

NCOWCICB
BOARD MEETING
DECEMBER 17, 2007

8:30 CALL TO ORDER: Connie at 9:15

OPENING PRAYER: Jim

ROLL CALL:

Attendance: Jim Lanier, Connie Stephens, Gene Young, Diana Rashash
and Russ Davis

Absent: Al Gerard, Glenn Hines, Ralph Hollowell, Paul Higdon

RECOGNITION OF PROXY(IES) IF APPLICABLE: Al to Connie, Glenn to
Jim

READING OF ETHICS STATEMENT: Connie may have one at closed session

8:40 RECOGNITION OF ANY ATTENDING PUBLIC AND REQUEST TO
ADDRESS BOARD (PLEASE NOTE: PUBLIC MAY ADDRESS THE
BOARD DURING THIS SECTION OF BOARD MEETING. BOARD WILL
NOT RESPOND TO COMMENTS OR REQUEST MADE BY PUBLIC.
REQUEST MADE BY PUBLIC DURING THIS SESSION WILL BE PLACED
ON A FUTURE BOARD AGENDA FOR DISCUSSION. PUBLIC WILL BE
ALLOWED MAXIMUM OF FIVE (5) MINUTES PER PERSON TO
ADDRESS BOARD. PUBLIC WILL NOT BE ALLOWED COMMENT FOR
REMAINDER OF BOARD MEETING.)

NOTES:

Doug: the rules draft (version 2) was taken to John B. by Gene. We were told that there
was a lot that we couldn't use. Suggest small subcommittee: Gene, Russ, Scott Green,
Doug Lassiter, Joe Lynn. We need to move on this as soon after Christmas as possible.
(see rules section on minutes)

NCSTA Convention: we are all invited to attend.

The "Emerging Issues Forum" is not one of the classes approved by the board. He'd like
to have this 2-hr session approved. (see class approval section of minutes)

Sunday dinner: Board invited to dinner by NCSTA board. Yes we can accept (will
double-check with J. Barkley)

9:00 MINUTES FROM PREVIOUS MEETING

DISCUSSION: we will find out what in "closed session" needs to be in minutes,
will be discussed with J. Barkley

CHANGES/ACCEPTANCE: Jim motion, Gene 2nd
Motion passed

9:15 UPDATES ON CERTIFICATIONS, ETC

Connie: cards were shipped early Friday morning. Folks have been receiving them already. People are to submit form for corrections or call Connie. People are to mail in copies of their proprietary system certificates, which will be added to database. If corrections to card are needed, they are to mail it back. If they took a class after Nov. 15, the cards will be going out next week.

2026 application, 100+ missing information

| | | |
|------------------|-----|--------|
| Exam results: | me | connie |
| Total GL III: | 104 | 95 |
| Total GL IV: | 398 | 367 |
| Total "Combo": | 481 | 414 |
| Total Inspector: | 33 | |

(Differences are because of people who had to retake exam)

9:25 DISCUSSION OF MINIMUM ACCEPTABLE REQUIREMENTS FOR CONTINUING EDUCATION CLASS (SEE HANDOUT)

Handouts on requirement for continuing education providers and class content. They (sources of instruction) also need to complete a cover sheet form.

Russ: motion to accept with suggested modifications

Gene: 2nd

Discussion:

Diana: At November meeting, we reduced GL-I to 3 hours of continuing ed, if we have 3-hrs mandatory (safety, NOWCICB requirements, 1900 rules), that would mean that GL-I doesn't have to take anything except the mandatory material. Do we want to do that?

Connie: We can address that later in meeting.

Approved

Added "outline" to "class content" (Russ motion, Gene 2nd, Approved)

Connie: will contact Mike to let him know what he needs to add to his certification classes & submit dates ASAP

9:45 PRESENTATION OF APPROVAL REQUEST FROM EDUCATOR PROVIDERS

Doug: 2-hr emerging forums class (all grade levels)

Motion to approve: Gene

Al 2nd

Approved

Motion: Russ: have survey on website to get feedback on classes people take.

Gene: 2nd

Connie will design a form for use
Approved

Connie: Chatham county has requested approval for certification class. They have invited DOL speaker to discuss work safety and new rules (excavation), confined entry, OSHA, checklists, etc. Feb 28, 2-hr, all grade levels

Motion to approve: Diana
2nd: Jim Lanier
Discussion by Diana, Jim, Russ, Connie
Approved

9:25 REVIEW OF RULES DRAFT REVISIONS

Gene: Agrees with Doug's suggestion (earlier in minutes) of appointing a subcommittee to work on our rules. Wants Scott Greene and Joe Lynn, as knowledgeable outside folks. Gene, Russ, Joe, Scott, and Doug will be subcommittee

Gene: motion
Diana: 2nd
Motion passed.

10:00: 2nd discussion. Rules cannot restate what is in the statute. Can have minimum requirements for classes. J. Barkley wants renewal fees stated (we didn't, because we didn't want to go through a rule change to alter).

Tony: we need to state the fees, or it won't pass

Connie: can we state just the initial fee?

Doug: we need to put in the initial and renewal fees

Tony & Doug: revisions will take roughly 3 months for approval, as long as we don't exceed cap.

Connie: we need to revise our timeline. We will be missing the May deadline. If we issue rules in January (1st week), public hearing would be mid-Feb, public comment would end in early April, deadline to submit to RRC, earliest effective date would be early June.

10:40: Motion to adjourn til 1 pm
Doug motion
Russ second
passed

12:00 BREAK FOR LUNCH

1:00 RECONVENE MEETING: Connie
Public portion with John Barkley

Gene: we put a subcommittee together for the rules

John: OK, makes sense. Want form and content done right. Has timeframe been discussed?

Gene: Has tried to contact Joe and Scott.

Diana: I'll see them both tomorrow.

Current deadline: Jan 25.

Gene: Russ, can you meet on the 17th or 18th? If first window is missed, rules won't be set until July 1st. Plan on Feb 25th deadline.

Doug: prefers Jan 18th.

Gene: Question:

What happens if a system was started prior to Jan 1, not finished by Jan 1, and isn't certified?

John B.: If something is reasonably in progress, they can proceed.

Connie: How is "reasonably in progress" defined?

John B.: Case by case basis. Would not want to pursue someone just because they hadn't finished.

Jim: Broken ground?

John & Gene: not just stakes.

Gene: Biggest issue is large system installations. It may take a month to get the supply lines in.

Doug: Utility contractors are exempt as long as they are working under a PE and are installing a collection system (refer back to statute: 90A-72-6)

Gene: Ted or Terry need to send something out on listserv that non-certified contractor can't put systems in except for systems started (broken ground) on or before Dec 31.

Ted: OK

Ted: The state shouldn't go out there unless person is certified?

John B.: State shouldn't go out there if they know ahead of time that the person isn't certified.

Ted: Concern that open system is destroyed/damaged by rain or other event

John: Good question

Gene: He spoke to supervisors. They can't go out to the site. Had this discussion a month ago. If county go out and looks at it, it is "intent of OP". Don't want it covered up.

John: What do we do

Diana: We had discussed this before as follows: the uncertified person finds a certified person to become installer of record. The LHD can then do the final inspection.

More discussion

John: This is a licensure act.

Russ: Is the state ready to take on the litigation if a lot is damaged?

Gene: The person who is in the wrong is the uncertified person who installed a system after Jan 1. If the LHD goes out there, the wrong is compounded.

Russ: Does each county need to notify permit holders of systems that have not yet been installed? Also, is it required to give the information to people when they apply for a permit?

John: It is not the LHD legal responsibility to notify people of this law.

Ted: Everybody and their brother appear to be involved in some counties. Most installers have already done what they need to.

Gene: The installer is required to say that they are installing J Doe's systems and want the LHD to inspect it. It is then up to the LHD to ask for the certification number. If they aren't certified, they are told not to do the installation. Some counties require their installers to call in the day before installation.

John: The first couple of months will be where problems occur. If someone's name is not on the list, they need to find out about their status.

Connie: The LHD does not need to argue with the person about whether or not they are certified. They need to contact the Board. The first few weeks will be where problems arise.

Connie: A lot should be cleared up now that the cards have gone out. The LHD's are to have them call Connie. A certified installer will have to be hired to become the installer of record and be on the OP.

Gene: The installer of record will be responsible for the system from that date forward.

John B.: The certified installer should remain out there while the system is installed and covered.

What if they can't get someone else to take responsibility for the system?

Gene: If a system gets rained on, it is not the LHD fault or responsibility. They are in the wrong if they **cover** it. That leads to tort claims. If I was an installer and it was getting ready to rain, they should cover it and then uncover it for the final inspection. But the LHD shouldn't be telling them to cover the system.

Doug: What if a homeowner says they did the installation, but the LHD doesn't believe it? Ask the homeowner to operate the backhoe to cover it?

Russ: That should be a very small percentage.

John B: We will run into some bad situations: Connie, Ted, and John all get phone calls

Russ: There is a point to which these things can be investigated.

John: If the system is good, the LHD can sign off on it; but then report it to the Board that they think the owner didn't really install the system. The Board can then investigate it.

If the system isn't right, the LHD can not let the system be covered with the expectation that it will be fixed (rain coming scenario, will fix Monday) at a later date.

Ted: When installers call, they either have a certification number or proof that they began the installation on or before Dec. 31. If they do go out there, they can't issue the OP, so why go.

Doug: If complaint comes in that a system was installed by a non-certified person, the first stop in the investigation will be to the LHD to pull the permit and see who signed the OP. If the LHD knowingly signed an OP for an uncertified person, it is reported to the RS Board.

John B.: The responsibility comes back to the installer.

John B: Website? Is everything on it now?

Connie: It will be next week. The LHD have a copy now.

Gene: Ted, have the 6 regional folks send the information to their counties. That will help get it to everyone.

2:10 pm BOARD TO ENTER ATTORNEY CLIENT CLOSE SESSION
Discussion

Gene: motion to go into open session

Russ: 2nd

Motion passed

John: Ongoing questions about personnel and reimbursement issues that he needs to discuss with the Department before the Board can proceed.

The invoice with Emerald Enterprises was withdrawn.

Connie: What about the hiring of complaint investigators?

Gene: The investigators need to be hired on an individual basis.

John: That is another thing. Those with other boards have been hired as independent contractors. Goes back to question about bids.

Connie: With independent contractor basis, we'd have to go through approved agencies.

Gene/Connie: We need to have people ready quickly.

Gene: Complaint investigation needs to be an agenda item for Jan meeting.

John: Take complaints, but it may be a while before they can be investigated.

Gene: It has to be for things done AFTER Jan 1st.

John: The Board may have to do some interim investigatory work. The Board is not expected to give up our lives for this work.

Gene: rule draft will include procedure for complaint investigation.

John: Interim plan may be needed.

Gene: Board chair can order an investigation. We do not have to have a Board meeting. This will be discussed at the rule subcommittee meeting.

John: Board has to figure out what to do in interim. LHDs have to realize that this is a new process.

Gene: We are not the enforcement arm of the LHD.

Jim: LHD will need to file complaints to the Board.

4:00 NEXT MEETING SET FOR JANUARY 28TH 6:00 PM MEET AT
HICKORY METRO CONVENTION CENTER

Russ needs to leave before that. Meet at 11:00 am
Host hotel: Fairfield Inn
Comfort Suites ½ mile down road (state rate)
Holiday Inn Express at corner

Dinner at Iron Thunder @ 7pm (next to convention center) on Sunday, Jan 27th

2008 meetings:
Jan 28, Hickory, 11 am at the Metro Convention Center
July 17, Williamston, 6:30 at the Bob Martin Center
Oct. 16, Greensboro, 6:30 at the Holiday Inn

Gene: motion adjourn
Jim: 2nd
Passed

Respectfully submitted by,
Diana Rashash

4:45 ADJOURN