



Mark R. Elam, Chairman
Charles M. Joye, II, P.E., Secretary
J.B. (Sonny) Kinney
Seema Shrivastava-Patel

Board:
Richard V. Lee, Jr.
Alex A. Singleton
Jim P. Creel, Jr.

Minutes of the August 8, 2019, meeting of the South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Thursday, August 8, 2019, 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:

Mark Elam, Chairman
J.B. (Sonny) Kinney, 1st District
Seema Shrivastava-Patel, 2nd District
Charles M. Joye, II, P.E., 3rd District
Richard V. Lee, Jr., 5th District
Alex A. Singleton, 6th District
Jim Creel, Jr., 7th District

4th Congressional District seat is currently vacant.

Also, in attendance were Richard K. Toomey, Director; W. Marshall Taylor, Jr., Legal Counsel; M. Denise Crawford, 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 July 11, 2019 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: Governor's Cup Presentation

Mr. Will Britt, Associate General Counsel for Public Health, presented this item to the Board. Ms. Katie Miller, Event Coordinator for the Governor's Cup Road Race presented the Department with a plaque recognizing the Department in the Governor's Cup Road Race.

Item 3: Administrative and Consent Orders issued by Health Regulation (Attachment 3-1)

Ms. Bentley White, Director, Health Regulation Policy and Communications, stated for this reporting period fourteen (14) Consent Orders and one (1) Emergency Suspension Order had been issued with assessed penalties totaling \$132,725.00.

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 two hundred and sixteen (216) Consent Orders with total civil penalties totaling \$107,550.00 and sixteen (16) Administrative Orders with assessed civil penalties of \$107,550.00 have been issued.

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

Item 5: Request for a second nine-month Board extension of Certificate of Need (CON) SC-16-19, issued to Trident Medical Center, LLC d/b/a Berkeley Medical Center (BMC) for construction of a new 50 bed acute care hospital to include an MRI and a CT scanner (Attachment 5-1)

Certificate of Need SC-16-19 was issued to Berkeley Medical Center on May 26, 2016 for the referenced project. The original Certificate of Need had an expiration date of May 26, 2017. Berkeley Medical Center requested a first staff extension of the Certificate of Need on April 24, 2017, which was more than 30 days prior to expiration. Berkeley Medical Center received Certificate of Need SC-16-19-EXT-1 on May 17, 2017, and it was valid until February 26, 2018, a period of nine months from original expiration of the Certificate of Need. Berkeley Medical Center requested a second staff extension of the Certificate of Need on January 26, 2018, which was 30 days prior to expiration. Berkeley Medical Center received Certificate of Need SC-16-19-EXT-2 on March 5, 2018, and it was valid until November 26, 2018, a period of nine months from the revised expiration of the Certificate of Need. Berkeley Medical Center requested a third extension from the Board (first Board extension) on August 24, 2018, which was 90 days prior to expiration, and the Board approved this request on November 11, 2019. Berkeley Medical Center received Certificate of Need SC-16-19-EXT-3 on November 28, 2018, and it will expire on August 26, 2019. In accordance with R. 61-15, Section 601, Berkeley Medical Center submitted a fourth extension request (second Board extension request) to the Department on May 22, 2019, which is more than 90 days prior to expiration.

Department staff have reviewed all relevant information concerning this fourth extension request and that BMC has not demonstrated substantial progress sufficient to warrant further extension of Certificate of Need SC-16-19. BMC's stated grounds for its request are delay in implementing the project due to: 1) an unforeseen wetlands issue, and 2) opposition by Medical University Hospital Authority (MUHA), the parent of MUSC, in connection with Berkeley Medical Center's second and third extension requests. Although the Department has extended expiration of this Certificate of Need for more than two years, Berkeley Medical Center has not yet determined when, or if, it will be able to satisfactorily resolve the wetlands issue. According to recent documentation submitted to the Department by Berkeley Medical Center, the wetlands mitigation credits Berkeley Medical Center must purchase in order to proceed do not yet exist, and the future "release" of these credits for purchase by Berkeley Medical Center has been delayed and is not guaranteed to occur at all. Berkeley Medical Center has paid a "Reservation Purchase Price" for these "future" credits, and Berkeley Medical Center is contractually entitled to a full refund of this purchase price if the reserved credits are not released by July 26, 2019. Moreover, in the 26 months

since the original expiration date of the Certificate of Need, Berkeley Medical Center has demonstrated no additional progress towards development of final architectural drawings and has failed to provide reasonable assurance that the project will be under construction or implemented within the requested extension timeframe. Finally, Berkeley Medical Center's claim regarding delay caused by MUHA's opposition appears to reference opposition by MUHA's to Berkeley Medical Center's third extension request (first Board request). MUHA opposed Berkeley Medical Center's second extension request, but MUHA did not oppose Berkeley Medical Center's third extension request. Staff recommended, and the Board approved, the third extension for the purpose of awaiting resolution of the litigation associated with Berkeley Medical Center's second extension, and that litigation was resolved roughly two months later. As such, staff do not agree that opposition by MUHA is sufficient grounds for granting an additional 9-month extension for this project.

After the Staff presentation, Chairman Elam allowed Todd Gallati, President and CEO for Trident Medical Center, to present the project timeline to the Board. Project manager, Chuck Oates, PE discussed the issues with the project and Ryan Smith, PE, with HDR, Inc. presented an email to the Board from David Wilson, with the Special Projects Branch of the US Army Corps of Engineers releasing the mitigation credits with Sandyford Umbrella Mitigation Bank (SUMB) for the project. Upon receiving a copy of the email, staff modified its recommendation to the Board and did not oppose the extension. (Attachment 5-2 and Attachment 5-3)

After discussion between the Board, Department staff or speakers, ***Mr. Kinney moved, seconded by Mr. Joye, to go into Executive Session receipt of legal advice pertaining to the matter under discussion. The Board voted and Motion carried.***

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

After discussion, ***Mr. Lee moved, seconded by Mr. Kinney, to find Trident Medical Center d/b/a Berkeley Medical Center has demonstrated substantial progress and to approve the nine-month extension request for CON SC-16-19 issued to Trident Medical Center, LLC d/b/a Berkeley Medical Center until May 26, 2020. The Board voted and Motion carried.***

Item 6: Public Hearing and Request for Final Approval, R.61-23, Control of Anthrax – Proposed Repeal, Doc. No. 4880 (Attachment 6-1)

Mr. Thomas Bowen, Policy Liaison, Bureau of Public Health, presented this item to the Board.

The Bureau of Public Health Preparedness ("Bureau") proposed the Notice of Final Regulation repealing R.61-23, *Control of Anthrax*. Legal authority resides in S.C. Code Section 44-1-140, which allows the Department of Health and Environmental Control ("Department") to make rules for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed repeal.

The Bureau respectfully requested the Board grant a finding of need and reasonableness of the proposed repeal of R.61-23, *Control of Anthrax*, for submission to the General Assembly.

A public hearing was conducted with no one present wishing to speak. (Attachment 6-2)

After discussion, **Mr. Creel moved, seconded by Mr. Lee, that based on the public hearing and documents herein, to find the need and reasonableness of the Proposed Repeal of Regulation 61-23, Control of Anthrax, Document No. 4880, and grant approval for the submission to the General Assembly for review. The Board voted and Motion carried.**

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

Item 7 Public Hearing and Request for Final Approval, R.61-62, Air Pollution Control Regulations and Standards – Proposed Amendment, Doc. No. 4881 (exempt from General Assembly review) (Attachment 7-1)

Ms. Mary Peyton Wall, Program Manager, Bureau of Air Quality, presented this item to the Board.

The Bureau of Air Quality ("Bureau") submitted the Notice of Final Regulation amending R.61-62, *Air Pollution Control Regulations and Standards*, for publication in the August 23, 2019, *South Carolina State Register* ("State Register"). Legal authority 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 law. The amendments will take legal effect as of the August 23, 2019, publication in the *State Register*.

The Bureau of Air Quality respectfully requested the Board to find need and reasonableness of the amendments of R.61-62, *Air Pollution Control Regulations and Standards*, for legal effect as of August 23, 2019, publication in the *State Register*.

A public hearing was conducted with no one present wishing to speak. (Attachment 7-2)

After discussion, **Mr. Singleton moved, seconded by Mr. Joye, that based on the public hearing and documents herein, to find the need and reasonableness of the Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, Document 4881, and grant approval to publish the Notice of Final Regulation for legal effect as of the August 23, 2019 publication in the State Register. The Board voted and Motion carried.**

A verbatim transcript of these proceedings is included as part of the official record. (Attachment 7-3)

Item 8: Notice of Proposed Regulation Notice of Proposed Regulation Amending R.61-9, Water Pollution Control Permits (Attachment 8-1)

Mr. Shawn Clarke, Director, Water Facilities Permitting, Bureau of Water, presented this item to the Board.

The Bureau of Water ("Bureau") proposed amending Regulation R.61-9, *Water Pollution Control Permits*, for publication in the August 23, 2019, *South Carolina State Register* ("State Register"). Legal authority resides in S.C. Code Sections 48-1-10 *et seq.*, which mandates the Department of Health and Environmental Control ("Department") take all action necessary or appropriate to secure to this State the benefits of any and all Federal acts concerning water pollution control. 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.

R.61-9 implements the National Pollutant Discharge Elimination System ("NPDES") program pursuant to sections 318, 402, and 405 of the federal Clean Water Act ("CWA"). The regulation covers basic Department permitting requirements, procedures for Department processing of permit applications and appeals, requirements for public participation in State permit issuance, and enforcement and related variance proceedings. The Bureau proposed amending R.61-9 to adopt portions of three federal Clean Water Act rules promulgated by the United States Environmental Protection Agency required for state program implementation. These federal regulations include NPDES Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting (79 FR 49001, August 19, 2014), NPDES Electronic Reporting Rule (80 FR 64063, October 22, 2015), and NPDES Applications and Program Updates (84 FR 3324, February 12, 2019).

After discussion, **Mr. Joye moved, seconded by Mr. Creel, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-9, Water Pollution Control Permits, 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 9: Notice of Proposed Regulation Amending R.61-68, Water Classifications and Standards (Attachment 9-1)

Mr. Shawn Clarke, Director, Water Facilities Permitting, Bureau of Water, presented this item to the Board.

The Bureau of Water ("Bureau") proposed amending Regulation R.61-68, *Water Classifications and Standards*, for publication in the August 23, 2019, *South Carolina State Register* ("State Register"). Legal authority resides in 1976 Code Sections 48-1-10 *et seq.*, which provides that the Department of Health and Environmental Control ("Department") shall promulgate regulations to implement the South Carolina Pollution Control Act. The

Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected, general rules and water quality criteria to protect classified and existing water uses, and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal Clean Water Act ("CWA") requires South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA.

The Bureau proposed amending R.61-68 to adopt these criteria. The Bureau proposed adopting a revised standard for aquatic life ambient water quality criteria for cadmium, a revised recreational water quality criteria for enterococci, a standard for aquatic life ambient water quality criteria for carbaryl, and a standard for human health recreational ambient water quality criteria for microcystins and cylindrospermopsin to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA. The Bureau also proposed stylistic changes for overall improvement of the text of the regulation.

After discussion, **Mr. Creel moved, seconded by Mr. Lee, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-68, Water Classifications 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 10: Notice of Proposed Regulation Amending R.61-69, Classified Waters
(Attachment 10-1)

Mr. Shawn Clarke, Director, Water Facilities Permitting, Bureau of Water, presented this item to the Board.

The Bureau of Water ("Bureau") proposed amending Regulation R.61-69, *Classified Waters*, for publication in the August 23, 2019, *South Carolina State Register* ("*State Register*"). Legal authority resides in 1976 Code Sections 48-1-10 et seq., which provides that the Department of Health and Environmental Control ("Department") shall promulgate regulations to implement the South Carolina Pollution Control Act. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

R.61-69 establishes South Carolina's site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Bureau proposed amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions. The Bureau also proposed stylistic changes for overall improvement of the text of the regulation.

After discussion, **Mr. Kinney moved, seconded by Mr. Lee, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-69, Classified Waters, 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 11: Notice of Proposed Regulation Amending R. 61-43, Standards for the Permitting of Agricultural Animal Facilities (Attachment 11-1)

Mr. Chuck Williams, Manager, Groundwater Protection & Agricultural Permitting Section, Bureau of Water, presented this item to the Board.

The Bureau of Water ("Bureau") proposed amending R.61-43, *Standards for the Permitting of Agricultural Animal Facilities*, for publication in the August 23, 2019, *South Carolina State Register* ("State Register"). Legal authority resides in S.C. Code Sections 44-1-60, 44-1-65, 46-45-80, and 48-1-10 *et seq.*, which authorizes the South Carolina Department of Health and Environmental Control ("Department") to promulgate applicable regulations, procedures, or standards as may be necessary to protect human health and the environment. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these amendments.

The Bureau of Water proposed amending R.61-43 to incorporate Act 139 of 2018, which amended S.C. Code Sections 44-1-60 and 46-45-80 and added Section 44-1-65. S.C. Code Section 44-1-65 establishes specific requirements for review and appeal of decisions by the Department regarding the permitting, licensing, certification, or other approval of poultry and other animal facilities, except for swine facilities. Section 44-1-60 sets procedures for reviewing permits for poultry and other animal facilities, except swine facilities, relating to appeals from Department decisions giving rise to contested cases. Section 46-45-80 includes provisions regarding setback distances for poultry and other animal facilities, except swine facilities, so as to prohibit requiring additional setback distances if established distances are achieved, allow waiver of the established setback distances in certain circumstances, and other purposes. Since the above referenced statutory provisions added and removed requirements currently contained in the R.61-43, *Standards for the Permitting of Agricultural Animal Facilities*, the regulations should be amended to reflect these changes.

The Bureau also proposed amendments to correct typographical errors, citation errors, and other errors and omissions that have come to the Department's attention. These include correcting form references and regulation references, updating definitions, adding and/or omitting language and punctuation, clarification, reorganizing sections for consistency, and other such changes.

The Department had a Notice of Drafting published in the February 22, 2019, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received no public comments by the March 25, 2019, close of the public comment period.

The Bureau held two stakeholder meetings on March 28, 2019. Stakeholders provided comments and suggestions regarding the proposed changes to the regulation.

Appropriate Department staff conducted an internal review of the proposed amendments on April 2, 2019.

The Bureau of Water respectfully requested the Board grant approval of the Notice of Proposed Regulation for publication in the August 23, 2019, *State Register*.

After discussion, **Mr. Lee moved, seconded by Mr. Kinney, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-43, Standards for the Permitting of Agricultural Animal Facilities, 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 12: Placement of N-Ethylhexedrone, a-PHP, 4-MEAP, MPHP, PV8, and 4-Chloro-a-PVP in Schedule I (Attachment 12-1)

Ms. Heather Diebold, Bureau of Drug Control, presented this item to the Board.

Controlled substances are governed by the South Carolina Controlled Substances Act, Title 44, Chapter 53 of the South Carolina Code of Laws. Schedule I substances are listed in Section 44-53-190 of the South Carolina Code of Laws. Pursuant to South Carolina Code Section 44-53-160, titled "Manner in which changes in schedule of controlled substances shall be made," controlled substances are generally designated by the General Assembly upon recommendation by DHEC. South Carolina Code Section 44-53-160(C) provides a process for the Department to expeditiously designate a substance if the federal government has so designated.

Effective July 18, 2019, the Acting Administrator of the federal Drug Enforcement Administration issued a temporary scheduling order in the *Federal Register* to schedule the synthetic cathinones, N-ethylhexedrone (2-(ethylamino)-1-phenylhexan-1-one); alpha-pyrrolidinohexanophenone (1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one; alpha-pyrrolidinohexiophenone; trivial name: u-PHP); 4-methyl-alpha-ethylarninopentiophenone (2-(ethylarnino)-1-(4-methylphenyl)pentan-1-one; trivial name: 4-MEAP); 4'-methyl-alpha-pyrrolidinohexiophenone (1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one; 4'-methyl-alpha-pyrrolidinohexanophenone; trivial name: MPHP); alpha-pyrrolidinoheptaphenone (1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one; trivial name: PV8); and 4'-chloro-a/pha-pyrrolidinovalerophenone (1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one; 4'-chloro-a/pha-pyrrolidino-pentiophenone; trivial name: 4-chloro-a-PVP), and their optical, positional, and geometric isomers, salts, and salts of isomers in schedule I. Temporary scheduling allows the federal Drug Enforcement Administration to schedule a substance more quickly in order to avoid an imminent hazard to the public safety as defined in the federal Controlled Substances Act, 21 U.S.C. Section 811(h). A temporary scheduling expires after two years, except that the United States Attorney General may extend the temporary scheduling for up to one year during the pendency of proceedings to permanently schedule the substance. 21 U.S.C. Section 811(h)(2). The federal temporary scheduling order for these synthetic cathinones was published in *Federal Register*, Volume 84, Number 138, pages 34291-34297; <https://www.govinfo.gov/content/pkg/FR-2019-07-18/pdf/2019-15184.pdf>.

N-ethylhexedrone, o.-PHP, 4-MEAP, MPHP, PV8, and 4-chloro-a-PVP are synthetic cathinones that have been identified in the United States' illicit drug market. Evidence indicates that these substances are being substituted for schedule I synthetic cathinones.

Products containing synthetic cathinones have been falsely marketed as "research chemicals," "jewelry cleaner," "stain remover," "plant food or fertilizer," "insect repellants," or "bath salts." They have been sold at smoke shops, head shops, convenience stores, adult bookstores, and gas stations. They can also be purchased on the internet. These substances are commonly encountered in the form of powders, crystals, tablets, and capsules. Other encountered forms include resin, rock, liquid, and deposits on plant matter. Law enforcement has encountered N-ethylhexedrone, a-PHP, 4-MEAP, MPHP, PV8, and 4-chloro-o.-PVP in powder, crystal, resin, rock, capsule, or tablet forms. The packages of these commercial products usually contain the warning "not for human consumption," most likely in an effort to circumvent statutory restrictions for these substances. N-ethylhexedrone, o.-PHP, 4-MEAP, MPHP, PV8, and 4-chloro-a-PVP are likely to be abused in the same manner as schedule I synthetic cathinones such as methcathinone, mephedrone, methylone, pentylone, and MDPV. Information from published scientific studies indicate that the most common routes of administration for synthetic cathinones are nasal insufflation by snorting the powder and ingestion by swallowing capsules or tablets. The powder can also be injected or swallowed. Other methods of intake include rectal administration, ingestion by "bombing" (wrapping a dose of powder in a paper wrap and swallowing) and intramuscular injection.

Since 2009, the popularity of synthetic cathinones and their associated products has continued, as evidenced by law enforcement seizures, public health information, and media reports. As one synthetic cathinone is controlled, another unscheduled synthetic cathinone appears in the recreational drug market. N-ethylhexedrone, a-PHP, 4-MEAP, MPHP, PV8, and 4-chloro- a-PVP are synthetic cathinones that have been identified in the United States' illicit drug market. Law enforcement data indicate that N-ethylhexedrone, a-PHP, 4-MEAP, MPHP, PV8, and 4-chloro-a-PVP are being abused in the United States as recreational drugs. Additionally, encounters and seizures of these substances have occurred by the U.S. Customs and Border Protection at United States ports of entry. As observed by the federal Drug Enforcement Administration and U.S. Customs and Border Protection, synthetic cathinones originate from foreign sources, such as China. Bulk powder substances are smuggled via common carrier into the United States and find their way to clandestine designer drug product manufacturing operations located in residential neighborhoods, garages, warehouses, and other similar destinations throughout the country.

Available evidence on the overall public health risks associated with the use of synthetic cathinones suggests that N-ethylhexedrone, a-PHP, 4-MEAP, MPHP, PV8, and 4-chloro- a-PVP can cause acute health problems leading to emergency department admissions, violent behaviors causing harm to self or others, or death. Acute adverse effects of synthetic cathinone substances are those typical of sympathomimetic agents (such as cocaine, methamphetamine, amphetamine) and include among other effects tachycardia, headache, palpitations, agitation, anxiety, mydriasis, tremor, fever or sweating, and hypertension. Other effects, with possible public health risk implications, that have been reported from the use of synthetic cathinone substances include psychological effects such as psychosis, paranoia, hallucinations, and agitation. a-PHP, 4-MEAP, MPHP, and PV8 have been associated with the overdoses or deaths of individuals. There have been documented reports of emergency department admissions or deaths associated with the abuse of a-PHP, 4-MEAP, MPHP, and PV8. Individuals under the influence of 4-MEAP and MPHP have acted violently or unpredictably causing harm, or even death, to themselves or others. Adverse effects associated with a-PHP, 4-MEAP, MPHP, and PV8 abuse

included vomiting, agitation, paranoia, hypertension, unconsciousness, tachycardia, seizures, cardiac arrest, rhabdomyolysis, or death. No overdose information is currently available for N-ethylhexedrone and 4-chloro-a-PVP, but the pharmacological similarity of these substances to other currently controlled schedule I synthetic cathinones (such as methcathinone, mephedrone, methylone, pentylone, MDPV) suggests that these substances can also pose an imminent hazard to public safety.

After discussion, ***Ms. Shrivastava-Patel moved, seconded by Mr. Creel, to designate the additional substances as named in the DEA Interim Final Rule published in the Federal Register on July 18, 2019, and amend Section 44-53-190 of the S.C. Controlled Substances Act for consistency with the Federal scheduling. The Board voted and Motion carried.*** Designation Order signed by Chairman Elam (Attachment 12-2)

Item 13: Agency Affairs

Nick Davidson, Interim Director of Public Health provided a Hepatitis A update to the Board. (Attachment 13-1)

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

Darbi MacPhail, Chief Financial Officer, updated the Board on fiscal year 2019 expenditures. (Attachment 13-2)

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

Richard K. Toomey, Director, updated the Board on the fire at Able Contracting, Inc., located in Jasper County.

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

Item 14: Election of Vice-Chairman

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

Mr. Elam nominated, seconded by Ms. Shrivastava-Patel, James (Jim) Creel to serve as Vice-Chairman of the Board. There being no other nominations of Board members, the Board voted, and Mr. Creel was elected to serve as Vice Chairman.

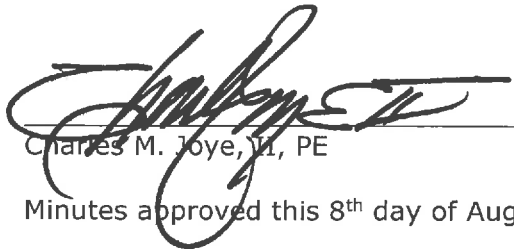
Item 15: Appointment of Board Representative to SC Health Planning Committee

Chairman Elam informed the Board that he had appointed Richard (Rick) Lee, Jr. to serve as the Board Representative to the SC Health Planning Committee. Mr. Lee accepted the appointment.

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 August 2019.

ATTEST:



Mark R. Elam, Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign In Sheet
- 1-1 July 11, 2019 minutes
- 3-1 Administrative and Consent Orders issued by Health Regulation
- 4-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 5-1 Request for a second nine-month Board extension of Certificate of Need (CON) SC-16-19, issued to Trident Medical Center, LLC d/b/a Berkeley Medical Center (BMC) for construction of a new 50 bed acute care hospital to include an MRI and a CT scanner
- 5-2 Trident Medial Center d/b/a Berkeley Medical Center PowerPoint
- 5-3 Email from David Wilson, USACOE
- 6-1 Public Hearing and Request for Final Approval, R.61-23, Control of Anthrax – Proposed Repeal, Doc. No. 4880
- 6-2 Public Hearing sign in sheet
- 6-3 Verbatim Transcript of Public Hearing for R. 61-23
- 7-1 Public Hearing and Request for Final Approval, R.61-62, Air Pollution Control Regulations and Standards – Proposed Amendment, Doc. No. 4881 (exempt from General Assembly review)
- 7-2 Public Hearing sign in sheet
- 7-3 Verbatim Transcript of Public Hearing for R. 61-62
- 8-1 Notice of Proposed Regulation Notice of Proposed Regulation Amending R.61-9, Water Pollution Control Permits
- 9-1 Notice of Proposed Regulation Amending R.61-68, Water Classifications and Standards
- 10-1 Notice of Proposed Regulation Amending R.61-69, Classified Waters
- 11-1 Notice of Proposed Regulation Amending R. 61-43, Standards for the Permitting of Agricultural Animal Facilities
- 12-1 Placement of N-Ethylhexedrone, a-PHP, 4-MEAP, MPHP, PV8, and 4-Chloro-a-PVP in Schedule I
- 12-2 Designation Order signed by Chairman Elam (Attachment 12-2)
- 13-1 Hepatitis A update
- 13-2 Fiscal Year 2019 Expenditures