

MINUTES
STAKEHOLDER ADVISORY BOARD
DULUTH, GEORGIA
November 17, 2004

Present were Stakeholder Advisory Board members Mark Byrd, Alice Champagne, Doug Easter, Jim Hamilton (Chair), Jo Ann Macrina, James Magnus, Robert Ringer, Karim Shahlaee, Greg Teague, Ben Thompson and Connie Wiggins. Members Aaron Varner and Burns Wetherington 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 Scott Brumbelow (Georgia Utility Contractors Association), Bettie Sleeth (Homebuilders of Georgia), Laura Beall (Council for Quality Growth), Don Christy (Association of County Commission of Georgia) and Tom Leslie (American Council of Engineering Companies). Mr. Hamilton opened the meeting by welcoming board members and guests.

Agenda Items

1. Review and approve November 3, 2004 meeting minutes.

On a motion by Ms. Wiggins and seconded by Mr. Magnus, the minutes of the November 3, 2004 SAB meeting were approved.

2. Schedule of future meetings.

The next meeting of the SAB will be held December 1, 2004 in the EPD Training Room at Tradeport. A meeting was also scheduled for December 15, 2004 in Athens. Ms. Rozar will arrange for the meeting and notify the Board.

3. Review Timeline and Objectives

Mr. Hamilton reviewed the timeline for the rules and Regulations stating that this meeting would be the last for Stakeholder Advisory Board input. He has been asked by Mr. Bennett to give an overview of the Rules and Regulations at the November 18, 2004 Commission Board meeting. The Commission will allow time for a legal review of the Rules and plans a first reading at the December Commission meeting followed by a public comment period of 30 days.

Mr. Bennett commented that these were target dates but that he would do everything in his power to move the process along. He also stated that the legal review could delay the process by as much as 30 days. During the 30-day comment period, the Rules would be available upon request and will be posted on the Commission's website. The January Commission meeting will be held in a location large enough to accommodate

individuals wishing to make public comments and Mr. Bennett asked that Mr. Hamilton attend that meeting. He thanked the Board their hard work.

4. Review of Course Schematic

Mr. Hamilton stated that as appointees of the Governor, it is the responsibility of the Board to get the Rules as right as possible. He passed out a schematic on how the courses will be laid out in terms of application dates and target audiences.

The Board began reviewing the handouts by addressing the Level IA Fundamentals Seminar. Ms. Sleeth asked if a trainer could register individuals until the last minutes as long as the number did not exceed the estimate sent to the Commission. Mr. Bennett agreed but discouraged the idea of requesting 150 tests for only 16 registered individuals. He added the Commission wants to be flexible but sufficient time is needed to generate the tests. He added that exam forms would be coded by instructor. The Commission will be able to evaluate instructor performance using this tracking system.

Mr. Leslie asked if it was necessary to notify the Commission 48-hours in advance, if an individual would be unable to take a test. He asked what the consequences would be if the individual became sick 24-hours in advance. The Board discussed the issue at length. Ms. Wiggins suggested that the Commission could state that any fees would not be refunded upon cancellation. She also suggested that the Commission might receive a tremendous number of phone calls and would be burdened by logging in all those calling to say they would not attend an exam. Ms. Champagne recommended that only those applicants for the exam only option would need to notify the Commission if they would not be attending the exam.

Mr. Teague asked who would be responsible for paying proctors. Mr. Bennett answered that it would be the responsibility of the organization providing the training. The responsible organization would notify the Commission of the maximum estimated number of individuals to be tested and the name of the designated proctor. Exam would be delivered to the proctor.

The Board continued discussing the handouts by reviewing the Level IB Advanced Fundamentals Seminar. Mr. Bennett stated that the Commission has not intention of using the full 60-day period to grade the exam but the Rules need to give the Commission some flexibility in case of equipment failure or some other extenuating circumstance.

Mr. Magnus recommended that the terms "regulatory inspector" and "non-regulatory inspector" be defined in the Rules. He volunteered to craft definitions for these terms and submit them to the Board for approval.

Mr. Teague began discussions concerning the Level II Design Seminar by stating that non-registered design professionals would be able to take the Course but not the exam. He commented that those who are actually designing the plans needed to be educated. Mr. Hamilton stated that it was not laid out in the Rules but he agreed. Mr. Bennett expressed concern that if the course were open to anyone, there would not be sufficient space to educate those design professionals who truly needed the course. Mr. Thompson stated that the language in the Rules allowed individuals to attend courses just not be certified. Ms. Macrina asked if the test would be the same for Plan Reviewers and Plan Designers. She also asked if an EIT became a certified plan reviewer and then received a professional license, could they apply for certification without sitting for the exam again.

Discussion ensued regarding Level II exams and a two-track system for Level II certification.

Ms. Macrina suggested that the Board wait to make a final decision when discussing curriculum.

Mr. Magnus stated that the Level II training does not need to teach a design professional how to design a plan just what is required on the plan. Dr. Shahlaee commented that the course needed to teach sediment basins and review calculations such as peak flow as design professionals included not only civil engineers but also licensed surveyors, foresters and geologists.

Mr. Hamilton stated that the SAB had voted on the dual track system for Level II training at the October 13, 2004 meeting and further discussion should be held until the Board addresses the curriculum.

5. Input to Rules by the Stakeholder Advisory Board

Mr. Hamilton asked for additional input by the SAB. Mr. Ringer asked that the definition for "operator" be amended to include the Erosion and Sediment Control Act and Land Disturbing Activity Permits. The Board discussed the recommendation and agreed to amend the definition to include the E&S Act, which would incorporate LDA permits as well.

Mr. Ringer also advocated making the exams open course material instead of just open book. The Board discussed a definition for "open course material." Mr. Thompson stated that if a test is well written it does not matter what material the individual has available. The Board agreed not to define "open course material."

Mr. Easter asked about testing individuals who cannot read and write or who might speak Spanish or Russian. Mr. Bennett stated that the Commission would try to accommodate such individuals but that it would be impossible to meet every such need.

6. Input to Rules by Visitors

Mr. Leslie stated that there were many problems with the application forms and that licensed professionals should not have to submit any other proof of licensure except for their license number. Ms. Rozar explained that the forms would be detailed according to each course level and the Commission would not ask for any additional proof than necessary.

Mr. Leslie stated that the 60-day application period was unnecessary. Mr. Bennett stated if the Commission needed to verify credentials it would be impossible to do so 30 minutes before giving an exam.

Mr. Leslie also stated concern regarding the discipline of certified personnel. Mr. Bennett stated that legal counsel would make recommendations.

The Board took a short break.

Mr. Hamilton expressed concern that the Board was not ready to approve the Rules and Regulations. He asked each member present to state if they were ready to support the Rules or if there were any major lingering issues.

Mr. Magnus stated that November 17, 2004 was the drop-dead date and the Board needed to move forward.

Ms. Champagne stated that she was fine with the changes made during the meeting and asked that an updated copy of the Rules be sent to members as soon as possible. She also advocated moving forward.

Ms. Macrina commented that the Board was rehashing old issues and needed to move on. She did suggest adding language stating that the Commission could charge a reasonable fee for costs associated with the certification program. The Board agreed.

Mr. Easter stated he was in agreement with the Rules but that the proctoring questions would be brought back up during the public comment period and that it could be taken to legislators.

Dr. Shahlaee stated that he was happy with the content of the Rules and with the addition of definitions for "regulator inspectors" and "non-regulatory inspectors."

Mr. Ringer recommended revising the Rules with the previously recommended changes and obtaining a consensus by email. He stated that the Board had voted on many of these issues at the October 17 meeting and it was time to move on.

Mr. Teague stated that there was no need to include definitions for "regulator inspectors" and "non-regulatory inspectors." He recommended clarifying the terms in

the FAQ document. He agreed with adding a provision relating to a fee system. Mr. Teague recommended that the Board approve the Rules and move on.

Ms. Wiggins made a motion to approve the Rules as presented with the addition of the fee statement and the recommendations made earlier by Mr. Ringer. Mr. Teague seconded the motion.

Mr. Carden reviewed the specific changes that would be made to the Rules and the Board agreed to the changes.

Mr. Hamilton thanked the Board for the time spent on the Rules including the time spent by visitors. He stated that because this was a brand new program the Rules would not be perfect on the first try. He stated that he is concerned there is too much work for the Commission and certain parts are not user friendly. He stated that the SAB needed to move ahead but everyone should be ready for the public comment period.

Ms. Champagne stated that each Board member is responsible for communicating with his or her stakeholder groups. She recommended that members educate stakeholders as to what went into the Rules process and that the Rules are a consensus of the entire Board. She stated that she hoped no one stakeholder group would hold up the Rules during the public comment period.

Mr. Bennett stated that after the Rules were amended with the approved changes they would be sent to Dr. Carol Couch (Director, EPD) for her review.

Ms. Wiggins called the question to approve changes to the Rules as read and present the Rules to the Commission Board. Mr. Teague again offered a second. The Board voted to approve the Rules by a vote of eight members to one.

Mr. Hamilton asked that the record show that while he voted against approving the Rules he supported the Stakeholder Advisory Board's decision.

The meeting adjourned.

Submitted by

Michaelyn Rozar

