



Mark Elam, Chairman
Richard (Rick) Toomey, DHA, FACHE
Seema Shrivastava-Patel

Board:
Charles M. Joye II, P.E.
David W. Gillespie, MD
Jim Creel, Jr.

Minutes of the June 7, 2018, meeting of the South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Thursday, June 7, 2018, at 10:00 a.m. in the Board Room 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:

Mark Elam, Chairman
Richard Toomey, DHA, FACHE, 1st District
Seema Shrivastava-Patel, 2nd District
Charles M. Joye, II, P.E., 3rd District
David W. Gillespie, MD, 6th District
Jim Creel, Jr., 7th District

4th and 5th Congressional District seats are currently vacant.

Also in attendance were David E. Wilson, Acting Director; W. Marshall Taylor, Legal Counsel; Lisa Lucas Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

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 the May 9, 2018, meeting (Attachment 1-1)

Mr. Joye moved, seconded by Dr. Gillespie, to approve the minutes of the May 9 meeting as presented. The Board voted and Motion carried.

Item 2: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (Attachment 2-1)

Mr. Thomas Bowen, Senior Consultant, Health Regulation Policy and Communications, stated for this reporting period two (2) Consent Orders had been issued with assessed penalties of \$1,500.

The Board accepted this item as information.

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

Ms. Myra Reese, Deputy Director for Environmental Affairs, stated for this reporting period two (2) Administrative Orders and seventy-six (76) Consent Orders had been issued with total penalties of \$153,669.

The Board accepted this item as information.

Item 4: Notice of Proposed Regulation Amending Regulation 61-62, Air Pollution Control Regulations and Standards, Review by General Assembly is not required (Attachment 4-2)

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

The South Carolina Pollution Control Act, 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 Department proposes this amendment for compliance with federal air pollution control laws.

Pursuant to the Pollution Control Act, and the federal Clean Air Act, 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.

The United States Environmental Protection Agency promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments to 40 CFR Parts 60, 61, and 63 include revisions to New Source Performance Standards (NSPS) mandated by 42 U.S.C. Section 7411; federal National Emission Standards for Hazardous Air Pollutants (NESHAP) mandated by 42 U.S.C. Section 7412; and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C. Section 7412.

The Department proposed to amend Regulation 61-62 as follows:

- Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP); and Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to adopt the federal amendments to these standards promulgated from January 1, 2017, through December 31, 2017;
- Regulation 61-62.68, Chemical Accident Prevention Provisions, which include corrections for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary;
- Regulation 61-62.70, Title V Operating Permit Program, by striking paragraph (a)(6) of Section 70.3, Applicability, to maintain state compliance with federal regulations.
- Regulation 61-62.96, Nitrogen Oxides (NOX) and Sulfur Dioxide (SO₂) Budget Trading Program, is based on the federal Clean Air Interstate Rule (CAIR). CAIR has been replaced by the federal Cross-State Air Pollution Rule (CSAPR) Trading Program, adopted by the Department as Regulation 61-62.97 on August 25, 2017. As a result, federal CAIR requirements implemented by Regulation 61-62.96 have sunsetted and are no longer in effect. The Department, therefore, proposes repealing Regulation 61-62.96 in its entirety;
- other changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

Dr. Gillespie moved, seconded by Mr. Creel, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-62, Air Pollution Control Regulations and Standards, 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: Notice of Proposed Regulation Amending Regulation 61-62, Air Pollution Control Regulations and Standard, Review by General Assembly is required (Attachment 5-2)

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

The South Carolina Pollution Control Act 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. General Assembly review is required.

Pursuant to the Federal Clean Air Act ("CAA) and the South Carolina Pollution Control Act, the Department proposed amending South Carolina Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP, as follows:

- R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to expand and improve consistency in language regarding general and registration permits;
- The introductory paragraph to R.61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove the sentence describing the test method for Gaseous Fluorides to improve the accuracy and clarity of the regulation's text;
- R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NOX), to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling;
- R.61-62.5, Standard No. 7, Prevention of Significant Deterioration, to update applicability and exemptions, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling;
- R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to improve the overall clarity and structure of the regulation, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling;
- R.61-62.1, Definitions and General Requirements; R.61-62.5, Standard No. 7, Prevention of Significant Deterioration; R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); and R.61-62.70, Title V Operating Permit Program, to update public participation procedures;
- R.61-62, Air Pollution Control Regulations and Standards, including definitional updates, clarification of certain permitting provisions, and other changes and additions deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R.61-62 as necessary.

Mr. Creel moved, seconded by Ms. Shrivastava-Patel, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-62, Air Pollution Control Regulations and Standards, 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: Agency Affairs

Acting Director Wilson reported on the following:

- Semi-annual ELT Retreat for review of strategic plan and goals,
- Agency preparations for hurricane season,
- June is Dam Awareness Month,
- Health facilities evacuation exercise,
- Donation by Samsung to Harvest Hope for food to Special Needs Medical Shelters.

The Board accepted this item as information.

Item 7: Election of Vice-Chairman

Chairman Elam asked for nominations of Board Members to serve as Vice-Chairman.

Mr. Joye nominated, seconded by Ms. Shrivastava-Patel, David Gillespie to serve as Vice-Chairman of the Board. There being no other nominations of Board members, the Board voted and Dr. Gillespie was elected to serve as Vice Chairman.

Item 8: Election of Secretary

Chairman Elam asked for nominations of Board Members to serve as Secretary.

Dr. Gillespie nominated, seconded by Ms. Shrivastava-Patel, Chuck Joye to serve as Secretary of the Board. There being no other nominations of Board Members, the Board voted and Mr. Joye was elected as Secretary.

Item 9: Appointment of Board Representative to SC Health Planning Committee

Mr. Elam announced that David Gillespie was the Board representative to the S.C. Health Planning Committee.

Chairman Elam asked for a Motion to go into Executive Session to discuss a personnel matter.

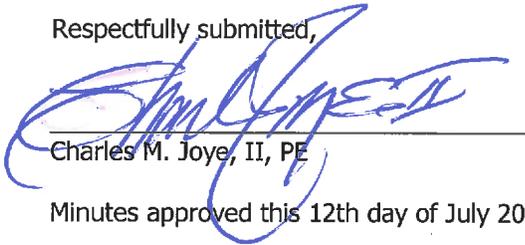
Mr. Creel moved, seconded by Mr. Toomey to go into Executive Session to discuss a personnel issue. The Board voted and Motion carried.

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

Being no further business, the meeting adjourned.

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

Respectfully submitted,



Charles M. Joye, II, PE

Minutes approved this 12th day of July 2018.

ATTEST:



Mark Elam, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 Minutes of May 9, 2018 meeting
- 2-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 3-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 4-1 Notice of Proposed Regulation Amending Regulation 61-62, Air Pollution Control Regulations and Standards, Review by General Assembly is not required
- 5-1 Notice of Proposed Regulation Amending Regulation 61-62, Air Pollution Control Regulations and Standards, Review by General Assembly is required