



Robert Bolchoz, Chairman
Seema Shrivastava-Patel, Vice-Chair
Charles M. Joye, II, P.E., Secretary
Jim P. Creel, Jr.

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

Minutes of the September 8, 2022, meeting of the South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Thursday, September 8, 2022, 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:

Robert Bolchoz, Chairman
Seema Shrivastava-Patel, Vice-Chairwoman, 2nd District
J.B. (Sonny) Kinney, 1st District
Robert Morgan, MD, 4th District
Richard V. Lee, Jr., 5th District
Morris E. Brown, III, MD, 6th District

In attendance virtually:
Charles M. Joye, II, P.E., 3rd District
Jim P. Creel, Jr., 7th District

Also, in attendance were Dr. Edward Simmer, Director; John Harleston, Acting Board Counsel; William D. Britt, Jr., Acting Board Counsel; M. Denise Crawford, Clerk; Department staff; and members of the public. The meeting was also available via Livestream. (Attachment 0-2)

Chairman Bolchoz 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 11, 2022 meeting (Attachment 1-1)

Mr. Kinney moved, seconded by Mr. Lee, 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. Bentley White, Director of Policy and Communications, Healthcare Quality, stated that for this reporting period, two (2) Administrative Orders and six (6) Consent Orders totaling \$31,500.00 were issued.

Mr. Lee inquired about how many residents had to be relocated in the Hannah Residential Manor. Ms. White responded that eight (8) residents were relocated. Mr. Kinney followed up by asking about the size of the facility and it was stated that the residents were in a smaller building at a larger facility.

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, forty-two (42) Consent Orders with assessed civil penalties totaling \$102,650.00 and thirteen (13) Administrative Orders with assessed civil penalties totaling \$120,518.25 were issued.

Mr. Lee noted the violation by MUSC Health Florence Medical Center and stated that he recalled they had similar violations from the MUSC hospital chain in the past. He suggested to staff that MUSC may want to conduct a system wide review to see if there is consistency from unit to unit on how they are handling these matters to avoid having future problems.

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

Item 4: Request for a nine-month Board Extension of Certificate of Need (CON) SC-19-82, issued to Lowcountry Rehabilitation Hospital, for the construction for the establishment of a 33-bed rehabilitation hospital in Berkeley County (Attachment 4-1)

Mr. David Fiorini, Senior Consultant, Certificate of Need Program, Healthcare Quality, presented this item to the Board.

Certificate of Need (CON) SC-19-82 was issued to Lowcountry Rehabilitation Hospital (LRH) on July 19, 2019, for construction for the establishment of a thirty-three (33) bed freestanding rehabilitation hospital in Berkeley County. The original CON had an expiration date of July 19, 2020.

LRH requested a first staff extension of the CON on April 20, 2020, which was more than 30 days prior to expiration. In the same letter, LRH requested an amendment to the project including prepared schematics by the architect. LRH received CON SC-19-82-EXT-1 on July 19, 2020, and it was valid until April 19, 2021, a period of nine (9) months from original expiration of the CON. On August 19, 2020, the Department received a letter from LRH withdrawing the amendment request described in its letter dated April 20, 2020. On October 23, 2020, the Department received a fifth (5th) quarterly report concurrent from LRH with a request to amend the CON. The amendment request included new prepared schematics and furnished a project description with an updated cost estimate and project timeline.

LRH requested a second staff extension of the CON on March 5, 2021, which was 30 days prior to expiration. The Department issued a second staff extension CON SC-19-82-EXT-2 to LRH on

July 13, 2021, and it was valid until January 19, 2022. Additionally, the Department communicated to LRH via email on July 13, 2021, that the Department has determined the amendment proposed in the letter dated October 23, 2020, is not a substantial amendment to the project and does not constitute a new project. On October 18, 2021, LRH submitted a third extension request to the Department, which was 90 days prior to expiration. On January 5, 2022, the Board approved a third extension request.

In accordance with Regulation 61-15, *Certification of Need for Health Facilities and Services*, Section 601, LRH submitted a fourth extension request to the Department on July 18, 2022, which was 90 days prior to expiration.

Department staff reviewed all relevant information concerning this fourth extension request and found that circumstances beyond the control of LRH contributed to the need for further extension of CON SC-19-82. Specifically, LRH referenced delays as a result of schematic re-design as the primary driver of the request for extension. LRH provided in its extension request an updated timeline for the project, which Department staff believe is achievable given the significant expertise and resources available to LRH. In addition, with the new schematic re-design, LRH will have an estimated square footage of approximately half of the proposed square footage. Department staff expected that subsequent extensions by the Board may be unnecessary given LRH's timeline showing execution of a construction contract for the Project on or about April 2023. This contract satisfied the requirement for implementation of the Project under R. 61-15 and will render moot the need for further extension of CON SC-19-82.

Department staff recommended the Board find that Lowcountry Rehabilitation Hospital had demonstrated extenuating circumstances beyond its control which have prevented the Project from advancing, the Project is likely to be implemented during the period of extension, and a 9-month extension of CON SC-19-82 be granted.

Chairman Bolchoz asked about the extenuating circumstances for the previous extensions and the current extension request. Mr. Fiorini responded that COVID mostly, but also a redesign. Chairman Bolchoz followed up by asking if they changed the information that was part of the original application should we be able to rely on that. Mr. Fiorini replied that often there are changes to these applications and the Department does allow for that. Chairman Bolchoz asked if those changes often result in extensions. Mr. Fiorini stated that often it does, but usually only one or two, which are handled by staff. Chairman Bolchoz noted that a lot has changed in the area since the CON was issued in 2018.

Mr. Kinney asked if a fourth extension was uncommon. Mr. Fiorini replied that a fourth extension was uncommon. Mr. Kinney went on to ask if there was opposition to the extension and if there were any competing CONs. Mr. Fiorini stated that there are no competing CONs, but there was another applicant at the time of the original application, East Cooper, but it was determined they were not competing because they both fit the need. Mr. Kinney asked if the East Cooper project was completed and Mr. Fiorini stated they were moving forward and that it often takes several years for these projects to be fully constructed and once they have a construction contract, they no longer need to request an extension. Mr. Kinney asked about the locations of the two projects.

Troy Powell, Vice President of Roper St. Francis Healthcare, replied that it was Berkeley County and Mount Pleasant. Mr. Powell went on to state that originally the project was a joint venture between Roper St. Francis and Medical University of South Carolina, but MUSC withdrew from the project and that also contributed to the need for an extension.

Mr. Lee stated that he is concerned that a need was identified four (4) years ago and we haven't been able to support the needs of a single customer. He pointed out that Trident, also from that area, had also received two (2) extensions from the Board. He went on to say that he really doesn't understand why it has taken so long to get to this point, but also if the extension is not granted, it will further delay meeting the needs in that area.

Dr. Simmer suggested to the Board that if they decide to grant the extension, they make it clear that this extension would be the last.

Chairman Bolchoz noted that a letter was received from Nelson Mullins and a copy was provided to staff and the applicant. He stated the Board would hear from Travis Dayhuff from Nelson Mullins. Mr. Dayhuff stated he represented MUSC Health and appreciates staff working with Lowcountry but opposes this extension because Roper has held these beds since 2018 and has not started construction. He further stated that he does not believe substantial progress has been made and this request should be denied.

Chairman Bolchoz stated that after so much time, he doesn't think the CON is based on pertinent information. Mr. Lee added that speaking on behalf of the State Health Planning Committee, applications are often delayed due to litigation.

Ms. Shrivastava-Patel asked Mr. Fiorini how long, from start to finish, an average CON takes. He replied that from application to construction would be about six and a half years and this project would meet that timeline. Ms. Shrivastava-Patel followed up and asked if the average included two (2) Board extensions. Mr. Fiorini stated he did not have that data.

Jennifer Hollingworth, an attorney with Nexsen Pruet representing Roper St. Francis, added that the second staff extension was actually as a result of COVID. Staff was slower to respond due to the Department's COVID response. It took nine (9) months for staff to make a decision about a modification to the application.

Mr. Lee inquired about the legal standard for the extension. Chairman Bolchoz stated the Marshall Taylor, General Counsel, was not present. He recognized Acting Board Counsel William Britt and asked if he could provide that information. Mr. Britt stated he was a public health attorney and could not answer the question. The Chairman then asked the attorneys for Roper and MUSC to answer that question. Mr. Dayhuff stated that the criteria for extension was that they must demonstrate substantial progress and that delays were outside of their control, and that is found in DHEC Regulation 61-16. Ms. Hollingsworth added that this information is also outlined in the information staff provided to the Board.

Vito Wicevic, CON attorney for the Department, stated that Section 601.4 states that the Board may grant further extensions of the CON of up to nine (9) months if it determines that substantial progress has been made and Section 603 explains what substantial progress is and provides the criteria.

Dr. Morris asked how this extension differed from the Trident application. Mr. Wicevic replied that Trident was delayed due to a wetland issue. Mr. Kinney added that equipment was on site and Mr. Lee further added that finding an exchange was a problem.

Mr. Kinney made a motion that the Board go into Executive Session pursuant to SC Code Section 30-4-70 for legal advice concerning the CON extension. Mr. Kinney seconded the motion and the motion carried unanimously.

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

Chairman Bolchoz also acknowledged for the record that Dr. Morgan was late arriving and that he wished to recuse himself from the vote.

After further discussion, **Mr. Lee moved, seconded by Ms. Shrivastava-Patel, to find that Lowcountry Rehabilitation Hospital has demonstrated substantial progress on this project and approve the extension request for CON SC-19-82 issued to Lowcountry Rehabilitation Hospital on July 19, 2019, with the caveat that this is the last extension. The Board voted and the motion carried by a vote of 7-1.**

Item 5: Notice of Proposed Regulation amending Regulation 61-15, Certification of Need for Health Facilities and Services (Attachment 6-1)

Mr. Creel stated for the record that his sister had, within the last sixty (60), days joined the Board of Directors for Grand Strand Medical Center. Mark Sims, the CEO, had provided comments on this matter. He further stated that it had no bearing on his ability to vote and make decisions but wanted to bring it to the Board's attention out of transparency and integrity.

Dr. Morgan stated that his employer also had a comment submitted in this matter and he would recuse himself.

Mr. David Fiorini, Senior Consultant, Certificate of Need Program, Healthcare Quality, presented this item to the Board.

The Bureau of Planning and Construction proposed the Notice of Proposed Regulation amending Regulation 61-15, *Certification of Need for Health Facilities and Services*, for publication in the September 23, 2022, *South Carolina State Register* ("State Register"). Legal authority resides in S.C. Code Sections 44-7-110 et seq., which requires the Department to adopt substantive and procedural regulations considered necessary by the Department and approved by the Board to carry

out the Department's Certificate of Need duties. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

Regulation 61-15, *Certification of Need for Health Facilities and Services*, provides substantive and procedural regulations necessary to carry out the Department's Certificate of Need duties. The Department proposed amending Regulation 61-15 for consistency with statutory requirements, to establish an electronic application process, to revise the application format and additional information required for the application process, and to update exemption and non-applicability determination processes. The Department also proposed adding, removing, and modifying definitions contained within the regulation. The Department may update language and processes related to public hearings on Certificate of Need applications, the application and review process and related notifications, voidance and extension procedures, and periodic and final reporting requirements regarding issued Certificates of Need. The amendments may also revise the project review criteria and the monetary thresholds that trigger a Certificate of Need review. The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Department had a Notice of Drafting published in the June 24, 2022, *State Register*. The Department received public comments from 18 parties by the July 25, 2022, close of the public comment period.

Department staff conducted a virtual stakeholder meeting on July 20, 2022, to receive comments on the current regulation. More than 70 internal and external participants attended the meeting.

Department staff conducted an internal review of the proposed amendments on August 18, 2022.

The Bureau of Planning and Construction requested the Board grant approval of the attached Notice of Proposed Regulation for publication in the September 23, 2022, *State Register*.

After discussion, **Mr. Lee moved, seconded by Mr. Kinney, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-15, *Certification of Need for Health Facilities and Services*, in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow for staff to proceed with a public hearing before the Board. The Board voted and the motion carried.**

Item 6: Notice of Proposed Regulation amending Regulation 61-64, X-rays (Title B)
(Attachment 6-1)

Ms. Chrissy Chavis, Director, Division of Electronic Products, Bureau of Radiological Health, presented this item to the Board.

The Bureau of Radiological Health proposed the Notice of Proposed Regulation amending Regulation 61-64, *X-rays (Title B)*, for publication in the September 23, 2022, *South Carolina State Register* ("State Register"). Legal authority resides in S.C. Code Sections 13-7-40 et seq., which requires the Department to promulgate, amend, and repeal regulations relating to the control

of ionizing and nonionizing radiation, the qualifications of operators applying ionizing or nonionizing radiation to humans, and registration of radiation sources or devices or equipment utilizing these sources. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

Pursuant to S.C. Code Sections 13-7-40 et seq., the Department promulgates, amends, and repeals regulations relating to the control of ionizing and nonionizing radiation, the qualifications of operators applying ionizing or nonionizing radiation to humans, and registration of radiation sources or devices or equipment utilizing these sources. The Department proposed comprehensive amendment to Regulation 61-64, *X-Rays (Title B)*. General areas of this revision include, but are not limited to, clarifying and simplifying the regulation, adding new definitions as required, deleting requirements that are no longer applicable, and ensuring the regulation is in alignment with the current statute. The Department may also amend requirements regarding registration, inspections, violations, enforcement, equipment, and mammography. The proposed amendments will also update vendor classes, add requirements for personnel security screening systems using x-ray, and clarify, organize, and update the Radiation Safety Officer requirements. The Department may also include changes such as corrections for readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Department had a Notice of Drafting published in the February 25, 2022, *State Register*. The Department received public comments from fourteen (14) parties by the March 28, 2022, close of the public comment period.

Healthcare Quality held a virtual stakeholder meeting on March 16, 2022. Staff considered stakeholder feedback in formulating the proposed amendments herein.

Department staff conducted an internal review of the proposed amendments on July 13, 2022.

The Technical Advisory Radiation Control Council currently has no active members, however, organizations with designated representation on the council will be contacted directly with information on how to participate in this regulation promulgation process.

The Bureau of Radiological Health requested the Board grant approval of the Notice of Proposed Regulation for publication in the September 23, 2022, *State Register*.

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

Item 7: Notice of Proposed Regulation Amending Regulation 61-62, *Air Pollution Control Regulations and Standards (Exempt from General Assembly review)* (Attachment 7-1)

Ms. Mary Peyton Wall, Section Manager, Air Regulation, Data Analysis, and SIP Management, Environmental Affairs, presented this item to the Board.

The Bureau of Air Quality (Bureau) proposed the Notice of Proposed Regulation amending Regulation 61-62, *Air Pollution Control Regulations and Standards*, for publication in the September 23, 2022, *South Carolina State Register (State Register)*. Legal authority for these amendments resides in the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 *et seq.* (Pollution Control Act), which authorizes the Department to adopt emission control regulations, standards, and limitations, and take all actions necessary or appropriate to secure to the state the benefits of federal air pollution control laws. The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department promulgates these amendments for compliance with federal air pollution control laws.

Pursuant to the Pollution Control Act and the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 60 and 63 include revisions to New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

The Department proposed amending Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, and Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate by reference federal amendments promulgated from January 1, 2021, through December 31, 2021.

The Department proposed amending Regulation 61-62.70, *Title V Operating Permit Program*, to correct an error in an earlier amendment as required by the EPA to maintain compliance with federal law.

The Department also proposed other changes to Regulation 61-62, *Air Pollution Control Regulations and Standards*, as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of Regulation 61-62.

The Department had a Notice of Drafting published in the June 24, 2022, *State Register*. The Bureau also had the Notice of Drafting published on the Department's Regulatory Information website in the *DHEC Monthly Regulation Development Update*. The Bureau sent a copy of the Notice of Drafting to interested stakeholders *via* Department email list on June 27, 2022. The Department received no public comments by the July 25, 2022, close of the public comment period.

Department staff conducted an internal review of the proposed amendments on July 12, 2022.

South Carolina industries are already subject to national air quality standards and NSPS, NESHAP, and Title V requirements as a matter of federal law. The Department must incorporate amendments to the federal regulations because the EPA has delegated South Carolina authority for implementation and enforcement of these federal regulations. Thus, there will be no increased cost to the state or its political subdivisions resulting from adoption of these federal amendments beyond those mandated by federal law. South Carolina is already reaping the environmental benefits of these amendments.

In accordance with S.C. Code Section 1-23-120(H)(1), legislative review is not required because the Department proposed promulgating the amendments to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement is required.

The Bureau of Air Quality requested the Board grant approval of the Notice of Proposed Regulation for publication in the September 23, 2022, *State Register*.

After discussion, **Dr. Morgan moved, seconded by Mr. Lee, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-62, *Air Pollution Control Regulations and Standards (Exempt from General Assembly review)*, in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow for staff to proceed with a public hearing before the Board. The Board voted and the motion carried.**

Item 8: Notice of Proposed Regulation Amending Regulation 61-58, *State Primary Drinking Water Regulations (Exempt from General Assembly review)* (Attachment 8-1)

Mr. Doug Kinard, Director, Drinking Water and Recreational Waters Protection Division, Environmental Affairs, presented this item to the Board.

The Bureau of Water proposed the Notice of Proposed Regulation amending Regulation 61-58, State Primary Drinking Water Regulations, for publication in the September 23, 2022, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Sections 44-55-10 et seq., known as the State Safe Drinking Water Act, and which directs the Department of Health and Environmental Control (“Department”) to promulgate regulations governing the design, construction, operation, and maintenance of public water systems in the state. The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposed these amendments for compliance with federal law.

Regulation 61-58 through R.61-58.17 are collectively known as the State Primary Drinking Water Regulations. These regulations set design, construction, operation, maintenance, and water quality standards for public water systems in the state. The Department proposed amending Regulation 61-58 to adopt federal regulations commonly referred to as the Lead and Copper Rule Revisions,

which were promulgated by the United States Environmental Protection Agency (“EPA”) in a final rule published in the *Federal Register* on January 15, 2021 (86 FR 4198). These amendments include new and/or revised requirements for lead service line inventories, public education and outreach, and testing for lead in drinking water at schools and childcare facilities.

The Department had a Notice of Drafting published in the March 25, 2022, *State Register*. The Department did not receive any public comments during the public comment period that closed on April 25, 2022.

On March 31, 2022, Department staff sent an email notification to all public water systems subject to these amendments outlining the requirements of the amendments and other pertinent information along with an attached copy of the Notice of Drafting.

Department staff conducted an internal review of the proposed amendments August 17, 2022.

The Bureau of Water requested the Board to grant approval of the Notice of Proposed Regulation for publication in the September 23, 2022, *State Register*.

Mr. Lee asked what the childcare facilities would have to do that is different from what they do now under this proposed change. Mr. Kinard replied that it isn’t on the childcare facilities, but on the public works system.

After discussion, **Ms. Shrivastava-Patel moved, seconded by Mr. Lee, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-58, *State Primary Drinking Water Regulations (Exempt from General Assembly Review)*, in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow for staff to proceed with a public hearing before the Board. The Board voted and the motion carried.**

Item 9: Notice of Proposed Regulation Amending Regulation 61-9, *Water Pollution Control Permits (Exempt from General Assembly review)* (Attachment 9-1)

Rob Devlin, Assistant Bureau Chief, Bureau of Water, Environmental Affairs, presented this item to the Board.

The Bureau of Water “Bureau” proposed the Notice of Proposed Regulation amending Regulation 61-9, *Water Pollution Control Permits*, for publication in the September 23, 2022, *South Carolina State Register* “*State Register*”. Legal authority resides in the South Carolina Pollution Control Act, S.C. Code Ann. 48-1-10 et seq., which authorizes the Department of Health and Environmental Control “Department”) to establish programs to regulate discharges from point sources, including concentrated animal feeding operations. The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts this amendment from General Assembly review, as the Department proposed amendment for compliance with federal law.

Regulation 61-9.122.23, Concentrated Animal Feeding Operations (CAFOs), provides the definition of a CAFO and provides the National Discharge Pollution Elimination System (NPDES) permitting requirements for CAFOs. The Department proposed amending Regulation 61-9.12 2.23 to maintain consistency with the current federal regulation in Title 40, Part 122 of the Code of Federal Regulations (40 CFR Part 122), Subpart B, Section 23, *Concentrated animal feeding operations*.

The Department had a Notice of Drafting published in the July 22, 2022, *State Register*. The Department received public comments from one group on behalf of several groups by the August 22, 2022, close of the public comment period.

The Bureau provided notice to interested parties via an email list on July 22, 2022.

Department staff conducted an internal review of the proposed amendments on August 4, 2022.

The Bureau requested the Board to grant approval of the Notice of Proposed Regulation for publication in the September 23, 2022, *State Register*.

Chairman Bolchoz asked about the media coverage related to this proposed regulation. Mr. Devlin stated that there was an ongoing court case but provided general information on the issue. Chairman Bolchoz went on to ask if we were currently regulating this matter. Ann Clark, Assistant Bureau Chief for the Bureau of Water, replied that the Department was, but felt there was some confusion about the program. She stated that it was a goal of the program to educate the environmental groups about the program during the stakeholder meetings if the Board grants approval to publish the Notice of Proposed Regulation.

After discussion, Mr. Kinney moved, seconded by Ms. Shrivastava-Patel, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-9, *Water Pollution Control Permits (Exempt from General Assembly Review)*, in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow for staff to proceed with a public hearing before the Board. The Board voted and the motion carried.

Item 10: Improvements to DHEC Organization

Dr. Edward Simmer, Director, presented this item to the Board.

Dr. Simmer provide an update on the Department's Strategic Plan and provided an overview of the proposed organizational changes to improve the function of the agency and the services we provide to the public.

Chairman Bolchoz asked for a breakdown of staff by area. Darbi McPhail, Chief Finance and Operations Officer, provide the information.

Chairman asked about the amount of support or administrative staff at the agency. Ms. McPhail did not have the information at hand but will provide it to Chairman Bolchoz at a later date.

Mr. Lee asked if any environmental offices would close with the change in the number of regions. Dr. Simmer replied no, they would remain, but the change would consolidate some functions.

Mr. Kinney asked if environmental justice is actually environmental equality. Dr. Simmer replied that it was or maybe environmental support, but the term environmental justice is the name that has been applied to it by the EPA.

Mr. Lee asked if the Inclusion Officer was going to be involved in Human Resources decisions or other activities that would not be an outreach. Dr. Simmer replied that the agency has an Equal Employment Opportunity Officer and Human Resources has primary responsibility in that area. The Inclusion Officer may have a role in bringing groups within DHEC to work with outside groups.

After discussion, **Mr. Lee moved, seconded by Dr. Brown, to grant approval to the Director's proposed reorganization contingent upon, during the next two weeks, meeting with the various groups that the Chairman would designate and after meeting with them and exchanging the full information, that the Director certify (Attachment 10-1) that's finished, and the program is approved. The Board voted and the motion carried.**

Item 11: Agency Affairs

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

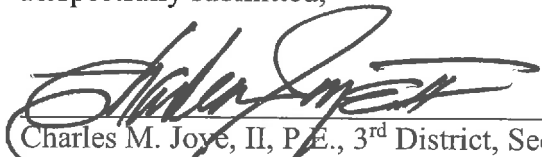
- COVID 19
- Monkeypox update

Dr. Simmer presented Employee Appreciation Coins to Terri McCollister and Jorge Gomez.

Being no further business, Chairman Bolchoz adjourned the meeting.

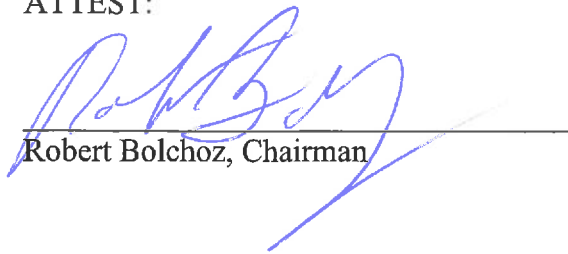
All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,


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

Minutes approved this 10th day of November 2022.

ATTEST:



Robert Bolchoz, Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 Minutes of August 11, 2022 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 Request for a nine-month Board Extension of Certificate of Need (CON) SC-19-82, issued to Lowcountry Rehabilitation Hospital, for the construction for the establishment of a 33-bed rehabilitation hospital in Berkeley County
- 5-1 Notice of Proposed Regulation amending Regulation 61-15, *Certification of Need for Health Facilities and Services*
- 6-1 Notice of Proposed Regulation amending Regulation 61-64, *X-rays (Title B)*
- 7-1 Notice of Proposed Regulation Amending Regulation 61-62, *Air Pollution Control Regulations and Standards* (Exempt from General Assembly review)
- 8-1 Notice of Proposed Regulation Amending Regulation 61-58, *State Primary Drinking Water Regulations* (Exempt from General Assembly review)
- 9-1 Notice of Proposed Regulation Amending Regulation 61-9, *Water Pollution Control Permits* (Exempt from General Assembly review)
- 10-1 Improvements to DHEC Organization
- 10-2 Certification