

Minutes of the July 13, 2023, meeting of the South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Thursday, July 13, 2023, at 10:00 a.m. in the Boardroom (#3420) at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance:

J.B. (Sonny) Kinney, 1st District
William Richmond, MD, 7th District

In attendance virtually:
Seema Shrivastava-Patel, Chairman
Charles M. Joye, II, P.E., 3rd District
Robert Morgan, MD, 4th District
Morris E. Brown, III, MD, 6th District

Also, in attendance were Dr. Edward Simmer, Director; W. Marshall Taylor, Board Counsel; M. Denise Crawford, Clerk; Department staff; and members of the public. The meeting was also available via Livestream. (Attachment 0-2)

Chairman Shrivastava-Patel 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 June 13, 2023 meeting (Attachment 1-1)

Mr. Kinney moved, seconded by Dr. Richmond, to approve the minutes as presented. The Board voted and Motion carried.

Item 2: Administrative Orders and Consent Orders issued by Healthcare Quality (Attachment 2-1)

Ms. Kim McLeod, Director of Policy and Communications, Healthcare Quality, stated that for this reporting period, one (1) Administrative Orders and three (3) Consent Orders with assessed monetary penalties totaling \$14,700.00 were issued.

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

Item 3: Administrative Orders and Consent Orders issued by Environmental Affairs (Attachment 3-1)

Ms. Rebecca Sproles, Liaison, Environmental Affairs, stated that for this reporting period, thirty-eight (38) Consent Orders with assessed civil penalties totaling \$573,040.00 and eighteen (18) Administrative Orders with assessed civil penalties totaling \$163,325.00 were issued.

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

Item 4: Administrative Orders and Consent Orders issued by Public Health (Attachment 4-1)

Ms. Bentley White, Public Health Policy Director, Public Health, stated that for this reporting period, one (1) Administrative Orders and fifty-one (51) Consent Orders with assessed monetary penalties totaling \$45,950.00 were issued.

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

Item 5: Notice of Proposed Regulation amending Regulation 30-1, Statement of Policy; Regulation 30-2, Applying for a Permit; Regulation 30-11, General Guidelines for All Critical Areas; and Regulation 30-13, Specific Project Standards for Beaches and the Beach/Dune System (Attachment 5-1)

Ms. Jessica Boynton, Coastal Services Section Manager, Office of Ocean and Coastal Resource Management, Environmental Affairs, presented this item to the Board.

The Office of Ocean and Coastal Resource Management (“OCRMR”) proposed Notice of Proposed Regulation amending Regulation 30-1, *Statement of Policy*; Regulation 30-2, *Applying for a Permit*; Regulation 30-11, *General Guidelines for All Critical Areas*; and Regulation 30-13, *Specific Project Standards for Beaches and the Beach/Dune System* for publication in the July 28, 2023, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Sections 48-39-10 *et seq.*, which instructs the Department to implement policies to promote the economic and social welfare of the citizens of the state while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department proposed amending Regulation 30-1, Regulation 30-2, Regulation 30-11.D, and Regulation 30-13, to provide a definition for beach preservation and clarify beach preservation standards and requirements for activities in any critical area along or adjacent to the beach. These proposed amendments also provide for a process to permit pilot projects within the beachfront critical areas.

In 2018, Act 173 amended the Beachfront Management Act to replace the state's 40-year policy of retreat with a policy of beach preservation. However, Coastal Division regulations currently lack specific guidance to effectively implement the new policy.

In 2022, the Department convened the Beach Preservation Stakeholder Workgroup ("Workgroup") to provide input and diverse perspectives on beach preservation in South Carolina. The Workgroup, composed of seventeen members representing a variety of backgrounds and constituencies, met in person seven (7) times between June and December 2022. Workgroup recommendations and notable findings are documented in a final report, published in January 2023. These recommendations and key findings were the primary basis for developing these proposed amendments. Specific meeting dates, agendas, the final report, and other information documenting the efforts of the Workgroup are publicly available on the Department website.

The Department had a Notice of Drafting published in the February 24, 2023, *State Register*. The Department received public comments from one (1) party by March 27, 2023, the close of the public comment period.

Department staff conducted an internal review of the proposed amendments on June 26, 2023.

The Office of Ocean and Coastal Resource Management requested the Board grant approval of the Notice of Proposed Regulation for publication in the July 28, 2023, *State Register*.

After discussion, **Mr. Kinney moved, seconded by Dr. Richmond, to grant approval to publish the Notice of Proposed Regulation amending Regulation 30-1, *Statement of Policy*; Regulation 30-2, *Applying for a Permit*; Regulation 30-11, *General Guidelines for All Critical Areas*; and Regulation 30-13, *Specific Project Standards for Beaches and the Beach/Dune System*, 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 by a vote of 5-1, the motion carried.**

Item 6: Appointment of Beth Smith, BSN, RN, CIC to the Hospital Infections Disclosure Act (HIDA) Advisory Committee as a replacement for Sue Boeker representing the APIC Palmetto Chapter

Dr. Abdoulaye Diedhiou, DADE Division Director, Bureau of Communicable Disease Prevention and Control, presented this item to the Board.

The Hospital Infections Disclosure Act (HIDA) Advisory Committee is a multi-disciplinary group that advises DHEC on reportable healthcare conditions in the state and public reports that provide healthcare-associated infection information to the public. Department staff requested the appointment of Beth Smith, BSN, RN, CIC as a replacement for Sue Boeker representing the APIC Palmetto Chapter. A copy of Ms. Smith's resume was provided to the Board for review. (Attachment 6-2)

After discussion, Mr. Kinney moved, seconded by Dr. Morgan, to approve the appointment of Ms. Beth Smith as a replacement for Sue Boeker representing the APIC Palmetto Chapter to the Hospital Infections Disclosure Act Advisory Committee. The Board voted and Motion carried.

Item 7: Legislative Update

Mr. Scott Jaillett, Director of Legislative Affairs, presented this item to the Board.

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

Item 8. Agency Affairs

Dr. Edward Simmer, Director, updated the Board on:

- Agency Restructuring
- Summer Safety including Safe Swimming and Hot Car Safety
- Community Gardens
- LEAP Cohort 007 Graduation

Dr. Simmer presented Employee Appreciation Coins to the following Department staff:

- Kaylin Clonch, Lowcountry Training Coordinator

Being no further business, Chairman Shrivastava-Patel adjourned the meeting.

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

Respectfully submitted,



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

Minutes approved this 10th day of August 2023.

ATTEST:



Seema Shrivastava-Patel, Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 Minutes of June 8, 2023 meeting
- 2-1 Administrative Orders and Consent Orders issued by Healthcare Quality
- 3-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 4-1 Administrative Order and Consent Orders issued by Public Health
- 5-1 Notice of Proposed Regulation amending Regulation 30-1, *Statement of Policy*; Regulation 30-2, *Applying for a Permit*; Regulation 30-11, *General Guidelines for All Critical Areas*; and Regulation 30-13, *Specific Project Standards for Beaches and the Beach/Dune System*
- 6-1 Appointment of Beth Smith, BSN, RN, CIC to the Hospital Infections Disclosure Act (HIDA) Advisory Committee as a replacement for Sue Boeker representing the APIC Palmetto Chapter