

BOARD:
Allen Amsler
Chairman
Mark S. Lutz
Vice Chairman
R. Kenyon Wells



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

BOARD:
Charles M. Joye II, P.E.
L. Clarence Batts, Jr.
Ann B. Kirol, DDS
John O. Hutto, Sr., MD

**Minutes of
South Carolina Board of Health and Environmental Control
Meeting on April 11, 2013,**

The South Carolina Board of Health and Environmental Control met on Thursday, April 11, 2013, 10:00 a.m. via conference call in the Board Room of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance via phone unless otherwise indicated:

Allen Amsler, Chairman
Member-at-Large

Mark S. Lutz, Vice-Chairman, *in person*
1st District

R. Kenyon Wells
2nd District

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

L. Clarence Batts, *in person*
4th District

Ann B. Kirol, DDS
5th District

John O. Hutto, Sr., MD
6th District

Also in attendance were Catherine Templeton, Director; W. Marshall Taylor, Jr., General Counsel; Lisa Lucas Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

Mr. Amsler stated notice of this meeting had been provided to all persons, organizations and news media, which requested notification, as required by Section 30-4-80(e) of the South Carolina Code of Laws.

Item 1: Board Minutes of the March 14 meeting (Attachment 1-1)

Dr. Kirol moved, seconded by Mr. Batts, to approve the minutes as submitted for the March 14 meeting. The Board voted and Motion carried.

Item 2: Administrative and Consent Orders issued by Environmental Quality Control
(Attachment 2-1)

Ms. Robin Stephens, Assistant to the Deputy Director, EQC, stated nineteen (19) Consent Orders and one (1) Administrative Order had been issued with total penalties of \$55,838.

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

Item 3: Orders issued by the Office of Ocean and Coastal Resource Management
(Attachment 3-1)

Ms. Carolyn Boltin-Kelly, Office of Ocean and Coastal Resource Management, stated one (1) Consent Order had been issued with a penalty of \$3,000.

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

Item 4: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
(Attachment 4-1)

Ms. Melinda Bradshaw, Health Regulation Liaison, stated one (1) Consent Order had been issued with an assessed penalty of \$21,500.

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

Item 5: Blue Ribbon Committee on Shoreline Management (Attachment 4-1)

Ms. Boltin-Kelly presented this item to the Board. The South Carolina Beachfront Management Act and associated regulations were adopted in 1988 to balance economic development and private property rights with public access and conservation of fragile public trust resources along the state's coastline. Over the past two decades beachfront shorelines continue to face threats from storms, chronic erosion, gradual sea level rise, increased shoreline development and population growth.

In 2010, the DHEC Board appointed a Blue Ribbon Committee on Shoreline Management to consider potential options for improved management and planning for South Carolina's coast including specific statutory and regulatory recommendations.

The Blue Ribbon Committee was comprised of representative stakeholders, elected officials and leading legal and academic experts, and worked over the past two years to evaluate current conditions, discuss various experiences and attempt to resolve divergent perspectives. To gain public input in the process, meetings of the Blue Ribbon Committee were open to the public and noticed through broadcast, print media, and the Department's offices and website. In addition, this final report was placed on public notice for a 30-day comment period.

Upon completion of its work, the Committee developed a final report containing sixteen (16) recommendations for improved beachfront management in South Carolina. The recommendations contained in the report represent the majority opinion as expressed by Committee votes. The recommendations provide clarity and specific standards to be utilized in the management of the state's beaches and dunes.

A copy of the report and additional information about the Blue Ribbon Committee and public meetings can be found on the Department's Internet site at http://www.dhec.sc.gov/environment/ocrm/blue_ribbon.htm

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

Item 6: Agency Affairs

Director Templeton briefed the Board on the following issues:

- 2013-2014 Budget
- Status of Certificate of Need (CON) legislation.

Item 7: Legal Report

Mr. Taylor reviewed the recently adopted Request for Review procedures and asked if any Board member would like to revisit the procedures based on the experience with the two RFRs processed under the new procedures.

After discussion, *Mr. Lutz moved, seconded by Mr. Batts, to amend the Final Review Procedure to allow staff to provide a Department Response to the RFR upon receipt of RFR and, when the Department Response is received, the RFR and Department Response should be sent to the entire Board and these revisions would be effective April 11, 2013. The Board voted and Motion carried.*

Mr. Taylor followed up on Director Templeton's discussion of the Certificate of Need Legislation and informed the Board the agency is proceeding with submittal of a Notice of Drafting and Notice of Publication in the State Register for revision to the CON Regulations requested by the Board based on the CON Panel recommendations. The Public Hearing will not be held unless required by statute. These actions will allow submittal of amendments to the General Assembly this year.

Mr. Amsler adjourned the meeting.

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

Respectfully submitted,

Ann B. Kirol, DDS, Secretary

Minutes approved this 9th day of May 2013.

ATTEST:

Allen Amsler, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 Minutes of March 14 meeting
- 2-1 Administrative and Consent Orders issued by EQC
- 3-1 Orders issued by Ocean and Coastal Resource Management
- 4-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 5-1 Blue Ribbon Committee on Shoreline Management