



Board:

Mark R. Elam, Chairman
Seema Shrivastava-Patel, Vice-Chair
Charles M. Joye, II, P.E., Secretary
Jim P. Creel, Jr.

J.B. (Sonny) Kinney
Richard V. Lee, Jr.
Morris E. Brown, III, MD, FAAFP
Robert R. Morgan, Jr., MD, MBA

**Minutes of the December 9, 2021, meeting of the
South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, December 9, 2021, at 11:00 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:

Jim P. Creel, Jr., 7th District
Robert Morgan, MD, 4th District
Richard V. Lee, Jr., 5th District
Morris E. Brown, III, MD, 6th District

In attendance virtually:

Seema Shrivastava-Patel, Vice-Chairwoman, 2nd District
J.B. (Sonny) Kinney, 1st District
Charles M. Joye, II, P.E., 3rd District

Not in attendance:

Mark Elam, Chairman

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

Chairman Elam was not in attendance, Vice-Chairwoman Shrivastava-Patel attended virtually, and Mr. Creel assumed the Chair to conduct the meeting. Mr. Creel 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 November 10, 2021 meeting (Attachment 1-1)

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

Item 2: Agency Affairs

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

- COVID 19;
- Flu vaccination;
- New Indy;

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

Dr. Simmer introduced the DHEC Appreciation Coin and awarded staff members Josh Laney and Leah Dorman coins in appreciation for making the coins a reality. Jade Reynolds also received a coin in appreciation for her contribution to compiling the Department's history.

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

Mr. Lee provided an update to the Board on the State Health Plan review.

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

Item 3: Administrative Orders and Consent Orders issued by Healthcare Quality (Attachment 3-1)

Ms. Bentley White, Director of Policy and Communications, Healthcare Quality, stated that for this reporting period, three (3) Consent Orders with assessed civil penalties totaling \$15,800.00 and no Administrative Orders were issued.

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

Item 4: Administrative Orders and Consent Orders issued by Environmental Affairs (Attachment 4-1)

Ms. Rebecca Sproles, Liaison, Environmental Affairs, stated that for this reporting period, sixty-four (64) Consent Orders with assessed civil penalties totaling \$122,095.00 and three (3) Administrative Order with assessed civil penalties totaling \$25,114.00 were issued.

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

Item 5: Notice of Proposed Regulation amending Regulation 61-56, Onsite Wastewater Systems

Mr. David Vaughan, Director, Division of Onsite Wastewater, Rabie Prevention, Vector Surveillance, and Enforcement, Environmental Affairs, presented this item to the Board.

The Bureau of Environmental Health Services proposed the Notice of Proposed Regulation amending R.61-56, *Onsite Wastewater Systems*, for publication in the December 24, 2021, *South Carolina State Register* ("State Register"). Legal authority resides in S.C. Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq., which enable the Department of Health and Environmental Control ("Department") to promulgate regulations related to the disposal of sewage and establish fees. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Bureau proposed amending R.61-56, *Onsite Wastewater Systems*, to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will bring clarity to the regulation and streamline permitting procedures. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the August 27, 2021, *State Register*. The Department received no public comments by the September 27, 2021, close of the public comment period.

Department staff conducted an internal review of the proposed amendment on November 29, 2021.

The Bureau requested the Board grant approval of the Notice of Proposed Regulation for publication in the December 24, 2021, *State Register*.

After discussion, **Mr. Lee moved, seconded by Dr. Morgan, to grant approval to publish the Notice of Proposed Regulation amending 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.**

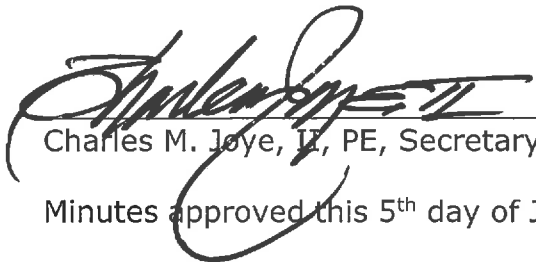
Item 6: Public Hearing and Request for Placement of Substances in Schedule III Pursuant to S.C. Code Section 44-53-160(B)

Vice-Chairman Creel, after introducing this item, advised that the item had been withdrawn from the agenda pursuant to staff's request.

Being no further business, Mr. Creel adjourned the meeting.

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

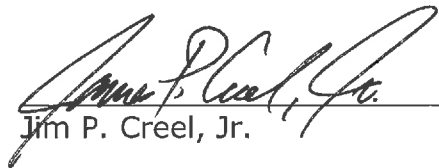
Respectfully submitted,



Charles M. Joye, II, PE, Secretary

Minutes approved this 5th day of January 2022.

ATTEST:



Jim P. Creel, Jr.

Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 Minutes of October 7, 2021 meeting
- 3-1 Administrative Orders and Consent Orders issued by Healthcare Quality
- 4-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 5-1 Notice of Proposed Regulation amending Regulation 61-56, *Onsite Wastewater Systems*