

# SC SOIL CLASSIFIERS ADVISORY COUNCIL

SC Department of Labor, Licensing and Regulation

FALL 2018

## Council Meeting Dates

All meetings are held at the SC Department of Labor, Licensing and Regulation, Synergy Business Park, Kingtree Building, 110 Centerview Drive, Room 204, Columbia, SC, and begin at 10 a.m.

March 19, 2019

September 17, 2019

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## Office Hours & State Holidays

The Board office is open  
8:30 a.m. – 5 p.m.,  
Monday –Friday; except on  
the following State Holidays:

- November 22-23, 2018,  
for Thanksgiving Day
- December 24-26, 2018,  
for Christmas Eve &  
Christmas Day
- January 1, 2019, for  
New Year's Day
- January 21, 2019, for  
Martin Luther King, Jr.,  
Day
- February 18, 2019, for  
President's Day
- May 10, 2019, for  
Confederate Memorial  
Day
- May 27, 2019, for  
Memorial Day
- July 4, 2019, for  
Independence Day
- September 2, 2019, for  
Labor Day
- November 11, 2019 for  
Veteran's Day

## Council Members

Christopher J. Fincham,  
Chairman

John H. Thorp,  
Vice Chairman

Randall K. Fowler

M. Lance Brewington

Dennis D. DeFrancesco

## Board Staff

Molly Price,  
Administrator

Hardwick Stuart,  
Advice Counsel

Sherri Moorer,  
Program Assistant



# SC Department of Health and Environmental Control (DHEC): Notice of Proposed Regulations



## Amending

R.61-56, Onsite Wastewater Systems

## Repealing

R.61-55, Septic Tank Evaluation Fees

R.61-56.1, License to Construct or Clean Onsite Sewage Treatment and Self-Contained Toilets

R.61-56.2, Licensing of Onsite Wastewater Systems Master Contractors

The Department is proposing changes to existing state regulations. The changes were developed through an extensive internal and external stakeholder process to include posting of information on the website and stakeholder meetings held around the state for the past two years. A Notice of Drafting was published in the *State Register* on April 27, 2018.

The onsite wastewater, or septic tank program, is a high volume, on demand permitting program. We are proposing these amendments to provide options to customers to meet their expectations for timely service. These proposed amendments incorporate stakeholder input for the use of third parties to perform soils work and determine system designs and for an expedited process. We are proposing specific licensing and program requirements that allow qualified third-party contractors, soil scientists and engineers to perform functions related to permit application and inspection. These amendments will shift the onsite program to an oversight role, which is more consistent with how activities are performed in other permitting programs within the Agency.

On average, each year for the last five years we processed 10,000 applications and issued 8900 permits. In 2017, we processed almost 13,000 applications and issued 10,348 permits. The current statewide average for issuing a permit is about 20 business days. In the highest volume areas, the timeframe for issuing a permit is 50 business days and that is with staff working overtime on weekends and shifting staff from other offices to assist. Our customers routinely want their permits faster than we are able to process them. This is mainly due to the increase in the number of applications, staff turnover and the time it takes to train a new employee – on average it takes one year of training before a new employee can issue a septic tank permit.

Included in the changes are options that allow the customer the opportunity to select the permitting option that best meets their needs. The proposed fees correlate with the amount of work being performed by the Department. The turnaround time/priority assigned to the application is based on the option selected.

Specifically, the proposed changes to the Onsite Wastewater regulations:

- Create a single regulation that simplifies the process for communicating regulatory requirements and provides additional clarity to the applicant and regulated community.
- Incorporate additional options for septic tank systems. This includes the addition of composting toilet options, shallow wide trench options for small lots with higher water tables, a standard for conventional systems, less restrictive shallow placement systems, and additional products allowed for use in curtain/French drains. Overall, the systems have been made more versatile.
- Provide an option for third parties to perform work currently done by our OSWW staff. Provisions have been incorporated to allow the use of third parties for conducting soil evaluations and determining system designs.
- Repeal the current septic tank application fee regulation and incorporate application fees into this regulation. Levels have been developed to provide options to the customer. A new fee schedule will encourage the use of certified third parties for work historically conducted by DHEC. DHEC staff would review the assessment from the third party professional to ensure it meets regulatory requirements, much like they do in other DHEC permit programs. Based on stakeholder feedback, we have proposed several fee approaches and are still working to identify the most appropriate path.

## ***(DHEC Notice of Drafting continued)***

The options are as follows:

- **Level 1** - Third party performs the soils evaluations and drafts the septic system design.
- **Level 2** - Third party performs the soils evaluations and the Department drafts the septic system design.
- **Level 3** - The Department performs the soils evaluations and drafts the septic system design.

Include a tiered system for the licensing of onsite wastewater system installers, as required by statute. As a part of these amendments, the License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets and Licensing of Onsite Wastewater Systems Master Contractors will be repealed.

- **Tier 1**, will allow for the installation of all gravity-fed and fill cap residential systems. This tier will require (8) hours of CEUs every two years. The license fee will remain the same at \$100 per year.
- **Tier 2**, allows for the installation of all tier 1 systems plus more complicated systems that require pumps, grease traps, and curtain drains, elevated infiltration systems, mounded systems and all commercial systems. This tier will require (12) hours of CEUs every two years. The license fee will remain the same at \$100 per year.
- **Tier 3**, will allow for the installation of all tier 1 and 2 systems plus all specialized systems. Furthermore, as requested by stakeholders this level may complete self-inspections of their systems. This tier must be licensed and bonded for an amount equivalent to the price of the installation. This tier will also require (18) hours of CEUs every two years. The license fee will remain the same at \$200 per year.

All tiers will require the completion of a licensing exam related to the tier and are required to pay a \$50.00 processing fee.

Late fees for annual renewal of each license will be \$50.00 for the first thirty days and \$100.00 at sixty days past due. Currently late fees are \$30.00 and \$30.00 respectively.

The proposed requirement for CEUs and license renewals will be implemented three years from the date that the regulation takes effect (for the initial CEU requirement only). It also addresses stakeholder feedback concerning increased accountability and educational requirements for installers.

Finally, the Department proposes incorporating the current requirements for pumper/haulers and to repeal the existing regulations as a part of these amendments. Additionally, we propose to:

- Require a licensing examination and \$50.00 processing fee.
- Add a \$25.00 fee for each additional vehicle inspection.
- Increase the 30 day late renewal penalty from \$30.00 to \$50.00.
- Increase the 60 day late renewal penalty from \$30.00 to \$100.00
- Update the definitions and wording for clarity and consistency.

If approved, a Notice of Proposed Regulation will be published in the *State Register* to provide opportunity for public comment. That comment period will take place between January and March of 2019. Written comments may be sent to David Vaughan at 2600 Bull Street, Columbia, SC 29201 or via email at [vaughadr@dhec.sc.gov](mailto:vaughadr@dhec.sc.gov). Publishing of the NPR will be available on the State Register and at [www.scdhec.gov/oswwregupdates](http://www.scdhec.gov/oswwregupdates). We believe that these proposed changes will improve the operation of our OSWW program and will allow us to better serve our customers.

David R. Vaughan  
Director, Division of Onsite Wastewater, Rabies Prevention and Enforcement

*This article, written by David R. Vaughan and printed with permission from the SC Department of Health and Environmental Control (DHEC).*



### **Important notes on license renewals:**

- ◆ Renewed licenses will be valid through January 31, 2021.
- ◆ The Board cannot accept credit card payments over the telephone. To pay by credit card, you must renew through the online renewal system. To pay by check or money order, a completed renewal form must be mailed to the Council. Checks received without a completed renewal form will be returned unprocessed.
- ◆ The Council cannot waive late penalty fees for any reason. Renewals received February 1, 2019 – March 31, 2019, will be charged a \$40 late penalty fee.
- ◆ Individuals applying for a hardship exemption from the continuing education requirement must have their written request and pertinent documentation submitted to the Board office by January 1, 2019.
- ◆ The online renewal system will close at Midnight, March 31, 2019. Licenses that are not renewed by March 31, 2019, will be lapsed.
- ◆ Licensees selected for the 2019 continuing education audit will be contacted with further instructions.

## 2019-2021 License Renewals

Please note that passwords must be reset in order to renew online. Licensees will need to have a current email address and the UserID in order to change the password. This can be done by logging into the online renewal system and clicking “I Forgot My Password.”

License renewals are open. Renewal notices were mailed to active licensees in early November. Contact the Council if you have not received your renewal notice.

Individuals renewing their license must certify that they will have the 30 hours of continuing education by January 31, 2019. Hours reported for this renewal must be obtained February 1, 2017 – January 31, 2019. The Council will allow a maximum of 15 hours to be carried over from the period of February 1, 2015 – January 31, 2017, that were not used for the 2017 license renewal. **Please do not send continuing education documentation with the license renewal.** Additional information on the continuing education requirement is available at <http://llr.sc.gov/POL/soil/index.asp?file=ce.htm>

### **Licensure Statistics as of November 15, 2018**

**Professional Soil Classifiers: 46**

**Soil Classifiers-In-Training: 0**

## Reinstatement of Lapsed Licenses

The SC Code of Laws, Section 40-65-38(B) only allows reinstatement of a lapsed license for a period of three years after the expiration date. You must reapply if your license lapsed before January 31, 2016. To reinstate, submit the reinstatement application, the \$250 reinstatement fee, and documentation of 30 hours of continuing education activities to the Council office. The reinstatement application is available on the Council website at <http://llr.sc.gov/POL/soil/PDF/Applications/Soil%20Reinstatement%20Application.pdf>

Please contact the Council office if your license has been lapsed for more than three years. Staff will review your file to determine what documentation is necessary for reapplication.



### CSSE Exam

The next administration of the CSSE exam will be on April 12, 2019, at Clemson University. Registration for the exam will be open January 7, 2019 – March 1, 2019. Individuals interested in applying for licensure as a professional soil classifier in South Carolina must pass the Fundamentals and Professional Practice sections to meet the examination requirement in our law. Individuals can only take one exam per exam date. Please visit <https://www.soils.org/certifications/exam-information> for information, study materials, and to register for the exam.

## Online Services

LLR offers many online services. You can check the status of your application, change your address, and print pocket cards. To access online services, you will need the user identification provided on your license renewal reminder notice. Online services are available at <https://eservice.llr.sc.gov/SecurePortal/Login.aspx>.

## We Want to Hear From You

We hope the information in this newsletter is beneficial to you as a professional soil classifier in the state of South Carolina. We welcome you to share this newsletter and the Council's website with anybody that has an interest in soil classifying. If you have questions for the Council or suggestions for future newsletters, please submit information to [Contact.Soil@llr.sc.gov](mailto:Contact.Soil@llr.sc.gov)

## Complaints

Licensees perform valuable work for the public as licensed professional soil classifiers in the state of South Carolina. The majority of licensed professionals are competent, skilled practitioners, and you are a witness to their good work. In the course of your work in this state, you may also witness work or processes that do not meet the requirements licensees must uphold, or find work performed by unlicensed individuals.

Licensees play an important role in safeguarding the public, and the Council relies on you to advise us when you encounter unprofessional, unethical, or unlicensed activities. We encourage you to file a complaint with the Council if you witness a possible violation. The Council can accept anonymous complaints and pursue them if the related information or documentation is publicly available, if you do not wish to be the formal complainant.

Complaints must be filed through the online complaint form. Instructions on filing complaints are available at <http://llr.sc.gov/POL/soil/index.asp?file=complaint.htm>

## Free Online Roster of Licensees Available

A roster of all currently licensed professional soil classifiers in the State of South Carolina is available at [www.llr.sc.gov/POL/soil/PDF/Soil%20Roster.pdf](http://www.llr.sc.gov/POL/soil/PDF/Soil%20Roster.pdf). This roster is provided free of charge and is regularly updated. Licensure can also be verified on the "Licensee Lookup" feature on the Council website.

## Are You Interested in Serving on the Council?

Members of the Council must be citizens of the United States, licensed in the State of South Carolina for a period of at least ten years, in positions of responsible charge for at least six years, and reside in the State of South Carolina. Interested individuals should complete a resume that includes the following information:

- ◆ Education and collegiate achievements.
- ◆ Professional experience.
- ◆ Professional and technical society activities.
- ◆ Civic and humanitarian activities.
- ◆ Continuing competence.
- ◆ General personal data.
- ◆ References or letters of recommendation, if available.

### Submittal information:

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