

BOARD:
Allen Amsler
Chairman
Mark S. Lutz
Vice Chairman
Ann B. Kirol, DDS
Secretary



Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment
South Carolina Board of Health and Environmental Control

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BOARD:
R. Kenyon Wells
Charles M. Joye II, PE.
L. Clarence Batts, Jr.
John O. Hutto, Sr., MD
William Lee Hewitt, III

South Carolina Board of Health and Environmental Control **September 10, 2015**

South Carolina Board of Health and Environmental Control met on Thursday, September 10, 2015 at 10:00 a.m. in the Board Room of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance:

Allen Amsler, Chairman
Member-at-Large

Mark Lutz, Vice-Chairman
1st District

Ann B. Kirol, DDS, Secretary
5th District

R. Kenyon Wells
2nd District

Charles M. Joye, II, P.E.
3rd District

L. Clarence Batts
4th District

John O. Hutto, Sr., MD
6th District

William Lee Hewitt, III
7th District

Also in attendance were; Catherine E. Heigel, Director; W. Marshall Taylor, Jr., General Counsel; Lisa L. Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

Chairman Amsler called the meeting to order and stated notice of this meeting had been provided to all persons, organizations and news media, which have requested notification, as required by Section 30-4-80(e) of the South Carolina Code of Laws.

Item 1: Minutes of August 13, 2015 meeting (Attachment 1-1)

Mr. Batts moved, seconded by Mr. Hewitt, to approve the minutes as presented for the August 13, 2015 meeting. The Board voted and Motion carried.

Item 2: Administrative and Consent Orders issued by Environmental Affairs (Attachment 2-1)

Ms. Robin Stephens, Assistant to the Deputy Director, Environmental Affairs, stated nine (9) Administrative Orders and forty-six (46) Consent Orders had been issued with total penalties of \$193,219.

After discussion, *the Board accepted this item as information.*

Item 3: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (Attachment 3-1)

Ms. Bentley White, Health Regulation Program Manager, stated three (3) Consent Orders had been issued with total penalties of \$3,300.

After discussion, *the Board accepted this item as information.*

Item 4: Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards and South Carolina Implementation Plan (SIP), Legislative Review is required (Attachment 4-1)

Mr. Robbie Brown, Director, Division of Air Assessment and Regulations, presented this item to the Board.

Pursuant to the Clean Air Act, 42 U.S.C. Section 7401 et seq., and the South Carolina Pollution Control Act, Code Section 48-1-10 et seq., the Department proposed to amend South Carolina Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP as follows:

- to amend Regulation 61-62.1, Definitions and General Requirements, Section I, Definitions and the SIP in order to add a definition for "Emission." This revision is a result of comments received from the regulated community in 2013 related to the Department's "2013 General Assembly Package" revisions approved on June 27, 2014. Because of public notice requirements, the Department was unable to submit this revision for approval at that time, but agreed that the change would be submitted for approval as part of the current set of revisions (2015 General Assembly Package).
- to amend Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to remove the requirement of a revised air dispersion modeling analysis for permit renewals. Amendments will also include additional definitions for clarification and/or corrections for internal consistency, reference, punctuation, codification, and spelling to improve the overall text of Regulation 61-62.1 as necessary.
- to amend Regulation 61-62.5, Standard No. 4, Emissions from Process Industries, to clarify this regulation is not triggered for sources that the Department has removed Particulate Matter ("PM") limits (from other sections of this regulation).

- to amend Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NOX), to clarify applicability and exemptions as well as to propose corrections for internal consistency, punctuation, codification, and spelling.
- to amend Regulation 61-62.70, Title V Operating Permit Program, to remove appeals language as this is generally defined by statutory law (Code Ann. Section 44-1-60 (Supp. 2012) and is redundant, and to clarify qualification language for administrative amendments.
- to amend Regulation 61-62 to include corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

After discussion, *Mr. Wells moved, seconded by Dr. Kirol, to grant approval to publish the Notice of Proposed Regulation of 61-62, Air Pollution Control Regulations and Standards and the South Carolina Air Quality Implementation Plan (“SIP”), in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 5: Proposed Amendment of Regulation 61-64, X-Rays (Title B), Legislative Review is required (Attachment 5-1)

Mr. Charles Ditmer, Director, Division of Electronic Products, presented this item to the Board.

Regulation 61-64 provides for radiation control and applies to all persons who receive, possess, use, transfer, own, service, or acquire any x-ray producing device. The cost of running the program to implement the provisions of this regulation is partially funded by the collection of fees from the regulated community as mandated by the Act.

Proposed changes seek to strengthen equipment performance standards. Language changes are proposed to clarify many sections of the regulation by making them more specific, better organized, and the intent of the regulation clearer. The proposed regulation increases registration fees to allow for the hiring of six additional inspectors. The fee increase will provide funding for the hiring of additional inspectors to increase the frequency of inspections.

After discussion, *Dr. Hutto moved, seconded by Mr. Batts, to grant approval to publish the Notice of Proposed Regulation 61-64, X-Rays (Title B), in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 6: Proposed Amendment of Regulation 61-103, Standards for Licensing Residential Treatment Facilities for Children and Adolescents, Legislative Review is required (Attachment 6-1)

Ms. Gwen Thompson, Chief, Bureau of Health Facilities Licensing, presented this item to the Board.

The South Carolina Department of Health and Environmental Control (Department) proposed amending Regulation 61-103, Standards for Licensing Residential Treatment Facilities for

Children and Adolescents to update definitions, nomenclature, codification, and for overall improvement and updates to the text of the regulation.

The proposed amendments include the Department's effort to incorporate updates and clarification relating to licensing requirements, accident and incident reporting, admission and intake requirements, resident rights, program activities, inservice training, infection control and sanitation, record maintenance and retention, personnel requirements, medication management, fire and life safety requirements, and construction and design requirements. In addition, current provider-wide exceptions and memoranda applicable to residential treatment facilities for children and adolescents have been incorporated.

After discussion, Mr. Lutz moved, seconded by Mr. Batts, to grant approval to publish the Notice of Proposed Regulation 61-103, Standards for Licensing Residential Treatment Facilities for Children and Adolescents, in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.

Item 7: Proposed Amendment of Coastal Division Regulations: R.30-1, Statement of Policy; R.30-5, Exceptions; R.30-9, Other Provisions; R.30-13, Specific Project Standards for Beaches and Beach/Dune System; R.30-15, Activities Allowed Seaward of the Baseline, Legislative Review is required (Attachment 7-1)

Ms. Sara Bazemore, Director, Ocean and Coastal Resource Management, presented this item to the Board.

The Department proposed to amend certain Coastal Division regulations related to permitting in the beaches and beach/dune critical areas of the coastal zone. These proposed changes would amend definitions, provide clarity and specific standards to be utilized in the evaluation of beachfront permit applications and notifications, and provide specific standards, conditions, and administrative procedures for issuance of emergency orders within the State's beachfront jurisdiction. Proposed amendments will also modify specific procedures for the issuance of emergency orders for golf courses to comply with Act No. 147 of 2014.

After discussion, Mr. Hewitt moved, seconded by Mr. Wells, to remand to staff for further consideration of "critical public and private infrastructure" to 30-15(H)(1) and to revise 30-15(4)(f) to allow for additional sand scrapping with approval by Department. The Board voted and Motion carried.

Item 8: Proposed Amendment of R.61-56, Onsite Wastewater System, Legislative Review is required (Attachment 8-1)

Mr. Rick Caldwell, Assistant Chief, Bureau of Environmental Health Services, presented this item to the Board.

Regulation 61-56, Onsite Wastewater Systems, governs the methods of disposition of sewage and prescribes design, construction and installation standards for onsite wastewater systems (septic tank systems).

The proposed amendment will update and bring R.61-56 in line with current statutes and current changes in the technologies of design, construction and installation of onsite wastewater systems since the last revision. The amendments include updates in nomenclature and technology, as well as addition of definitions and clarifications of definitions, site requirements and system requirements. Additionally, to upgrade the overall quality and usefulness of the Regulation stylistic changes are being made for improved clarity and consistency. The proposed amendment will have no anticipated fiscal or economic impact on the State, its political subdivisions or the regulated community.

After discussion, *Mr. Batts moved, seconded by Mr. Lutz, to grant approval to publish the Notice of Proposed Regulation 61-56, Onsite Wastewater Systems, in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 9: Proposed Repeal of Regulation 61-57, Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems, Legislative Review is required (Attachment 9-1)

Mr. Rick Caldwell, Assistant Chief, Bureau of Environmental Health Services, presented this item to the Board.

The Department proposed the repeal of Regulation 61-57, as it has become obsolete. S.C. Code Section 44-55-822, which now governs the approval process for onsite wastewater systems in subdivisions, and Regulation 61-56, Onsite Wastewater Systems, address any major requirements for subdivision onsite wastewater sewage treatment/disposal systems. Therefore, under current statutes and regulation, there exists sufficient authority to address and control any major environmental and public health issues. As such, the Department is proposing repeal of this regulation. This proposed repeal will have no anticipated substantial fiscal or economic impact on the State, its political subdivisions or the regulated community.

After discussion, *Mr. Lutz moved, seconded by Dr. Kirol, to grant approval to publish the Notice of Proposed Repeal of Regulation 61-57, Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems, in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 10: Approval of 2016 meeting dates of the South Carolina Department of Health and Environmental Control (Attachment 10-1)

Mr. Batts moved, seconded by Mr. Wells, to approve the 2016 meeting dates as presented. After discussion, Mr. Joye moved, seconded by Mr. Lutz to amend the motion to change the date for July from the July 7 to July 14. The Board voted and amended Motion carried.

Item 11: Agency Affairs

Director Heigel gave the Board the status of her 90-day plan, introduced her management team, and previewed the employee dashboard. She also commented on the status of the Strategic Plan.

Mr. Hewitt moved, seconded by Dr. Hutto, to go into Executive Session for the purpose of legal advice on the Legislative Audit Council report and for discussion of a Personnel issue. The Board voted and Motion carried.

Chairman Amsler announced that while in Executive Session, no actions were taken.

The meeting adjourned.

All referenced attachments are made a permanent part of these minutes.

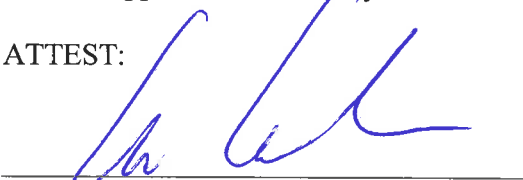
Respectfully submitted,



Ann B. Kirof, DDS, Secretary

Minutes approved this 4th day of November 2015.

ATTEST:



Allen Amsler, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 August 13 minutes
- 2-1 Environmental Affairs Report
- 3-1 Health Regulation Report
- 4-1 Proposed Amendment of R.61-62, Air Pollution Control Regulations and Standards
- 5-1 Proposed Amendment of R.61-64, X-Rays (Title B)
- 6-1 Proposed Amendment of R.61-103, Standards for Licensing Residential Treatment Facilities for Children and Adolescents
- 7-1 Proposed Amendment of Coastal Division Regulations: R.30-1, Statement of Policy; R.30-5, Exceptions; R.30-9, Other Provisions; R.30-13, Specific Project Standards for Beaches and Beach/Dune System; R.30-15, Activities Allowed Seaward of the Baseline
- 8-1 Proposed Amendment of R.61-56, Onsite Wastewater Systems
- 9-1 Proposed Repeal of R.61-57, Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems
- 10-1 Proposed 2016 Meeting Dates