

**MINUTES**  
**STAKEHOLDER ADVISORY BOARD**  
Athens, Georgia  
December 15, 2004

Present were Stakeholder Advisory Board members Mark Byrd, Alice Champagne, Doug Easter, Jim Hamilton (Chair), Robert Ringer, Karim Shahlaee, and Greg Teague. Members James Magnus, Ben Thompson, Aaron Varner, Burns Wetherington and Connie Wiggins were not in attendance. Also present were Soil and Water Commission employees David Bennett (Executive Director), John Carden and Michaelyn Rozar. Interested parties in attendance included Bettie Sleeth (Homebuilders of Georgia), and Michael Barnhart (Environmental Consultant).

Mr. Hamilton opened the meeting by welcoming board members and guests and noted that the agenda had changed to allow time for the Commission to present the most recent changes to the Rules and Regulations. He welcomed Mr. Bennett to the meeting and asked that he summarize the recent changes.

Mr. Bennett thanked the Board for their time and stated that the Commission staff is moving as quickly as possible to get the Rules as right as possible in order to build a good foundation for the new program and create a user friendly system for certification.

The major changes were summarized as follows:

- Elimination of the 60-day pre-application process for all levels of certification except Trainer/Instructor certification.
- Applications will be completed prior to examinations being distributed during a testing session and will be reviewed by the Commission before certification is issued. This will allow the application review to take place while exams are being graded well as allow private trainers to accept registrations as they see fit.
- Clarification of the certification revocation process. Language associated with "discipline of certified persons" was eliminated. The Commission will revoke certifications in the case that an individual has falsified their application or a similar situation.
- Experience requirements are currently remaining in the Rules. Commission staff has received different legal opinions and the final decision will be made after input from the Attorney General's office.
- There were no changes to the Trainer/Instructor guidelines.

Ms. Champagne agreed with the removal of the 60-day application process saying that it puts more responsibility on the individual.

The group discussed proctoring. Ms. Sleeth recommended that proctors be required to return exams within 24-48 hours. Mr. Bennett agreed with her recommendation.

Mr. Hamilton asked Mr. Bennett to review the revocation changes.

Mr. Bennett stated that after policy review it was the opinion of Commission staff that the statute only gives the Commission the power to revoke a certification. He stated that in the case of plan designers, poorly designed plans were an issue with licensing not certification. He added that the Commission would examine the possibility of entering a Memorandum of Understanding with the Secretary of State's office. He also stated that any appeals would go to an administrative law judge.

He continued on to say that revocation of trainer/instructor status would depend on performance and that trainers would be held to a higher level of accountability.

Mr. Bennett was asked where initial Trainer classes would be held. Mr. Bennett answered that the Commission would begin offering the courses in Athens but would offer them where needed.

Mr. Hamilton asked about forms being removed from the Rules and Regulations. Ms. Rozar answered that by not including the forms in the Rules the format could be changed without going through a Rules change.

Mr. Hamilton asked about the removal of language related to fees. Mr. Bennett answered that the Commission was not empowered by statute to collect fees.

Mr. Bennett clarified that there would be a difference between applications and registrations. Applications would contain all information necessary for tracking and would be uniform. Registration processes would depend on the individual organization offering training. He also stated that all courses would be posted on the Commission's website no matter who was offering the course. This will help attract individuals to different courses, be an easy and convenient way for instructors to confirm that their course has been approved, and will also allow individuals to ensure that the course they are registered for is in fact approved for certification.

Mr. Hamilton stated that engineering organizations that he is associated with may support a Memorandum of Understanding. He commented that many engineers are tired of hearing about the bad plans being prepared and want the bad actors to be punished. He also stated that it was his understanding the environmental groups are preparing to file suit in such cases and that an MOU with the Secretary of State's office would cover all design professional but those that are CPESC.

Mr. Bennett stated that a MOU would provide a formal process to refer issues to another state agency (the Secretary of State's office).

Mr. Hamilton asked if the integrity of the Rules remained and if the Rules would create a strong program.

Mr. Bennett replied in the affirmative and explained that the Rules had been changed to be more user friendly and that the process still had integrity and that random audits would be performed to ensure the overall integrity of the program.

Ms. Champagne asked for more information on the pressure to remove experience requirements. Mr. Bennett stated it was his understanding that the Commission Board supported the experience requirements as removing the requirements would weaken the program. He stated again that the final decision would come after hearing from the Attorney General's office.

Mr. Teague stated that the certification program was a unique opportunity and that experience was not as important as curriculum and testing. He stated that there may be good engineer submitting bad plans and that could be solved by raising the base level of education.

Mr. Easter stated that he sees inspectors as the weak link. He stated that better educated inspectors would lead to better enforcement and in the end the inspector is the person standing between the stream and the worksite.

Mr. Hamilton commented that HB285 was a better law that included better education and better enforcement.

Mr. Bennett stated that the Commission Board respected Mr. Hamilton's leadership and advice relating to the Rules and appreciated the work of the Stakeholder Advisory Board as well as the advice of the Environmental Protection Division and Director Couch.

Mr. Sleeth stated that she was impressed with the work of the Commission. She commented that the latest changes to the Rules put the burden on the applicant in order to better use resources. She also supported the new revocation language and said that she would look forward to the Rules being approved by the Commission Board.

Mr. Hamilton asked that the Board take a vote of confidence in the revised Rules. On a motion by Mr. Teague and seconded by Ms. Champagne, the Board voted unanimously in support of the revised rules.

Mr. Bennett thanked the Board again for their dedication and stated that upon review by the Attorney General's office, the Rules would be presented to the Commission Board at a specially called meeting January 6, 2005 in Savannah.

The Board agreed to meet January 5, 2005 at 1:00 pm at DOT-Forest Park and February 2, 2005 in Marietta at a meeting to be hosted by Mr. Teague.

The meeting adjourned.

Submitted by

Michaelyn Rozar

