



Board:

Robert Bolchoz, 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 February 10, 2022, meeting of the
South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met virtually on Thursday, February 10, 2022, 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:

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
Jim P. Creel, Jr., 7th District

Not in attendance:

Mark Elam, Chairman
Charles M. Joye, II, P.E., 3rd District

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.

Vice Chairwoman 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 January 5, 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: Minutes of January 13, 2022 meeting (Attachment 2-1)

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

Item 3: Agency Affairs

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

- COVID 19;
- COVID Guidance to schools;
- 2022-2023 Budget;
- Status of Mr. Bolchoz's confirmation as new Board Chairman;
- New testing protocols.

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

Dr. Simmer introduced Kacey Schmitt, the Director of Social Work. Ms. Schmitt provided information on the Suicide Prevention Champion award the Department received.

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

Dr. Simmer presented Ms. Schmitt with a DHEC Appreciation Coin in appreciation for her contribution to the agency.

Dr. Simmer presented DHEC Appreciation Coins to staff members Kasey Volpe, Director of the agency's Wisewoman Program and Gabe Crawford, Graphic Designer, in appreciation for their work on the Wisewoman booklet. The Wisewoman booklet received statewide recognition and was named the December 2021 featured state document by the South Carolina State Library.

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

Item 4: Administrative Orders and Consent Orders issued by Healthcare Quality (Attachment 4-1)

Ms. Bentley White, Director of Policy and Communications, Healthcare Quality, stated that for this reporting period, five (5) Consent Orders with assessed civil penalties totaling \$18,100.00 and no Administrative Orders were issued.

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

Item 5: Administrative Orders and Consent Orders issued by Environmental Affairs (Attachment 5-1)

Ms. Rebecca Sproles, Liaison, Environmental Affairs, stated that for this reporting period, Forty-six (46) Consent Orders with assessed civil penalties totaling \$173,060.00 and one (1) Administrative Order with assessed civil penalties totaling \$1,410.00 were issued.

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

Item 6: Public Hearing and Request for Final Approval, Proposed Amendment of Regulation 61-56, Onsite Wastewater Systems, Document No. 5103 (Attachment 6-1)

A Public Hearing was conducted concerning the Regulation. 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 ("Bureau") proposed the Notice of Final Regulation for amending R.61-56, Onsite Wastewater Systems. 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. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

Pursuant to R.61-56, Onsite Wastewater Systems, the Department provides oversight for safe treatment and disposal of domestic wastewater to protect the health of the citizens and communities in South Carolina. The Department also issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department is amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for processing applications associated with subdivisions and variances. The proposed amendments will bring clarity to the regulation and streamline the permitting procedures.

The Department had a Notice of Drafting published in the August 27, 2021, State Register.

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

Upon receiving approval during the December 9, 2021, Board meeting, the Bureau had a Notice of Proposed Regulation published in the December 24, 2021, State

Register. The Department received public comments from twelve people by the close of the public comment period on January 24, 2022.

The Bureau requested the Board find the need and reasonableness of the proposed amendment of Regulation 61-56, Onsite Wastewater Systems, for submission to the General Assembly

Board Counsel, W. Marshall Taylor, opened the meeting up for public comments on this matter. Four (4) members of the public spoke. (Attachment 6-2) The public comment portion of the public hearing was closed.

After the conclusion of the public hearing, and discussion, **Mr. Kinney moved, seconded by Mr. Lee, to go into Executive Session for the purpose of obtaining legal advice in this matter. The Board voted and Motion carried.**

Vice-Chairwoman Shrivastava-Patel announced the Board was back in public session and while in Executive Session, no actions were taken.

After discussion, **Mr. Lee moved, seconded by Mr. Kinney, that based on the public hearing and documents herein, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-56, Onsite Wastewater Systems, Document No. 5103, and grant approval for submission to the General Assembly for review with the following revisions that were raised, considered, or discussed by public comment. Section 102.1 Site Evaluations, subsection 2, subparagraph b, which should now read as follows:**

A licensed, professional soil classifier or other licensed person qualified to practice soil classification under S.C Code 40-65-40 (7) and otherwise deemed qualified by the Department who has contracted with the Department. A contractor may not charge a rate more than three times the Department's permit fees.

The Board voted and Motion carried.

A verbatim transcript of these proceedings is included as part of the official record. (Attachment 6-3)

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

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

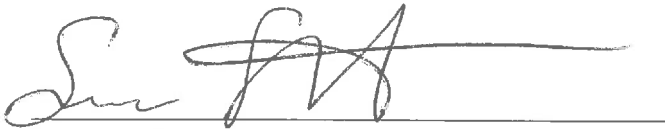
Respectfully submitted,



J.B. (Sonny) Kinney, 1st District

Minutes approved this 10th day of March 2022.

ATTEST:



Seema Shrivastava-Patel, Vice-Chair

Attachments

- 0-1 Agenda
- 1-1 Minutes of January 5, 2022 meeting
- 2-1 Minutes of January 13, 2022 meeting
- 4-1 Administrative Orders and Consent Orders issued by Healthcare Quality
- 5-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 6-1 Public Hearing and Request for Final Approval, Proposed Amendment of Regulation 61-56, *Onsite Wastewater Systems*, Document No. 5103
- 6-2 Public Hearing Sign Up Sheet
- 6-3 Verbatim transcript of public hearing