

Transcript of the Testimony of
**ENVIRONMENTAL CERTIFICATION BOARD
MEETING**

Date: November 8, 2011

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Condensed Transcript and Word Index

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BEFORE THE SOUTH CAROLINA
ENVIRONMENTAL CERTIFICATION BOARD

ENVIRONMENTAL CERTIFICATION

BOARD MEETING

- - - - -
Tuesday, November 8th, 2011
10:00 a.m. - 11:18 a.m.
- - - - -

The Environmental Certification Board
Meeting before the South Carolina Environmental
Certification Board was held at the Synergy Office
Park, Kingstree Building, Room 108, 110 Centerview
Drive, Columbia, South Carolina, on the 8th day
of November, 2011, before Jill H. Vickers,
Certified Court Reporter and Notary
Public in and for the State of South Carolina.

Page 2

1 APPEARANCES:

2 BOARD MEMBERS:

3 William G. Armes, Chairman

4 David G. Baize, Vice-Chairman

5 Elizabeth L. Williams

6 Dwight R. Johnson

7 Henry G. Rutland, III

8 David M. Dew

9 James E. Rodgers, Jr.

10 ADVISING THE BOARD:

11 Dean Grigg, Esquire.

12 Gigi Lewis, Staff Counsel

13 South Carolina Department of Labor,

14 Licensing and Regulation

15 Office of General Counsel

16 110 Centerview Drive

17 Post Office Box 11329

18 Columbia, South Carolina 29211-1329

19 Attorney for the South Carolina Department

20 of Labor, Licensing and Regulation

21 Also Present:

22 Lenora Addison-Miles (Board Administrator)

23 Theresa Garner (Program Assistant for

24 Environmental Certification Board)

25 Marion Sikes (Water Treatment and Biological

Wastewater Licensee)

INDEX:

	Page
PRELIMINARY MATTERS:	
Mr. Armes	4
MARION D. SIKES - LICENSE RENEWAL:	
Ms. Garner	5
Mr. Sikes	7
Mr. Armes	10
Mr. Rodgers	16

Page 3

INDEX CONTINUED:

	Page
STATEMENTS CONTINUED:	
Mr. Baize	17
Mr. Johnson	18
DECISION:	
Motion by Mr. Baize	22
Second by Mr. Johnson	22
WELL BUILDER BOND FORM:	
Mr. Baize	24
Mr. Grigg	24
Mr. Armes	28
DECISION:	
Motion by Mr. Baize	29
Second by Mr. Johnson	30
BOARD MEMBER SYMPOSIUM:	
Ms. Williams	30
Mr. Armes	31
Mr. Dew	31
Ms. Addison-Miles	33
DECISION:	
Motion by Mr. Dew	35
Second by Mr. Rutland	35
ADMINISTRATOR'S REMARKS:	
Ms. Addison-Miles	35
CASELOAD STATISTICS REPORT:	
Ms. Lewis	37
Mr. Armes	37
Ms. Williams	37
Mr. Rutland	38
Mr. Grigg	39
Ms. Addison-Miles	39
CERTIFICATE OF REPORTER	41

Page 4

1 MR. ARMES: All right. I'm going

2 to go ahead and call the meeting to order.

3 Public notice of this meeting was properly

4 posted at the South Carolina Board of

5 Environmental Certification Office, Synergy

6 Business Park, Kingtree Building, and

7 provided to all requesting persons,

8 organizations and news media in compliance

9 with Section 30-4-80 of the South Carolina

10 Freedom of Information Act.

11 In accordance with Section 40-23-40, the

12 Purpose of the Board is to protect the

13 general public through the regulation of

14 persons engaged in occupations appointed

15 by the legislature for regulation by the

16 Board. These occupations are referred to

17 in the chapter collectively as Environmental

18 System Operators.

19 And at this time, if Mitch would lead us

20 in an invocation and then we'll continue

21 standing for the Pledge of Allegiance,

22 please.

23 (Whereupon, prayer and Pledge of Allegiance was

24 given.)

25 MR. ARMES: Let's go ahead with the

Page 5

1 first item of business, the September 13,

2 2011 minutes. I take it, each board member

3 has had the opportunity to review the

4 minutes. Any concerns at this point?

5 MR. JOHNSON: I would like to make

6 a motion to accept the minutes.

7 MR. RUTLAND: I second it.

8 MR. ARMES: Any discussion at all?

9 (Whereupon, there was no discussion.)

10 MR. ARMES: All in favor say aye.

11 (Whereupon, all board members said aye.)

12 MR. ARMES: Any opposition?

13 (Whereupon, there was no opposition.)

14 MR. ARMES: We have an appearance

15 this morning. Marion Sikes, would you come

16 forward, please. I understand that there is

17 some question about the Water Treatment 8573

18 and Biological Wastewater 14408 renewal,

19 and before you start, if you would, if I

20 could allow staff to give a little

21 explanation about how it got to the Board,

22 and then I would be more than glad to hear

23 what you have to say.

24 MS. GARNER: On August 25th, 2011,

25 I received two Experience Verification

Page 6

1 Forms from Mr. James Callahan, Marion Sikes
 2 supervisor. These were for Mr. Sikes
 3 Biological Wastewater and Water Treatment
 4 Licenses.
 5 I telephoned and left Mr. Callahan a
 6 voice message explaining that I would be
 7 returning the form, because he did not
 8 answer Question 3, A through G. I also
 9 explained that when I checked Mr. Sikes
 10 license status, I discovered he had not paid
 11 his renewal fees for his Biological Waste
 12 Water and Treatment Licenses, but had paid
 13 his fees for Water Distribution License.
 14 On August 26th, I sent a letter to Mr.
 15 Callahan explaining that Mr. Sikes would
 16 need to pay his annual renewal fees and
 17 Resubmit the completed Experience
 18 Verification Forms before being upgraded to
 19 a D Level Certification. I also included
 20 the Experience Verification Forms and a
 21 Renewal Notice. Mr. Sikes was sent a copy
 22 of Mr. Callahan's letter.
 23 Staff spoke to Mr. Sikes on August 26th
 24 and 29th, and he stated he never received
 25 his renewal reminder cards that were mailed

Page 7

1 on March 29th, 2011, and he did not realize
 2 that trainees needed to pay annual renewal
 3 fees. He asked to appear before the Board
 4 and was told he could send a letter
 5 requesting to be placed on the Board agenda.
 6 I spoke with Mr. Sikes on October 18th,
 7 and he said he had sent a letter to appear
 8 before the Board. I told him the Board had
 9 not received his letter and asked that he
 10 FAX the letter requesting to be placed on
 11 the agenda for the November 8th Board
 12 Meeting. I mailed the letter to Mr. Sikes
 13 on October 18th confirming receipt of his
 14 request to appear and notifying him of the
 15 date, time and place of the November 8th
 16 Board Meeting. I also included directions
 17 to office.
 18 MR. ARMES: With that said, Mr.
 19 Sikes, it seems pretty clear that the
 20 license is the responsibility of the
 21 operator to maintain, but we're here to hear
 22 your side of what's happened. So, we would
 23 like to go ahead and have you sworn in.
 24
 25

Page 8

1 (MARION SIKES, having been duly sworn, testified
 2 as follows:)
 3 MR. ARMES: Thank you very much.
 4 Please continue.
 5 MR. SIKES: I've got some copies
 6 Here that I'm going to give you. This is
 7 a paper that I came up with. I'd like to
 8 read it for you. First, I'd like to thank
 9 all of you for giving me a chance to make an
 10 appeal. If you'll look on the back page, I
 11 have the training permits that I was sent in
 12 the mail. If you look at the bottom on the
 13 expiration date, it says 5-11-2012, and
 14 that's on both of them. That's for
 15 Biological Wastewater and Water Treatment.
 16 I passed the exams, and in my opinion, this
 17 shows that I have the drive to excel in this
 18 field. And with a fail rate for wastewater
 19 or for water -- I'm sorry -- Wastewater
 20 Class D being 42.7 percent, and the fail
 21 rate for Water Treatment Class D being 38.9
 22 percent, I've done what was asked to me to
 23 do by the Board and by the State. Even
 24 though the exams were tough as nails, I have
 25 a job riding on this as far as passing. If

Page 9

1 I don't have it done by February -- if I
 2 don't obtain a C in Wastewater Treatment by
 3 February of 2012, I will be without a job.
 4 You know, I have two small children. One is
 5 five, and one is not even a year old yet.
 6 I did not receive the renewal notice. I did
 7 not expect to, based on the permit
 8 expiration
 9 date that you can see on Page 3.
 10 The other part for that is, I would have
 11 -- the town would have paid everything that
 12 I had if I would have received the renewal,
 13 as far as the \$30.00 for each one. It would
 14 not have been a problem with that at all.
 15 I've worked hard for these licenses,
 16 extremely hard. Distribution, I've had --
 17 you know, there were days that I stayed late
 18 and I did the studying to pass the test, did
 19 everything that was asked of me.
 20 I care about the health and safety of
 21 the residents of South Carolina as far as
 22 the environment. You know, now, I'm limited
 23 in my job, and the only thing I can do is
 24 cut grass. I can't even take a chlorine
 25 sample.

Page 10

1 The economy is hard, very hard right
 2 now. The \$460.00 in fines, I just see it
 3 as being extremely tough. It would be a
 4 burden on me and my family.
 5 If I may ask the Board to please allow
 6 St. Matthews to pay the \$30.00 renewal fees
 7 and submit my proof of experience to them
 8 and receive my license, I would greatly
 9 appreciate it.
 10 MR. ARMES: Mr. Sikes, I guess I
 11 need to try to understand. You refer to the
 12 \$460.00. I believe what you're stating is
 13 that -- and I need staff to help me out with
 14 this -- because it was not paid on time,
 15 there's an administrative fee, that you're
 16 not actually being fined formally in this
 17 fashion, but this is an administrative fee
 18 ...
 19 MS. ADDISON-MILES: \$200.00 late
 20 fee for each license.
 21 MR. ARMES: That's for each
 22 license, so that's \$400.00, and then there's
 23 \$30.00 per license on the renewal, but you
 24 refer to it as a fine. If you could help me
 25 out with that, because I'm a little bit ...

Page 11

1 MR. SIKES: Yes, sir. I guess it
 2 wouldn't be a fine. I guess I'd have to
 3 take that back. It wouldn't be a fine. It
 4 would be a late fee with everything that's
 5 contributed. So, yes, sir, I guess that
 6 would be right. It wouldn't be a fine. It
 7 would be a renewal fee.
 8 MR. ARMES: Again, I believe -- is
 9 it in your mind a late fee, because I
 10 believe that is indeed what the statute
 11 refers to, an administrative fee for staff
 12 to special handle, and I'm not trying to
 13 read into the statute. We need to stay
 14 within the four corners of the document and
 15 so forth, but I just don't want there to be
 16 a misconception that you have been fined in
 17 some fashion. It's unfortunate that you
 18 were not able to pay the \$30.00 per license
 19 for a total of, I guess, \$60.00. If that
 20 had happened, the \$400.00 would not be a
 21 question, and you wouldn't necessarily be
 22 here today.
 23 MR. SIKES: Yes, sir. I understand
 24 that.
 25 MR. ARMES: All right. I believe

Page 12

1 you'll find this similar with other
 2 governmental agencies, with private and
 3 public sector probably, that often when
 4 something is not -- when paperwork is not
 5 handled in a timely manner or by a deadline,
 6 there's special handling fees.
 7 MR. SIKES: Yes, sir.
 8 MR. ARMES: With that said and
 9 maybe we can have some agreement that that's
 10 really what we have here, I see your
 11 economic hardship. That's a lot of money
 12 for anyone.
 13 MR. SIKES: Yes, sir. And also
 14 saying that if I would have received the --
 15 you know, if I would have received the
 16 notice that they had expired or that it was
 17 time to renew, there would have been no
 18 problem as far as that goes. The town pays
 19 100 percent of everything for my licenses.
 20 MR. ARMES: If you'll bear with me
 21 -- and again, I really appreciate you being
 22 here. I just want to make sure that at the
 23 end of this discussion that we're all saying
 24 the same thing. This is -- how many
 25 licenses do you have at this time?

Page 13

1 MR. SIKES: Right now, I only have
 2 one, a Distribution License. That's all I
 3 have right now.
 4 MR. ARMES: So, that one is active
 5 and was paid on time?
 6 MR. SIKES: Yes, sir.
 7 MR. ARMES: I take it you received
 8 notice or you just knew to pay it?
 9 MR. SIKES: I received the notice
 10 on it.
 11 MR. ARMES: But not on the other
 12 two?
 13 MR. SIKES: No, sir.
 14 MR. ARMES: So, if you'll help me
 15 with that. Your request today, is it the
 16 economic hardship, or do you feel like
 17 LLR-ECB staff has not properly notified you?
 18 MR. SIKES: Well, sir, I would
 19 think that the notification would be the
 20 biggest thing right now. Like I said, if I
 21 would have received it, there would have
 22 been no question as far as it being paid.
 23 It would have been taken care of. And you
 24 know, the distribution, when I was -- I
 25 worked for DPU before. When I was let go

Page 14

1 from there, we had a mix-up as far as my
 2 licenses not being turned in, my
 3 certifications for C-distribution, and one
 4 thing or another, it got lost in the mail.
 5 I paid the \$30.00 and had it renewed with no
 6 problems with no questions.
 7 MR. ARMES: So, if I understand
 8 correctly, it sounds like that there is a
 9 miss in notification, and now there is an
 10 amount of money that you would owe to
 11 correct the situation, which is \$400.00
 12 plus normal?
 13 MR. SIKES: Yes, sir.
 14 MR. ARMES: \$30.00 and \$30.00 is
 15 is \$60.00. So, again, are you asking
 16 because of economic hardship, or are you
 17 asking for some relief because you feel like
 18 you've been wronged in the lack of
 19 communication notification?
 20 MR. SIKES: As far as it goes, I
 21 think I was wronged in notification, and
 22 also as far as hardship goes. I mean, you
 23 know, like I said, I have two small
 24 children. One goes to daycare -- well, both
 25 of them are in daycare. One goes in the

Page 15

1 afternoon and one stays all the time. And
 2 I was just asking, if there's going to be --
 3 if there's going to be a notification sent
 4 out, if something is supposed to be sent
 5 somewhere, you know, while I had a training
 6 permit, it was sent out and notified. You
 7 know, that way, you knew who accepted it,
 8 that it got there, and if it didn't, you had
 9 no problems. And like I said, if I would
 10 have received the notification, there would
 11 have been no problem in it at all.
 12 MR. ARMES: If this -- and I don't
 13 want to go too much into a hypothetical,
 14 but I think it's important to say this, but
 15 if next year, if there's a cross-up and
 16 somehow you do not receive notification, you
 17 understand that an active license is going
 18 to be your responsibility to renew?
 19 MR. SIKES: Yes, sir, I understand
 20 that completely.
 21 MR. ARMES: I appreciate that. And
 22 again, thank you for being here, and I'm
 23 not trying to be hard on you. I really hate
 24 that we have this situation where that
 25 amount of money is out there, but please,

Page 16

1 somebody else on the Board, if you have any
 2 questions.
 3 MR. RODGERS: I have a question
 4 about the expiration date on the 5/11/2012.
 5 It seems kind of confusing to me.
 6 MS. ADDISON-MILES: The permit is
 7 good for two years. That's why the
 8 certificate has the 2012 date on it, but the
 9 pocket card has the actual expiration date
 10 on it.
 11 MR. ARMES: And maybe that would be
 12 a question for you. Do you have your cards
 13 for when it was issued?
 14 MR. SIKES: They were in -- and
 15 I've got the permits. They were in there,
 16 but I did not -- this is what I've had
 17 sitting on my desk, and you can still see
 18 the tape that was on them, because I just
 19 took it that with the expiration date of
 20 5/11/2010, that that was when it was up for
 21 renewal or expired or however.
 22 MR. RODGERS: How long have you
 23 had -- so this was your first issue, the
 24 5/11/2010?
 25 MR. SIKES: Yes, sir.

Page 17

1 MR. RODGERS: So, you hadn't gone
 2 through the process before?
 3 MR. SIKES: No, sir. I didn't have
 4 anything -- as far as distribution, I should
 5 clear this up. With distribution,
 6 everything was handled in the office with
 7 DPU with one person or another. I never saw
 8 this. I had a pocket card for this. I
 9 never saw it. I never had anything as far
 10 as firsthand experience in this. You know,
 11 like I said, I just took it as the
 12 expiration date was 5/11/2010.
 13 MR. BAIZE: Why would the pocket
 14 card have a different expiration date than
 15 the ...
 16 MS. ADDISON-MILES: Because the
 17 training permit is good for two years, but
 18 they still have to renew it within that two
 19 year period. You have a two year period to
 20 take the exam and get your experience.
 21 That's why the permit actually says 2012,
 22 but the actual pocket card says it will
 23 expire June 30th, 2011, and you have to
 24 renew it.
 25 MR. ARMES: This may be along that

Page 18

1 line. If someone were to take a test the
 2 very first of June and they pass the test,
 3 so they're going to be issued a license,
 4 would that renewal come up that year, I
 5 mean, or would they essentially pay for
 6 it by passing the test in that same year?
 7 MS. ADDISON-MILES: I'm not sure
 8 what you're asking.
 9 MR. ARMES: I guess what I'm trying
 10 to get at is ...
 11 MR. RODGERS: It would have been
 12 June of 2010, is what you're asking.
 13 MR. ARMES: So, in other words,
 14 he's had the license for a year, and so
 15 that's why it came up again. It's not that
 16 it happened right at the renewal time.
 17 There was a whole year.
 18 And for the Board's benefit, licenses
 19 are due for renewal each year, even though
 20 your 12 hours are in a two year period, so
 21 there's a lot of opportunity on his behalf
 22 to look into the future, but unfortunately,
 23 the renewal process is annual. So, I think
 24 that's what we're hearing today is the
 25 confusion of -- go ahead.

Page 19

1 MR. JOHNSON: On his first one
 2 where it says "Issued 5/11", was the first
 3 permit just good until June 30th, 2010, and
 4 then he had to renew it again for another
 5 year, or did that one run for 12 months?
 6 MS. GARNER: It ran for 12 months.
 7 MR. JOHNSON: Would his first
 8 renewal have been 5/1/2011 or June 30th,
 9 2011?
 10 MS. ADDISON-MILES: June. It would
 11 have expired in June. The notices went out
 12 in April.
 13 MR. JOHNSON: No, what my question
 14 is, did he have to renew it in 2010?
 15 MR. ADDISON-MILES: No. He got it
 16 in May, and it was good until June of 2011.
 17 No, he didn't have to renew it a couple
 18 months later, no.
 19 MR. ARMES: And there's again
 20 possibly some confusion, but let me remind
 21 everyone, and legal counsel correct me,
 22 but the statute is pretty clear that if you
 23 don't do it in time, there's an
 24 administrative fee that is supposed to
 25 handle the special handling of the

Page 20

1 paperwork.
 2 MR. BAIZE: Do we understand sort
 3 of what went wrong in the notification?
 4 MS. ADDISON-MILES: No, we don't,
 5 because they all went to the same P. O. Box
 6 address.
 7 MR. BAIZE: And maybe this is a
 8 question for you. If the town is willing to
 9 pay your renewal fee, is the town also not
 10 willing to pay the late fee?
 11 MR. SIKES: No, sir, they are not.
 12 They said that -- the Town Administrator,
 13 when I spoke with him -- they had another
 14 similar case. Someone didn't have their
 15 contact hours, and they were going to be
 16 responsible for paying \$230.00, and he said
 17 that just because he didn't have his contact
 18 hours, he was not going to pay -- he didn't
 19 see where it would be -- he wasn't going to
 20 make a special change, you know. It was
 21 going to be straight across the board as far
 22 as what was paid. You know, they would pay
 23 the \$30.00, and I would be responsible for
 24 the \$400.00.
 25 MR. ARMES: Thank you. If there

Page 21

1 are no other questions, do we have a motion
 2 at this time?
 3 MR. BAIZE: I make a motion to go
 4 into Executive Session.
 5 MR. ARMES: We have a motion to go
 6 into Executive Session. Do I have a second?
 7 MR. RUTLAND: Second.
 8 MR. ARMES: All in favor say aye.
 9 (Whereupon, all board members said aye.)
 10 MR. ARMES: Any opposition?
 11 (Whereupon, there was no opposition.)
 12 MR. ARMES: So moved. We have
 13 received your comments, and we'll take them
 14 under consideration in Executive Session.
 15 And again, thank you for being here. We'll
 16 have an answer for you hopefully shortly.
 17 (Whereupon, the Board went into Executive Session
 18 from 10:25 a.m. to 10:52 a.m.)
 19 MR. ARMES: Do I have a motion
 20 to come out of Executive Session.
 21 MR. JOHNSON: So moved.
 22 MR. ARMES: Do I have a second?
 23 MR. RUTLAND: Second.
 24 MR. ARMES: All in favor.
 25 (Whereupon, everyone on Board said Aye.)

Page 22	Page 24
<p>1 MR. ARMES: Any opposition? 2 (Whereupon, there was no opposition.) 3 MR. ARMES: Just for the record, no 4 votes were taken during the Executive 5 Session, and we're going to go ahead and go 6 forward on the case of -- or the request 7 of Marion D. Sikes concerning the renewal 8 of his Water Treatment License Number 8573 9 and Biological Wastewater License Number 10 14408. Do I have a motion regarding the 11 status of the request by Mr. Sikes? 12 MR. BAIZE: I would like to make a 13 motion, Mr. Chairman that Mr. Sikes has 14 presented unique circumstances to the Board 15 dealing with his situation, and that in 16 recognition of that, the late fee be reduced 17 from \$400.00 to \$200.00, but then he's 18 responsible for that \$200.00 late fee and 19 the \$60.00 for the license reapplication 20 fee. 21 MR. ARMES: Do I have a second? 22 MR. JOHNSON: Second. 23 MR. ARMES: All in favor say aye? 24 (Whereupon, everyone on Board said aye.) 25 MR. ARMES: Any opposition?</p>	<p>1 to reword the bond issue that's required, 2 and I believe legal counsel is going to 3 update us on that. 4 MR. GRIGG: If y'all remember, we 5 touched on it briefly at the last meeting, 6 and David actually reminded me today in an 7 order, and I'm glad y'all did. We set it 8 for today for y'all to actually take action 9 and vote on what y'all want done. My 10 understanding is y'all would want to revise 11 this. I have a copy of the actual bond, and 12 that's what's being passed out as it is now. 13 Here is the language I read for y'all last 14 time, and you'll notice on this language, 15 this is basically a rewrite of the first 16 paragraph. You'll notice on there that this 17 says "South Carolina Residential Builders 18 Commission". This was taken from what had 19 been done to redraft theirs. Holly and 20 Austin, the two people who have been working 21 on this more closely than I have, want to 22 mirror that language. Obviously, we'll 23 change it to y'all's board versus the 24 Residential builders. They want to mirror 25 this language in the first paragraph. So,</p>
Page 23	Page 25
<p>1 (Whereupon, there was no opposition.) 2 MR. ARMES: Okay. It's so moved. 3 Mr. Sikes, I guess I need to ask legal 4 counsel at this time, how do we address this 5 matter? Would it be through staff or send 6 him a letter of what he owes, or the Board's 7 decision in this matter is ... 8 MS. ADDISON-MILES: You don't have 9 to do an order. We'll just do a letter. 10 We don't need an order. 11 MR. ARMES: Mr. Sikes, I appreciate 12 you coming before the Board, and you will 13 receive a letter from staff. Basically, it 14 will tell you that you still are going to be 15 responsible for a \$200.00 dollar late fee 16 and the renewal fee for each license which 17 totals \$60.00. With that, good luck to you. 18 MR. SIKES: Thank you, sir. Thank 19 All of you. 20 MR. ARMES: The next item on the 21 agenda is the Well Builder Bond Form 22 Revision. David, do you want to address 23 that? 24 MR. BAIZE: Thank you. I believe 25 there's some language that has been crafted</p>	<p>1 really, the subtle change in that -- but I 2 think the key change is that, after it 3 says -- it's the fourth sentence down -- 4 "... State of South Carolina and any third 5 party sustaining injury", is the new 6 language that is held in that. And what 7 that does is that changes that language, 8 to my understanding, David, from -- it's 9 probably been 8 to 10 months ago that we 10 started talking about this or even a year 11 ago -- changes that language that we're 12 concerned with as far as who the obligee is, 13 who can call on in. So, I think that is the 14 key change that needs to be made. 15 Obviously, if you look down further at the 16 bond as it is now, the full bond, like the 17 5th paragraph down, "Now, therefore the 18 conditions of this obligation are such that 19 if the obligee ..." -- I don't think that 20 "obligee" will need to be changed based on 21 what we've done, but the next paragraph that 22 says, "Either obligee", we'll obviously 23 change that language to fit this change, 24 if that's what y'all approve. So, it will 25 be just a few subtle changes like that,</p>

Page 26

1 and feel free if y'all have other
 2 suggestions, that y'all think something else
 3 will work or want to add something, that's
 4 what's on the agenda for today is for y'all
 5 to approve, number one, that you want to
 6 change it, and number two, what you want
 7 that change to be, and then, we'll rewrite
 8 it, and as soon as possible get it up on the
 9 website as the new bond form.

10 The other thing I'll just mention that I
 11 mentioned to David is, I think I mentioned
 12 last time to y'all that there's going to be
 13 some clean-up and some re-write of the 40-1,
 14 what we call the engine that kind of gives
 15 rise to all of y'all's practice acts, all
 16 the of the Board's practice acts, and
 17 they're going to try to put some language in
 18 there that covers bonds as a whole anyway.
 19 That's in the works. That's being done.
 20 Obviously, that would have to go to the
 21 General Assembly and be approved, so that's
 22 going to take some time, but that is being
 23 done that hopefully will explain and clear
 24 up anything that's unclear, but I think this
 25 address what David's concerns are. If there

Page 27

1 are other concerns ...

2 MR. BAIZE: I believe so. Just to
 3 maybe refresh your memory, the issue was,
 4 the way it was currently written, only DHEC
 5 or LLR could access the bond, and therefore
 6 -- because we were the only ones who could
 7 have been the obligees and been offended, I
 8 guess, when a well was not put in properly,
 9 but of course, we don't need the money. We
 10 want the money to go to the homeowner who
 11 had the bad well, directly if that's the
 12 case, or you know, it could go to us if we
 13 hired somebody else to do it. And what
 14 tripped it up was, there was a case a few
 15 months ago where this caused some problems
 16 in trying to get restitution from the
 17 homeowner. We had an insufficient well that
 18 really couldn't be repaired and had to get a
 19 replacement well. So, it looks to me like
 20 this language would be better.

21 MR. ARMES: The blank where it
 22 says, "The sum of", is there some variance
 23 on the amount that we charge?

24 MR. GRIGG: I believe that is set
 25 in law, isn't it?

Page 28

1 MR. ARMES: Right.

2 MR. GRIGG: So, I think it would
 3 state \$25,000.

4 MR. ARMES: So, would that go back
 5 into this, or can it be some amount less, or
 6 you'd just leave it open and ...

7 MR. GRIGG: I mean, what we're
 8 planning on doing is it would go back in,
 9 again, because this was written for more
 10 than one board. We're trying to make them
 11 all mirror similar language, so we don't
 12 have this problem with any of the boards.
 13 But in the full form where it says "In
 14 amount of \$25,000.00 for the payment of
 15 which", that would go back in there unless
 16 y'all want to -- it is set.

17 MR. BAIZE: It is set, and it's not
 18 a variable.

19 MR. ARMES: I'm not suggesting we
 20 change it. I just wanted to ...

21 MR. GRIGG: That would go back in
 22 there.

23 MR. ARMES: But to discuss what
 24 would actually change, it sounds like the
 25 big change is the part about the third

Page 29

1 party?

2 MR. GRIGG: Yes, sir, the "and any
 3 third party sustaining injury" language,
 4 again, we'll change it so that it says, "The
 5 Environmental Certification Board" versus
 6 Residential Builders, obviously, and as
 7 David pointed out, that "Furthermore, either
 8 obligee" will be changed to "obligees" or
 9 something similar to reflect the change.

10 MR. ARMES: So, I think we're at
 11 a point where the two questions before us
 12 about this, do we want to change it, and
 13 what change do we so desire, and I would
 14 need that in a form of a motion.

15 MR. BAIZE: I make a motion, Mr.
 16 Chairman, that we do modify the Well Builder
 17 Bond, and that we include the language that
 18 was provided to us and the changes we
 19 discussed.

20 MR. ARMES: Do I have a second?

21 MR. JOHNSON: Second.

22 MR. ARMES: And a discussion, do we
 23 have to read this, or how do we make this
 24 for the record?

25 MR. GRIGG: He just did it. I

Page 30

1 think his motion that includes the changes
 2 that we discussed is sufficient, and you've
 3 got a second, so I think you just vote.
 4 MR. ARMES: All in favor say aye?
 5 (Whereupon, all of the Board members said aye.)
 6 MR. ARMES: Any opposition?
 7 (Whereupon, there was no opposition.)
 8 MR. ARMES: So moved. All right.
 9 The Chairman's Report, again, there's a
 10 couple of things I want to cover. Let me
 11 ask Elizabeth, I think you attended the
 12 symposium, the board member symposium?
 13 MS. WILLIAMS: Yes.
 14 MR. ARMES: Do you want to wait for
 15 the committee and talk about that? Well, I
 16 tell you what, if you don't mind, that would
 17 be good to go ahead and ...
 18 MS. WILLIAMS: Well, LLR has done a
 19 symposium for all the board members on
 20 October 11th, and I attended that, and
 21 Catherine Templeton led the show, I guess.
 22 Each department head had presented on what
 23 the Department does, and the attorneys were
 24 there, and what the attorneys were for and
 25 this sort of thing, and did an overview of

Page 31

1 travel ethics, rules of order and that kind
 2 of thing. As a board member, it was
 3 beneficial to kind of see how LLR is run and
 4 the ins and outs. Nikki Haley attended and
 5 spoke briefly. So, that's about it. It was
 6 just to get a review of the LLR.
 7 MR. ARMES: Yeah. I think it's
 8 great that they did this. When I met with
 9 the LLR director sometime ago, it was one of
 10 my recommendations, and that occurred
 11 several years ago, and I attended that one,
 12 and I thought it was very worthwhile. So,
 13 if you can make the next one, whenever it
 14 should be, I would encourage you to do so.
 15 The other I tell is, part of the due
 16 process, and I think it's a great idea, is
 17 that the board needs to approve travel. So,
 18 the board members won't have to spend travel
 19 money to go wherever, you need to be
 20 informed and approve it. Then, secondly,
 21 the Director at some point would have to
 22 approve or pre-approve the travel expense
 23 request.
 24 So, today, what I would like to
 25 put before you is, I have a paper accepted

Page 32

1 at the association, Boards of Certification,
 2 that's going to be held in Tampa in January,
 3 and I'm going to present, and I would like
 4 for this board to approve my travel, my
 5 expense to attend. And again, it's going to
 6 be limited to what the Director attends.
 7 Additionally, I understand that Elizabeth
 8 Williams also desires to attend. And so,
 9 today, I'm asking that the Board -- we can
 10 do it together, or if you want to separate
 11 it, it's up to the Board. We're going to
 12 put it as a combined approval that,
 13 basically, we will need a motion that you
 14 approve my attendance and Elizabeth's
 15 attendance, and it's up to LLR and the
 16 Director to do the final thing. With that
 17 said, before I get into this, any discussion
 18 about it?
 19 MR. DEW: Do we need units?
 20 MR. ARMES: The Director is going
 21 to limit for the pre-approval, and I'd like
 22 Lenora, if you don't mind, to kind of tell
 23 us about that process.
 24 MS. ADDISON-MILES: What we've been
 25 told, and Elizabeth, you were at the

Page 33

1 meeting, as you mentioned, the travel policy
 2 is that the agency -- as long as the Board
 3 has funds available, the agency will allow
 4 two members, two board members to travel.
 5 The agency will pay for two board members.
 6 If other board members want to go and pay
 7 their own way, or if the association is
 8 going to sponsor a member and take care of
 9 that travel, that's fine, but the agency
 10 will take care of two.
 11 MR. DEW: Do we set up an account
 12 for it?
 13 MS. ADDISON-MILES: No. It just
 14 comes out of our general account. They just
 15 want the full board to be aware of what
 16 members are traveling, where they're going
 17 and that it's okay with the Board. We
 18 just want it on record.
 19 MR. ARMES: I can tell you that --
 20 I'm not going to speak for Elizabeth,
 21 because I'm not sure what her expense is
 22 going to be, but what I have asked for and
 23 the Director has approved, is my mileage, my
 24 registration and the hotel, and the hotel is
 25 limited to what's called the GSA rate, so

Page 34

1 actually, there's going to be some out of
 2 pocket. I'm not asking for meals, but there
 3 are a lot of meals provided, but I don't
 4 want to limit what you're asking for, so I
 5 want to make that clear, and I don't know if
 6 you're driving or flying or planning to
 7 drive. So, you know, how we get there and
 8 what the overall costs are going to be --
 9 and Lenora, tell me if I'm wrong. I think
 10 this Board needs to understand and know
 11 this. The Director, she's going to have a
 12 pretty tight hand on this, and it's got to
 13 be budgeted, and it's got to be within the
 14 policy. I don't know. It won't be 100
 15 percent of my cost, but that's fine. You
 16 know, I think it's professional growth. I'm
 17 here to represent this Board. I'm there to
 18 learn something, hopefully, and bring back
 19 to the Board, which I better, and so, that's
 20 the benefit, and I would encourage Board
 21 members next year to attend. This is a very
 22 good conference. So, any other questions or
 23 thoughts? This is new to us, so please ask.
 24 (Whereupon, there was no further discussion.)
 25 MR. ARMES: Then, do I have a

Page 35

1 motion to approve my attendance and
 2 Elizabeth's attendance?
 3 MR. DEW: I so move.
 4 MR. RUTLAND: Second. Any
 5 discussion?
 6 (Whereupon, there was no discussion.)
 7 MR. ARMES: All in favor say aye.
 8 (Whereupon, all of the Board members said aye.)
 9 MR. ARMES: Any opposition?
 10 (Whereupon, there was no opposition.)
 11 MR. ARMES: Thank you very much.
 12 The Administrator's remarks, Lenora, if
 13 you'd like to take an opportunity.
 14 MS. ADDISON-MILES: Thank you. As
 15 of today, there are currently 9,042 active
 16 licensees. I've provided each member with
 17 two handouts. One's the September 2011 Cash
 18 Balance Report. At the end of August, we
 19 had a balance -- a beginning cash balance of
 20 \$123,060.35. Our total revenues were
 21 \$67,974.02. Our expenditures were
 22 \$27,098.23. The administrative transfers
 23 within the agency were \$19,818.55. At the
 24 end of September, we had a cash balance of
 25 \$144,117.59.

Page 36

1 MR. ARMES: Any thoughts. It
 2 sounds pretty good to me. Anything else?
 3 MS. ADDISON-MILES: We also have
 4 information that will allow you to access
 5 the LLR Board Member Website. It's a User
 6 ID and a password. This site contains
 7 information and resources for all members,
 8 including forms, travel information,
 9 board member listings and the board member
 10 Orientation Reference Manual.
 11 MR. ARMES: Very nice. Okay. Do
 12 we have anybody -- the Office of General
 13 Counsel Advisor coming in?
 14 MS. GARNER: I thought Ms. Lewis
 15 was coming back.
 16 MS. ADDISON-MILES: She has the OCG
 17 Caseload Statistics as of today, so it's the
 18 cases that were closed on or after January
 19 1, 2010. There are no open cases or pending
 20 actions.
 21 MR. GRIGG: I'll go get her.
 22 MR. ARMES: While we're waiting, do
 23 we have any other reports coming up?
 24 MS. ADDISON-MILES: No.
 25 MS. LEWIS: I am Gigi Lewis, and I

Page 37

1 have the Office of General Counsel Caseload
 2 Statistics for you. As of November 8th,
 3 2011, there are no open cases. There are no
 4 actions pending, and we have closed 23 files
 5 since the 10th of January of 2010.
 6 MR. ARMES: Okay. I appreciate you
 7 giving us that report.
 8 And I don't believe we have legislative
 9 updates or OGC reports. Well, we have this
 10 OGC report. I'm sorry. And that should
 11 conclude that committee reports, Elizabeth,
 12 we have what, the Ed Committee/some other
 13 name?
 14 MS. WILLIAMS: We don't really have
 15 an official name right now, but the
 16 committee was charged with setting
 17 guidelines on what the Board would consider
 18 relevant to continuing education, and the
 19 committee has met, our purpose isn't to
 20 outline the topics, because that's already
 21 been done due to the ABC criteria topics,
 22 but more to derive delivery methods of
 23 continuing education, especially with
 24 on-line learning and distance education,
 25 it's really opening up new ways to earn

Page 38

1 continuing education units. It's purpose
 2 isn't to say that this way counts or this
 3 way doesn't count, but more of a guideline,
 4 if you're seeking your education, for
 5 example, you can verify your attendance.
 6 We're still working on that, and we should
 7 have that report at the January Board
 8 Meeting, but we have five people on the
 9 committee, and we're just now clearing out
 10 the language for the staff to make sure we
 11 put any pertinent information that they need
 12 in the guidelines, and also, the information
 13 would will be on the website that they could
 14 access if they're not sure or ...
 15 MR. RUTLAND: We got some emails,
 16 and it may have been from you, that has some
 17 language in it, and it had relevant and
 18 approved.
 19 MS. WILLIAMS: I noticed that, too.
 20 I believe they took out relevant and put ...
 21 MR. GRIGG: This is part of the
 22 rewrite that they're doing the clean-up.
 23 MS. ADDISON-MILES: Dean, there was
 24 an issue with that. It's kind of
 25 contradictory to what we just passed in

Page 39

1 June, and we're supposed to meet with Holly
 2 about that.
 3 MR. GRIGG: And so, you do have a
 4 meeting set up with Holly, or you're trying
 5 to get one set up with Holly?
 6 MS. ADDISON-MILES: We made her
 7 aware of it Friday after they sent that
 8 email out.
 9 MR. GRIGG: She was the one that
 10 did the rewrite. I'm not overly familiar
 11 with it. So, I'll get with Holly, and it
 12 sounds like Lenora is already working on
 13 getting with Holly and let us find out the
 14 answer. I don't know right off the top of
 15 my head.
 16 MR. ADDISON-MILES: You've already
 17 had the regulations changed, and they were
 18 already approved in June.
 19 MR. GRIGG: And I know that's
 20 happened with a couple boards, even though I
 21 didn't know that was an issue with y'all
 22 specifically, so we'll make sure we follow
 23 up and ...
 24 MS. ADDISON-MILES: We'll take care
 25 of that.

Page 40

1 MS. ARMES: Thank you. Public
 2 comments, I don't think anyone signed up for
 3 public comments. Would you like to ...
 4 (Whereupon, there were no public comments.)
 5 MR. ARMES: Okay. Do I have a
 6 motion for adjournment?
 7 MR. JOHNSON: So moved.
 8 MR. DEW: Second.
 9 MR. ARMES: All in favor say aye.
 10 (Whereupon, all of the Board Members said aye.)
 11 MR. ARMES: I don't see any
 12 opposition, so it is so moved. This meeting
 13 is adjourned.
 14 (Whereupon, the Environmental Certification Board
 15 Meeting concluded at 11:18 o'clock a.m.)
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Page 41

1 STATE OF SOUTH CAROLINA)
 2 : C-E-R-T-I-F-I-C-A-T-E
 3 COUNTY OF RICHLAND)
 4 I, Jill H. Vickers, Certified Court
 5 Reporter and Notary Public, certify that I did
 6 have the Environmental Certification Board Meeting
 7 before me at 10:00 a.m., on Tuesday, November 8th,
 8 2011, at the Synergy Business Park, Kingtree
 9 Building, Room 108, 110 Centerview Drive,
 10 Columbia, South Carolina; that the foregoing pages
 11 constitute a true and accurate transcript of the
 12 proceedings held at that time and place.
 13 I further certify that I am not of
 14 counsel or kin to any of the parties to this cause
 15 of action, nor am I interested in any manner in
 16 its outcome.
 17 IN WITNESS WHEREOF I have hereunto set
 18
 19 my hand and seal this 30th day of November, 2011.
 20
 21
 22
 23
 24 Notary Public for South Carolina.
 25 My commission expires July 5th, 2016.