

NCOWCICB
BOARD MEETING AGENDA and MINUTES approved 7/23/21
July 16, 2021 9:00 a.m.
LOCATION: Courtyard Raleigh Cary/Parkside Town Commons
1008 Parkside Main Street Cary, NC

- 9:00 a.m. CALL TO ORDER: RUSS DAVIS
OPENING PRAYER: JERRY PEARCE
ROLL CALL: ALL PRESENT
READING OF ETHICS STATEMENT
ETHICS STATEMENT: In accordance with the State Government Ethics Act, it is the duty of every [Board] member to avoid both conflicts of interest and appearances of conflict.
Does any [Board] member have any known conflict of interest or appearance of conflict with respect to any matters coming before the [Board] today?
If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.
READ BY RUSS DAVIS
JERRY PEARCE AND CHRIS DOBBINS REGARDING CLASS
- 9:05 a.m. 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.
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- ANNA CHOI COUNSEL FOR BOARD, DOUG LASSITER NCSTA AND JIM BEESON, FUTURE BOARD MEMBER, RUSS DAVIS INTRODUCED JIM TO BOARD AND WELCOMED IN TO BOARD, JIM GAVE BRIEF BIO TO BOARD, CURRENT LSS, NOW CONSULTS FOR A LOT OF COUNTIES, ETC DOES PRESENTATION FOR CLASS PROVIDERS ON SOILS, HE IS ACTIVE IN THE INDUSTRY AND WILLING TO HELP IMPROVE THE INDUSTRY, HONORED TO SERVE WITH THIS BOARD HE ALSO SERVED ON TASK FORCE FOR RULE WRITING OF 1900 RULES REVISION, RUSS STATED WAS PLEASURE WORKING WITH HIM
- 9:05 a.m. Approval of Minutes from December 11, 2020 and April 13, 2021 meetings (see minutes attached) MOTION TO APPROVE WALTER JAMES, 2ND DAVID SWINNEY, APPROVED
- 9:15 a.m. Update from Administrator:
- REMINDER Any Board member that has not taken the required Ethics training should do so **immediately**. Once you have taken the

course please send me a copy of the completion certificate.
 Information for required Ethics training for Board members can be found at <https://www.ncsbe.gov/Ethics/Education>

- The following is what the Ethics Commission records show regarding the Board member's Ethics Training as of 7/12/21:

Board Member	Last Date Rcvd	Next Due Date
Russ Davis	1/14/20	1/14/22
Russ Ayers	12/5/19	12/5/21
Jerry Pearce	10/12/19	10/12/21
Glenn Hines	4/20/20	4/20/22
Michael Robinson	12/8/20	12/8/22
Walter James	12/17/20	12/17/22
Chris Dobbins	7/12/21	7/12/23
David Swinney	5/5/20	05/05/22
Connie Stephens(EL)	7/7/21	7/7/23

- Proposed/Revised Budget:

RECEIPTS		\$275,000
EXPENSES:		
SALARIES	\$72,800	
PAYROLL TAXES	6,000	
INSURANCE	12,000	
ATTORNEY	25,000	
ACCOUNTING	25,000	
OFFICE RENT	6,000	
PRINTING	10,000	
TRAVEL	14,000	
POSTAGE	3,000	
PHONE	3,600	
BANK CHARGES	1,500	
INVESTIGATIONS	2,000	
OFFICE SUPPLIES	2,000	
MISC	900	
MEETING EXPENSE	4,000	
HEARING EXPENSE	2,000	
WEB EXPENSE	1,500	
DEPRECIATION	1,500	
TOTAL PROPOSED EXPENSES		\$192,800

Motion to approve budget: CHRIS DOBBINS, 2ND GLENN HINES, APPROVED

- Renewal and New Applicant update:

The extension date granted for renewals for 2021 has now passed and the renewals showed no major drop from previous years. We only had 3 certification holders to request extensions due to medical issues.

We continue to have above average applicants for new certifications and this was anticipated due to the building boom. I've had conversations with numerous applicants and of the ones that are totally new to the industry most of those are getting certified "because all the companies are behind in installing", I don't think they realized the backlog was also being experienced due to lack of material supply.

- Proposed rules have passed at RRC. There was some last minute tweaking with language but the intent of the rules held. RUSS THANKED ANNA FOR THE ROLE SHE PLAYED IN GETTING THESE RULES THROUGH THE PROCESS
- Evaluator Application: An application for the evaluator will be formatted which will include the documents that need to be submitted with the application.
- The Board has the authority to set the requirements for the evaluator course. In your packet you have an outline for proposed requirements for the course. You will notice that the outline does not have a lot of content on soils and this is by design as a pre-requisite for evaluator is that they are a licensed soil scientist. DISCUSSION WAS HELD ABOUT COURSE OUTLINE, MOTION DAVID SWINNEY WITH ADDING EMPHASIS ON HANDS ON PORTION OF TRAINING , 2ND CHRIS DOBBINS, COURSE REQUIREMENTS APPROVED AS OUTLINED
- Our general statute has been amended and the position formerly slotted a NC Extension held by Diana Rashash has been changed to be filled by a licensed soil scientist the appointment of Jim Beeson is awaiting signature.
- I continue to receive calls and emails from certification holders regarding the local health departments releasing a list of certification holders that is not inclusive of all installers. These counties give a list to potential clients that has preferred installers or only a partial list of installers that are within that county. In one particular situation the list did not include an installer that is certified and after many complaints received from him the county did a list in alpha order but put him at bottom of list instead of in the order of others listed. In another instance the county told a client that the person wasn't certified and they are certified. I'm not sure what can be done other than maybe have a letter composed from Anna and send it to Jon Fowlkes to hopefully get the counties to use the list and not discriminate. DISCUSSION HELD ANNA

MADE AN INTERESTING POINT IN THAT IF THE COUNTY IS GIVING A LIST OTHER THAN THE CERTIFICATION LIST OF NCOWCICB AND THE CUSTOMER PICKS FROM THAT LIST AND PROBLEMS OCCUR THE CUSTOMER COULD POTENTIALLY COME BACK ON THE COUNTY AND SAY "BUT YOU TOLD ME TO PICK FROM THIS LIST"

RUSS DAVIS ASKED ANNA IF WE AS A BOARD WOULD BE OVERSTEPPING OUR BOUNDS BY SENDING THIS LETTER. SHE STATED WE COULD DO LETTER SORT OF GENERIC AS A REMINDER OF STATE LICENSE. RUSS AYERS MADE MOTION THAT WE NOT SEND, MOTION DID NOT PASS. DAVID SWINNEY MADE MOTION THAT CONNIE WORK WITH ANNA TO DRAFT LETTER TO SPECIFIC COUNTIES AND INCLUDE POTENTIAL LIABILITIES TO COUNTIES FOR GIVING SPECIFIC NAMES, 2ND CHRIS DOBBIONS, OPPOSED RUSS AYERS, MOTION PASSES

- EVALUATOR SEAL: OPTION 1, 2, OR 3, MOTION TO ACCEPT OPTION 3, MOTION WALTER JAMES 2ND DAVID SWINNEY, OPTION 3 WILL BE USED FOR SEAL FOR EVALUATOR
- Class Approval Request:
Discussions of concerns regarding classes

COUNTIES ARE BACKED UP IN PERMITTING AND MAY NOT HAVE TIME TO DO CLASSES, DISCUSSION WAS HELD AS TO HOW TO MOVE FORWARD WITH SITUATION, RUSS AYERS MADE MOTION THAT WE ADD A REQUIREMENT FOR CLASSES THAT IF HELD BY COUNTY THE COUNTY MUST CONFIRM THAT DAILY OPERATIONS OF COUNTY WILL CONTINUE WITHOUT ANY DISRUPTION INCLUDING PERMITTING, INSPECTIONS OF SYSTEMS, AND PROTECTION OF PUBLIC HEALTH AND SUBMITAL OF SIGNED STATEMENT FROM ENVIRONMENTAL HEALTH SUPERVISOR THAT THESE CONDITIONS WILL BE MET, AND THAT THE REQUEST FOR APPROVALS BE TABLED UNTIL NCOWCICB RECEIVES STATEMENT FROM LEH SUPERVISOR AT WHICH TIME THE REQUEST WILL BE REVIEWED AND ALSO THAT ADDITIONAL REQUIREMENT FOR C/E BE ADDED THAT NO CREDITS WILL BE GIVEN FOR PRESENTATIONS MADE ON LOCAL RULES OR OPINIONS, 2ND JERRY PEARCE, MOTION APPROVED

DISCUSSION WAS HELD REGARDING 18 HOUR CLASS CONTENT, SALES REPS SHOULD NOT BE ALLOWED TO DO PRESENTATIONS ON THE PRODUCT THEY SALE

DURING THE 18 HOUR CLASS. MOTION MADE TO ADD REQUIREMENT TO 18 HOUR CLASS DAVID SWINNEY, 2ND WALTER JAMES MOTION APPROVED

DISCUSSION WAS HELD REGARDING ONLINE TRAINING FOR C/E. GC BOARD IS SET TO REVIEW POLICY OF ONLINE TRAINING. OUR CERTIFICATION HOLDERS ARE COVERED BY OPPORTUNITIES TO RECEIVE C/E WITHOUT OFFERING ONLINE COURSES. WE HAVE NUMEROUS OPPORTUNITES FOR C/E TO BE TAKEN AND CHOICES OF LOCATIONS, ETC.

MOTION TO DENY ONLINE TRAINING JERRY PEARCE, 2ND WALTER JAMES, MOTION APPROVED

Request for class approvals:

Wake County Environmental Services request for 6 hours, 2 hours of the agenda relates to Wake County rules and installation guidelines

REQUEST TABLED UNTIL RECEIVE REQUIRED LETTER FROM LEH SUPERVISOR AND REVIEWED BY BOARD AT NEXT MEETING

Johnston County Environmental Health request for 6 hours

REQUEST TABLED UNTIL RECEIVE REQUIRED LETTER FROM LEH SUPERVISOR AND REVIEWED BY BOARD AT NEXT MEETING

Half Moon Education, request for 6 hours webinar, MOTION TO DENY DAVID SWINNEY, 2ND WALTER JAMES, REQUEST DENIED

Granville/Vance Environmental Heath request for 6 hours

REQUEST TABLED UNTIL RECEIVE REQUIRED LETTER FROM LEH SUPERVISOR AND REVIEWED BY BOARD AT NEXT MEETING

NCSTA request for Evaluator course set forth to meet minimum requirements of Board, MOTION TO APPROVE BY DAVID SWINNEY WITH UNDERSTANDING THAT IT WILL MEET THE REQUIREMENTS APPROVED ON COURSE OUTLINE, 2ND RUSS AYERS, MOTION CARRIES, CHRIS DOBBINS AND JERRY PEARCE RECUSED THEMSELVES FROM DISCUSSION

11:30 p.m. Treasurer's Report by Jerry Pearce, Treasurer
 Financial Report as of May 31, 2021

Monies on hand:	
First Horizon Operating Account	\$140,098.42
Select Bank*	\$245,345.11
Bank of Oak Ridge*	\$233,464.49
Sound Bank*	\$226,011.10
North State Bank*	\$233,867.56
First Bank*	\$226,150.95
First National*	<u>\$205,115.78</u>
Total Monies on hand	\$1,510,053.41

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 (*CD held for future enforcement)
 See detailed YTD Financial Report Attached

REPORT PRESENTED BY JERRY PEARCE, MOTION TO APPROVE,
 MIKE ROBINSON, 2ND GLENN HINES, REPORT APPROVED

11:35 a.m. Board shall enter Closed Session for discussion of complaints received,
 Motion to enter closed session GLENN HINES, 2ND DAVID SWINNEY,
 BOARD IS IN CLOSED SESSION

12:20 p.m. Board shall re-enter regular session
 MOTION TO GO INTO REGULAR SESSION

THE FOLLOWING COMPLAINTS WERE DISCUSSED IN CLOSED
 SESSION:
 COMPLAINTS REVIEWED AND DECISIONS BY BOARD LISTED UNDER
 EACH COMPLAINT

Complaint 050321 unethical behavior JERRY PEARCE MADE MOTION
 ETHICS VIOLATION, REQUEST COPY OF CONSTRUCTION
 AUTHORIZATION ON SUSPECTED PROPERTY, NOTIFY
 CERTIFICATION HOLDER THAT WITH NEW RULES HE CAN NO
 LONGER INSTALL WHILE EMPLOYED B LEH, 2ND CHRIS DOBBINS,
 APPROVED

Complaint 03122101 improper installation WALTER JAMES, MOTION TO
 TABLE UNTIL INVESTIGATION IS COMPLETE, 2ND DAVID SWINNEY,
 APPROVED

Complaint 06252101 improper/incomplete inspection MOTION TO DISMISS AS AN INSPECTION IS PERFORMED AND REPORT IS WRITTEN ON WHAT IS OBSERVED AT TIME OF INSPECTION AND NOT TO REPAIR THE PROBLEMS WHILE PERFORMING AN INSPECTION, WALTER JAMES, 2ND JERRY PEARCE, APPROVED

Complaint 04022101 install without certification MOTION FOR INJUNCTION JERRY PEARCE, 2ND MIKE ROBINSON, APPROVED

Complaint 02082101 install without certification or permit MOTION FOR INJUNCTION , GLENN HINES, 2ND CHRIS DOBBINS, APPROVED

Complaint 04132101 install without certification or permit MOTION FOR INJUNCTION, GLENN HINES 2ND MIKE ROBINSON, APPROVED

12:25 p.m.

Other business:

BOARD WILL BE CALLED UPON LATER IN YEAR FOR A HEARING DATE

ANNA STATED WE HAVE OAH HEARING IN AUGUST AND THAT WILL COME BACK TO BOARD FOR DECISION AFTER HEARING

Next Board Meeting: The next scheduled meeting is December 10, 2021 9 a.m. in Cary, keep in mind the Board meetings have been set as second Friday in May and December.

Meeting Adjourn: Motion to adjourn, RUSS AYERS, 2ND CHRIS DOBBINS, MEETING ADJOURNED

NCOWCICB Financial Report as of May 31, 2021

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(*CD held for future enforcement)	

YTD Receipts**

Fees Received	\$244,729
Interest Income	<u>\$ 12,542</u>
Total Receipts	\$257,271

YTD Expenditures**

Postage	\$ 2,288
Printing	\$ 8,813
Travel – Board	\$ 9,816
Travel – Staff	\$ 2,505
Telephone	\$ 3,129
Misc Expense	\$ 816
Bank Charges	\$ 90
Accounting	\$ 23,125
Salaries	\$ 67,936
Payroll Taxes	\$ 5,447
Insurance	\$ 6,000
Office Expense	\$ 1,011
Depreciation	\$ 1,309
Office Rent	\$ 5,500
Investigations	\$ 0
Hearing Expense	\$ 0
Meeting Expense	\$ 3,654
Web Expense	\$ 111
Legal Fees	<u>\$ 21,326</u>
Total Expenditures	\$162,876

(**Fiscal year runs July 1 – June 30th)

- Evaluator Class Requirements and Information:

Required hours: 30 hours

The focus for the class shall not be soils as a prerequisite for the Evaluator certification is a minimum of 5 years as licensed soil scientist. The soil types shall be referenced as they pertain to permitting rules.

The 30-hour requirement can be separated into any number of days or configuration as the class provider so chooses so long as minimum requirements set forth below are met. Certificates of attendance shall not be issued until the full 30 hours have been completed.

The evaluator class shall not qualify as continuing education for any other certification issued by NCOWCICB. The evaluator class shall not be used in total or portion thereof to satisfy any other course required to receive certifications from NCOWICB.

A definitive skill set is needed for the Evaluator to be successful in the occupation and to protect public health and safety therefore the class and instruction shall be targeted to these skill sets:

- System Design. The evaluator must have a command of system design and instruction shall include the following:

Design of:

Gravity: Trench, Bed, Conventional, Accepted, Innovative

Pump to Gravity: Trench, Bed, Conventional, Accepted, Innovative, Fill Systems, Panel Block, Sand Lined Trench,

Anaerobic Drip, Aerobic Drip, Steep Slopes

The instruction of design shall not be presented in only a power point presentation but shall include a field exercise i.e. hands-on where the class is given a set of soil notes, a proposed

facility (4 bedroom home, 10 employee office, or 40 seat restaurant for example), and a lot with approved soil area. The class would determine which “tool” to use for the given lot and then lay out the proposed system on the ground. Once they have selected the appropriate system and laid it out they would then put the design on paper.

This section shall include the use of laying out/flagging the system and how to do systems on contour. Hands-on training

- System Installation. One of the biggest weaknesses of the current permitting system is the lack of installation knowledge. It is virtually impossible to properly permit a wastewater system if there is not complete understanding of installation considerations.

The evaluator course shall include content similar to that presented in the 18- hour new installer course and contain the following:

Installation Basics

- Rules including setbacks, design flows...
- Tanks
- Gravity
 - Parallel
 - Serial
 - Beds
- Pump to Gravity
- Control Panels
- Pressure manifolds
- SaproLite
- Sand-lined Trench
- Fill Systems
- Panel Block
- Accepted
- Innovative
- Drip

- System Inspection. This is a particular area that many in the LSS community may not currently have experience in. It is vital that the Evaluator know what to look for during the inspection to ensure the process is a success.

Inspection Basics need to be covered for all the system types and this portion of training shall include a hands-on system inspection

Inspection standards shall be covered

Cover in detail how to find solutions to challenges during inspections . . . how to find a way to fix an issue not to just say no it doesn't pass inspection

- Course shall cover all the current rules in place regarding subsurface wastewater systems
- Timeline guidance: 10 hours for design, 10 hours for installation, 6 hours for inspection with pertinent rules in each section
- Representatives of proprietary products may participate in the class presentations however they shall not present on the products that they represent.
- This course shall have a heavy focus on hands-on training
- Packet shall be provided to each attendee containing required documents for evaluator certification and forms required on each system from LEH.
- Class providers and instructors for the Evaluator class shall keep in mind that the attendees may be from a specific region of the state, however, the Evaluator will be certified for the entire state and certified to do systems across the state
- Maximum number of attendees for evaluator class shall be 15 attendees