



Board:

Mark R. Elam, Chairman	Seema Shrivastava-Patel
Jim P. Creel, Jr., Vice-Chairman	Richard V. Lee, Jr.
Charles M. Joye, II, P.E., Secretary	Morris E. Brown, III, MD, FAAFP
J.B. (Sonny) Kinney	Robert R. Morgan, Jr., MD, MBA

**Minutes of the June 10, 2021, meeting of the
South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, June 10, 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 virtually:

Mark Elam, Chairman
J.B. (Sonny) Kinney, 1st District
Jim P. Creel, Jr., Vice-Chairman, 7th District
Charles M. Joye, II, P.E., 3rd District
Robert Morgan, MD, 4th District
Morris E. Brown, III, MD, 6th District

In attendance by telephone:
Richard V. Lee, Jr., 5th District

Not in attendance:
Seema Shrivastava-Patel, 2nd District

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

Chairman Elam 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 May 13, 2021 meeting (Attachment 1-1)

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

Item 2: Agency Affairs

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

- Staff hours worked on COVID 19 response;
- COVID 19 emergency orders;
- COVID 19 vaccination;
- New Indy;
- Nursing home visitation reporting;
- Hurricane Preparation;
- Hurricane Response;

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, two (2) Consent Order with assessed civil penalties totaling \$7,500.00, fifty (50) Notices of Violation and Civil Penalty totaling \$19,950.00 in assessed civil penalties, 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, eleven (11) Consent Orders with assessed civil penalties totaling \$47,980.00 and ten (10) Administrative Order with assessed civil penalties totaling \$65,461.00 have been issued.

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

Item 5: Public Hearing for Proposed Designation of Santee-Lynches Capacity Use Area for Chesterfield, Clarendon, Kershaw, Lee, Richland, and Sumter Counties: S.C. Code of Laws, Title 49, Chapter 5, Groundwater Use and Reporting Act

Mr. Alex Butler, Manager, Water Quality Permitting, Underground Injection Control, presented this item to the Board.

Pursuant to S.C. Code Section 49-5-60(A), the Board of the Department of Health and Environmental Control (Department) is directed to designate Capacity Use Areas where excessive groundwater withdrawal presents potential adverse effects to the natural resources or poses a threat to public health, safety, or economic welfare or where conditions pose a significant threat to the long-term integrity of a groundwater source.

49-5-60 (A) states: "In the State where excessive groundwater withdrawal presents potential adverse effects to the natural resources or poses a threat to public health, safety, or economic welfare or where conditions pose a significant threat to the long-term integrity of a groundwater source, including salt water intrusion, the board, after notice and public hearing, in accordance with the Administrative Procedures Act, shall designate a capacity use area. The department, local government authorities, other government agencies, or groundwater withdrawers may initiate the capacity use area designation process. The notice and public hearing must be conducted such that local government authorities, groundwater withdrawers, or the general public may provide comments concerning the capacity use area designation process. A capacity use area must be designated by the board based on scientific studies and evaluation of groundwater resources and may or may not conform to political boundaries."

The Department proposed to designate Chesterfield, Clarendon, Kershaw, Lee, Richland, and Sumter Counties as the Santee-Lynches Capacity Use Area (SLCUA). The Department completed an initial assessment of the groundwater conditions in the area and determined that there is a risk to public health, safety and economic welfare from excessive groundwater withdrawal. Additionally, because large portions of the recharge areas for the primary aquifers of the coastal plain exist in the SLCUA, failure to manage groundwater withdrawals pose a significant long-term threat to the long-term integrity of the groundwater source.

The Department engaged with stakeholders to receive feedback on the proposed SLCUA. Two virtual public meetings were held on January 5, 2021 and January 12, 2021. Additionally, the meetings were recorded and placed on the Department website for public viewing.

A Notice of General Public Interest was published in the State Register on March 26, 2021.

Department staff requested the Board designate Chesterfield, Clarendon, Kershaw, Lee, Richland, and Sumter Counties as the Santee-Lynches Capacity Use Area.

Mr. Kinney made a motion that the Board go into Executive Session pursuant to SC Code Section 30-4-70(A)(1) and (A)(2) to obtain legal advice related to the pending decision. Mr. Creel seconded the motion and the motion carried unanimously.

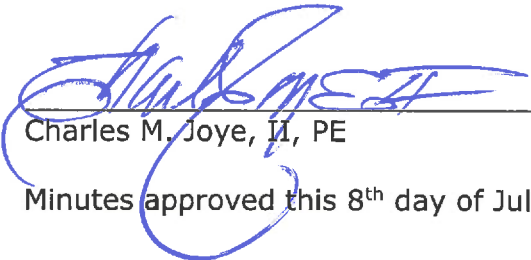
Chairman Elam stated the Board was back in public session and while in Executive Session no actions were taken.

After discussion, Mr. Kinney moved, seconded by Mr. Joye, that the Board close the verbal comment period of this hearing; carry over the public hearing to the next scheduled Board meeting; and open a two-week period, beginning at the conclusion of the public hearing, during which staff may receive written comments regarding the proposed designation of Santee-Lynches as a capacity use area. The Board voted and Motion carried.

Being no further business, Chairman Elam adjourned the meeting.

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

Respectfully submitted,



Charles M. Joye, II, PE

Minutes approved this 8th day of July 2021.

ATTEST:



Mark R. Elam, Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 Minutes of May 13, 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 Public Hearing for Proposed Designation of Santee-Lynches Capacity Use Area for Chesterfield, Clarendon, Kershaw, Lee, Richland, and Sumter Counties: S.C. Code of Laws, Title 49, Chapter 5, Groundwater Use and Reporting Act
- 5-2 Public Hearing Sign Up Sheet
- 5-3 Verbatim transcript of public hearing