

MINUTES
STAKEHOLDER ADVISORY BOARD
ATLANTA, GA
OCTOBER 1, 2004

Present were Stakeholder Advisory Board members Mark Byrd, Alice Champagne, Jim Hamilton (Chair), James Magnus, Karim Shahlaee, Gregory Teague, Aaron Varner and Burns Wetherington. Members Doug Easter, JoAnn Macrina, Robert Ringer, Ben Thompson and Connie Wiggins were not in attendance. Also present was Soil and Water Commission employee Michaelyn Rozar. Interested parties in attendance included Todd Edwards (Association of County Commissioners of Georgia), Seth Yurman (Georgia Water and Pollution Control Association), Bettie Sleeth (Home Builders of Georgia), Scott Brumbelow (Georgia Utility Contractors Association), Vikki McReynolds (Georgia Utility Contractors Association), Lauren Beall (Council for Quality Growth), and Larry Etherton (Norfolk Southern Corp). Mr. Hamilton opened the meeting by welcoming board members and guests and recommended that the Board begin with the first agenda item.

Agenda Items

1. Review and approve September 21, 2004

Minutes from the September 21, 2004 Stakeholder Advisory Board Meeting, submitted by John Carden, were introduced for approval. Mr. Wetherington remarked about the comments on page two regarding the definition of "all persons" and asked if a meeting had been set-up between the EPD and SWCC to review this issue. At this time, a meeting had not yet been scheduled. On a motion Dr. Shahlaee and seconded by Ms. Champagne, the minutes were approved.

2. Schedule of future meetings.

Dates through the end of December were discussed. Meetings will be held October 13 at the DOT facility at Forrest Park and October 27 at the Georgia Engineering Center on the 21st floor of the Equitable Building in Atlanta. A meeting was also scheduled for November 3 at either EPD's Tradeport or the DOT facility in Forrest Park. Future dates also include November 17, December 8 and December 22. All meetings will be held from 1:00 p.m. to 4:00 pm unless otherwise indicated.

3. Review of Timeline

Mr. Hamilton reminded the Stakeholder Advisory Board of their commitment to wrap up discussion of the Rules and Regulations by the October 13, 2004

meeting and reminded the group that the Board would be voting on at least the key issues at that meeting.

4. Additional Stakeholder input on current draft of Rules

Mr. Wetherington presented additional comments to the Board. A copy of Mr. Wetherington's comments is attached to these minutes. Highlights from Mr. Wetherington's comments included his recommendation that pool of proctors be available to administer tests and that instructors follow a standard agenda for seminars but be allowed to go above and beyond the material if necessary. Mr. Hamilton asked how Mr. Wetherington's comments differed from those from the Georgia Utility Contractor's Association's (GUCA) comments. Mr. Wetherington offered that while GUCA recommended that the proctor schedule classes and instructors, he was not recommending that the process be driven by the proctor. He recommended that a pool of proctors be available and instructors be trained as proctors. Instructors would then be able to select a proctor. He also recommended that individuals would not proctor a class in which they have a financial interest.

Mr. Hamilton asked Dr. Shahlaee to respond and offer comments from the SWCC's point of view. Dr. Shahlaee commented that Mr. Bennett (Executive Director, SWCC) had previously stated that the testing process must be fair and consistent and that it was the job of the SWCC to administer the test. Mr. Teague recommended using an outside testing facility as a glut of people would need to be trained at first and an outside firm would be able to ramp up and ramp down depending on the demand for testing.

The Board discussed the burden that testing may place on the Commission's resources and the need for accountability and consistency in the testing process. Dr. Shahlaee again remarked that the Commission would need to work out the logistical details of testing procedures. Dr. Shahlaee also commented that the Commission could provide a list of approved proctors and that there are 370 Soil and Water Conservation District Supervisors across Georgia that may be able to assist in proctoring. Mr. Teague commented that while it would be conceivable to use District Supervisors as proctors in the Metro area it would not work in the rural parts of the State as those District Supervisors may work on a "good old boy" system. Ms. Champagne commented that while District Supervisors would be included in the list of approved proctors an instructor would not necessarily have to use a District Supervisor. Dr. Shahlaee again remarked that it is the responsibility of the Commission to determine the testing procedures.

Mr. Hamilton suggested that Board vote at its next meeting regarding questions relating to proctors and that while the Commission is responsible for administrating the testing procedures the Board would make a recommendation to the Commission.

Mr. Teague questioned if the Board still considered it essential for individuals to be able to take a course and sit for the exam in the same day. The Board agreed.

Mr. Magnus commented that if instructors are qualified to instruct for eight hours there is no reason not to trust instructors to administer the test. He recommended that instructors be given sealed envelopes with the tests and that instructor would return the tests to the Commission in a sealed envelope for grading. Mr. Byrd agreed and added that random audits would reveal any impropriety. Mr. Teague commented that it would be a challenge to get enough trainers let alone enough proctors. Mr. Magnus agreed adding that the Level II seminar would include a test at the end of each day of instruction. Dr. Shahlaee offered that a proctor would only be present for the test and would not need to attend the entire seminar. He again commented that it was the responsibility of the Commission to make decisions regarding testing procedures. Mr. Varner observed that in view of the partnership between the SAB and Commission, the SAB should make a recommendation to the Commission regarding testing procedures but logistics should be left to the Commission.

Ms. Champagne commented that the Board had been appointed by the governor to represent the interest of stakeholders yet the Board also has to do what is in the best interest for all of Georgia. She added that the new program carried a new level of importance and that it was important to build trust with the Commission as Board members. Ms. Champagne remarked that she appreciated the comments offered by Mr. Easter and Mr. Wetherington and she emphasized that there must be significant changes to the process or else there would not be an improvement to the current system. Mr. Magnus responded that the addition of the exam to the certification process provided a significant change. Mr. Wetherington commented that Georgia is raising the bar by requiring design professional to visit sites and take an exam as well as instituting new requirements for regulatory inspectors and agencies. He asked that the Board not make it too difficult for industry that has to comply with the Permit.

The Board continued to discuss testing procedures. Ms. Champagne recommended looking at GSAMS and other ways to reach other parts of the state besides Atlanta. Members discussed the number of individuals that would need to be certified. Dr. Shahlaee remarked that if it turns out that just one person on-site needs to be certified, previous estimates of individuals requiring training might be too high. Mr. Hamilton clarified that the estimate of 20,000 individuals took into account approximately one certified person on-site. Mr. Hamilton acknowledged Ms. Champagne's comments about raising the bar in certification and Mr. Varner's comments regarding the partnership between the Commission and SAB. He advocated trying to achieve a high standard while creating a user-friendly program that will get as many people through the system at a high level of testing as quickly as possible.

Ms. Champagne remarked on points #4 and #5 in the comments offered by Mr. Wetherington regarding instructors trained to be proctors but not proctoring their own course and providing proctors with sealed and numbered tests. Mr. Magnus observed that the DOT WECS test includes 50 multiple choice, true/false and short answer questions. He commented that it would be a monumental task to grade 150-200 exams each month and that DOT employs a couple of people to deal with this full time. Dr. Shahlaee again commented that it is the responsibility of the Commission. Mr. Magnus commented that the statute reads (O.C.G.A. 12-7-20(d)) that the Stakeholder Advisory Board's responsibilities include but are not limited to reviewing course curricula, educational materials, and exam and testing procedures. Mr. Wetherington requested that independent proctors be able to grade exams immediately so that individuals would not be working with any card or certificate while waiting for the exam to be graded. Mr. Magnus recommended giving a receipt. Mr. Hamilton asked if the Commission would have the resources to proctor all exams and Dr. Shahlaee said that was unknown at this time.

Mr. Hamilton asked for comments from other interested parties in attendance.

Ms. McReynolds offered comments on behalf of GUCA. Her written comments are attached to these minutes. Ms. McReynolds commented that she appreciated the efforts of the Board to raise the bar in terms of certification. She offered that associations such as GUCA are in the business of making sure members are in compliance of regulations and that it is the responsibility of these associations to spread the word to their members. Ms. McReynolds offered that while instructors and other entities may not be able to effectively market courses and certification information to utility contractors, her association has the means to reach these people through mail-outs and other means. She also remarked that when the Permit was passed in 2000, GUCA was very proactive in finding instructors and submitting materials to have courses approved. She said that the state will have to field thousands of emails and phone calls and asked if the funds were available to deal with the burden. She recommended that GUCA, HBAG, ABC and other organizations be allowed to assist in the process.

Ms. Sleeth offered comments on behalf of the Home Builders Association of Georgia and began by expressing appreciation for the work being done by the SAB. Ms. Sleeth commented that the HBAG would like to continue sponsoring classes and she is concerned about having enough trainers and proctors. She commented that she would personally trust instructors to give exams but she has listened to Mr. Bennett's concerns regarding the level of integrity of the testing process. Ms. Sleeth remarked that industry needs a commitment from the Commission that there will be enough instructors and proctors and she agreed with Mr. Wetherington's previous comments that courses may need to be planned on short notice in case of emergency. Ms. Sleeth also expressed

concern about the rural areas of the state receiving training, volunteered that HBAG has good relationships with tech schools across the state and would be available to help find locations for courses and tests.

Mr. Hamilton stated that the Board would vote at the next meeting on making recommendations regarding proctoring and testing.

Ms. Champagne asked how voting would be handled and Mr. Hamilton said that questions will be sent ahead of time for consideration. He said that an email would be sent in the next week and asked if members have a concern over how a question is asked please respond to the group as a whole. He also commented that a meeting with EPD would have to be held before the group can vote on the Rules and Regulations but that these key issues would need to be resolved.

Mr. Hamilton introduced new language to be added the section of the Rules relating to the Discipline of Qualified Personnel. He submitted a new paragraph (B.) which would read, "If the Commission determines that discipline of a qualified design professional is warranted as designated in Section 4.C., the Commission shall notify the respective State Board of Registration and CPESC, Inc.". The Board members present agreed to add the new language to the Rules.

At this time, the Board took a short break.

After the break, Mr. Hamilton continued the discussion of key issues. The Board began discussing the key issue of eligibility in terms of each course. Members discussed eligibility requirements for the Level IA Fundamentals Seminar. The Board agreed that if an individual has taken a course in the last 3 years he or she may submit an application to take an exam for Level IA certification without attending a course. Mr. Wetherington asked about the possibility of an individual taking the exam without having attended a course. Dr. Shahlaee commented about the importance of individuals attending a course. Mr. Byrd commented that receiving training is more important than a test and Dr. Shahlaee agreed. Mr. Teague remarked that the certification program is not certifying that an individual is a good inspector but rather that the individual knows how to use the material. He added that the DOT courses teach more practical information on how to use available resources such as the Green Book and Field Manual. Mr. Byrd commented that water quality would be improved by good education as well as good inspections.

Members discussed the possibility of allowing individuals to take the Level IB test if they have attended the Fundamentals workshop and the Level II test if they have attended the Introduction to Design course. Ms. Champagne commented that the process for exempting from a course must be very clear in the

“Frequently Asked Questions” document and Ms. Sleeth requested that organizations be notified regarding the three-year time limit.

The Board began to discuss the key issue of experience. The Board agreed that an individual would not have to take the Level IA or Level IB course before attending the Level II course.

Mr. Teague vehemently opposed an experience requirement for Level IA or Level IB certification. He commented that individuals would be in the field for a year without the benefit of training and that it would be impossible to find certified people to employ in certain parts of the state. Dr. Shahlaee observed that it is too much to expect individuals to come to a class for two days, be introduced to a large amount of material without any prior experience and pass a test. Mr. Teague countered that new inspectors will benefit by receiving training immediately and that outside the metro area there would be nobody available to train new inspectors. Dr. Shahlaee again commented on the value of experience before taking the courses.

Mr. Hamilton asked Dr. Shahlaee what he has used as a basis for the one-year experience requirement. He responded that he has used his own experience and research including current requirements for certification in Virginia.

Mr. Wetherington asked Mr. Etherton (Norfolk Southern Corp.) for his input based on his experience in Virginia. Mr. Etherton commented that Virginia offers a practical certification program that includes on-line, open book testing for Responsible Land Disturbance. He also commented that P.E.s, RLAs and other design professionals are grandfathered in and don't have to obtain certification. He commented that if he can design bridges for trains he can design an erosion control plan but added that the discipline of design professionals is a good idea. Mr. Hamilton responded that the idea of grandfathering design professionals had been discussed prior to the statute being passed. Mr. Etherton continued that it seemed the Board had room to maneuver regarding the requirements and added that he had no problem taking a course as long as it was readily available. Dr. Shahlaee offered that educating engineers regarding specific plan requirements may speed up the review and approval process as it sometimes takes three reviews before a plan can be approved.

Mr. Hamilton added that plan reviewers would also have to have the Level II certification. Mr. Teague commented that metro area entities would be big enough to have experienced plan reviewers but that in other parts of the state inspectors are often working directly for sole commissioners. Mr. Hamilton observed that it would be a waste of taxpayer money to send someone with no experience to a course knowing they will fail the exam. Mr. Teague commented that the exam should not be testing aptitude and that the training should not be for mastering the subject but for telling individuals how to do their jobs.

Mr. Magnus posed the question that if rural counties cannot find qualified inspectors will more counties be forced to give up their status as a certified Local Issuing Authority. He reminded the Board that Harold Reheis often commented that a bad program is better than no program at all. Ms. Sleeth commented that no inspector is going to be hired one day and take the test the next; there will be a 30-60 day period before they are able to logistically attend a course and take the test. She recommended during that time an individual would be able to study and work with a Commission employee.

Mr. Hamilton turned the Board's attention to the key issue of applications. The Board discussed the possibility of allowing zero, thirty or sixty days for application review. GUCA recommended a 7-day review period. Mr. Magnus commented that there would have to be some lead-time in organizing a class as a location will need to be secured and materials prepared. He added that DOT' currently has a 14-day cut off for registration in their WECS classes. He commented that the application process would be dependent on the key issues of eligibility and proctoring. The Board also discussed a 60-day application review period for individuals requesting to take only the test based on previous course attendance.

Mr. Hamilton reminded everyone that the Board would be voting on October 13, 2004 and the meeting was adjourned.

Submitted by

Michaelyn Rozar