a motion to approve the minutes of the September 13, 2022, meeting.

MOTION: To approve the minutes of the September 13, 2022, meeting.
Brewington/Thorp/approved

Administrative Report

Mr. Rose gave the Administrative Report:

- Jason Goff has been appointed to the SC Soil Classifiers Advisory council to fill the term vacated by Dennis DeFrancesco's resignation on November 30, 2022.
- The Council currently has 44 licensed soil classifiers and 1 certified Soil Classifier-in-Training.
- The Council had a cash balance of \$54,467.09 as of February 28, 2023.
- 43 licensees renewed through the January 31, 2023, renewal deadline. Of these, 40 renewed online and three mailed paper renewal forms, for a 93% renewal rate. Late renewals will be accepted through March 31, 2023.
- The next Council meeting will be on September 12, 2023.
- The Statement of Economic Interest filing deadline is noon on March 30, 2023.

Office of Investigations and Enforcement Report

Mr. Bond said there are no cases in the Office of Investigations and Enforcement. Historically, there have only been two cases in the office since he was assigned to the Board in 2015.

Investigative Review Committee Report

Mr. Rose said there is no Investigative Review Committee report.

Office of Disciplinary Counsel Report

Mr. Rose said there are no cases in the Office of Disciplinary Counsel.

Council Member Reports

There were no Council member reports.

Application Hearing

1. Mr. Jeffrey Bryan Rikard appeared before the Council for an Application Hearing. He was not represented by counsel. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary. Mr. Brewington recused himself from the application hearing.

New Business

1. **Alex James, Home Builders Association of South Carolina.** Mr. James is requesting that licensed engineers be allowed to provide site evaluations for onsite wastewater systems. The basis of this request is the limited number of licensed soil classifiers to meet the high demand from the public. The backlog of permit applications at DHEC was at 4,000 during the height of demand in the summer of 2022. The current backlog stands at approximately 900. They expect a rise in requests as homebuilding hits a seasonal peak in the summer. The DHEC Regulations allow other licensed professionals to perform this service, and they are requesting that the Board allow Professional Engineers to do this work. They will make a similar request to the Engineering Board after this meeting.

Mr. Vaughan said overall demand has been rising since 2008. DHEC staff is unable to keep up with the permit applications with the staff they currently have, which stands at 41-47 sanitarians to cover the entire state. Enforcement cases are also up. They are trying to prevent another backlog like they had in the summer of 2022, and are working with as many outside partners as possible for a long-term solution. They would like for licensed individuals governed by a Board to assist with this work. DHEC has their own training that includes classwork and field work. This is supplemented by courses with an updated home study course from Clemson University. He asked if the Council would consider opening a limited license just for the permit work.

Mr. Fincham said the 610 standard doesn't specifically mention soil classifiers. It refers to the exemptions in our statute, but does not specify soil classifiers. Mr. Thorp said there is a risk in opening up subsets to do these reports. A trustworthy approach is needed to protect public health and safety. He asked how many of the applications require an engineered system, which would require a soil classifier to do the evaluation. Mr. Vaughan said the sites under the 610 standard make up approximately 7.4% - 10% of their permit applications.

Mr. Epting said there are two issues to address: the Rikard application hearing, and how does this request to the SC Board of Engineers and Surveyors apply to the Soil Classifiers? The joint meeting will discuss interpretation of the DHEC Regulation.

Public Comments

Mr. Sgro said it appears that the soil classifiers are facing the prospect of opening a back door channel to licensure due to a disconnect. The complaints that the industry can't meet demand on the DHEC permits is not the fault of this Council. The majority of the backlog is at the DHEC level with simple, standard permits, which do not require a soil classifier. Licensed soil classifiers are performing this service to expedite DHEC processes, but they are only required for the small percentage of permits that fall under the 610 standard.

Mr. DeFrancesco said the soil classifiers are sympathetic and understand the challenges that DHEC faces with the pressure from the backlogs. He recommended that DHEC lobby for more sanitarians and internal staff to meet the demand. Changing statute is a difficult process that opens entire programs to more than is intended, and it not worth the risk. Soil Classifiers have a specialized skill set that deals with details that are crucial to these permits.

Executive Session

MOTION: To enter executive session, with staff remaining.
Fowler/Fincham/approved

MOTION: To exit executive session.
Fowler/Fincham/approved

MOTION: To deny Mr. Rikard's application.
Discussion: Mr. Fincham said that based on testimony provided, Mr. Rikard has only met the four year degree requirement. There are no soil courses, he has not passed the Fundamentals or Professional Practice exams, and he has no work experience under a licensed soil classifier. Due to the specific requirements in the statute, the Council does not have the authority to go beyond the statute to issue the license.
Goff/Fowler/approved
Mr. Brewington abstaining from the vote due to his recusal from the hearing.

Notice of Next Meeting

The next meeting of the SC Soil Classifiers Advisory Council will be held on Tuesday, September 12, 2023, and will begin at 10 a.m.

There being no further business:

MOTION: To adjourn.
Brewington/Fowler/approved

The meeting adjourned at 1:00 p.m. Council members reconvened to attend the SC Board of Registration for Professional Engineers and Surveyors meeting following this meeting.

Respectfully Submitted,

Sherri F. Moorer

Sherri F. Moorer, Administrative Coordinator