

BOARD:
Allen Amsler
Chairman
Mark S. Lutz
Vice Chairman
Ann B. Kirol, DDS
Secretary



W. Marshall Taylor Jr., Acting Director

Promoting and protecting the health of the public and the environment

BOARD:
R. Kenyon Wells
Charles M. Joye II, P.E.
L. Clarence Batts, Jr.
John O. Hutto, Sr., MD
William Lee Hewitt, III

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Minutes of the May 7, 2015, meeting of the

South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Thursday, May 7, 2015, at 10:00 a.m. in the Board Room (#3420) 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:

Allen Amsler, Chairman
Member-at-Large

Mark Lutz, Vice-Chairman
1st District

Ann B. Kirol, DDS (by phone)
5th District

R. Kenyon Wells
2nd District

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

L. Clarence Batts
4th District

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

William Lee Hewitt, III
7th District

Also in attendance were; W. Marshall Taylor, Jr., Acting Director; Elizabeth F. Potter, Legal Counsel; Lisa L. Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

Chairman Amsler 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 April 9, April 23 and April 24 meetings (Attachment 1-1)

Mr. Hewitt moved, seconded by Mr. Wells, to approve the minutes as submitted for the April 9, April 23 and April 24 meetings. The Board voted and Motion carried.

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

Ms. Robin Stephens, Assistant to the Deputy Director, Environmental Affairs, stated one (1) Administrative Order and twenty-two (22) Consent Orders had been issued with total penalties of \$107,826.

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

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

Ms. Bentley White, Health Regulation Program Manager, stated four (4) Administrative Orders and one (1) Consent Order had been issued with total penalties of \$2,700.

The Board accepted this item as information.

Item 4: Public Hearing and Request for Final Approval of Proposed Amendment of Regulation 61-13, Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions, State Register Document No. 4564, Legislative Review is required (Attachment 4-1)

Ms. Gwen Thompson, Director, Bureau of Health Facilities Regulation, presented this item to the Board.

Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions are those facilities which serve four (4) or more persons and provide health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services. These facilities provide room and board and active treatment for individuals with intellectual disabilities and related conditions.

The proposed amendments herein included the Department's effort to incorporate updates and clarification relating to facility licensure requirements, accident and/or incident reporting requirements, client and medical record maintenance, emergency procedures and disaster preparedness, client care, treatment and services, design and construction, and fire and life safety. In addition, corrections have been made for clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

A public hearing was conducted with no one present to speak. (Attachment 4-2)

After discussion, *Mr. Lutz moved, seconded by Mr. Batts, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-13, Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 4-3)

Item 5: Public Hearing and Request for Final Approval of Proposed Amendment of Regulation 61-92, Underground Storage Tank Regulations, State Register Document No. 4565, Legislative Review is required (Attachment 5-1)

Mr. Mihir Mehta, Director, UST Management Division, presented this item to the Board.

The South Carolina Department of Health and Environmental Control (Department) proposed amending South Carolina Regulation 61-92, *Underground Storage Tank Control Regulations* to focus on provisions of Section 280.25, relating to secondary containment or closure requirements for all UST systems located within 100 feet of an existing water supply well, a coastal zone critical area, or state navigable waters.

A public hearing was conducted with no one present to speak. (Attachment 5-2)

After further discussion, *Mr. Hewitt moved, seconded by Mr. Batts, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-92, Underground Storage Tank Regulations, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 5-3)

Item 6: Proposed Amendment of Regulation 61-50, Natural Public Swimming Areas, Legislative Review is required (Attachment 6-1)

Mr. Doug Kinard, Director, Division of Drinking Water Protection, presented this item to the Board.

Regulation 61-50, *Natural Public Swimming Areas*, was promulgated to protect public health by ensuring that all natural public swimming areas in the state are properly constructed, maintained and monitored for bacteriological water quality.

On June 22, 2012, Regulation 61-68, *Water Classifications and Standards*, was amended. The amendment changed the bacteriological water quality indicator used to determine water classifications from fecal coliform to E. coli. In Regulation 61-50, fecal coliform is currently used as an indicator of bacteriological water quality. This proposed amendment would change the bacteriological water quality indicator in Regulation 61-50 to E. coli so that the regulation is consistent with Regulation 61-68.

After discussion, *Mr. Hewitt moved, seconded by Mr. Batts, to grant approval to publish the Notice of Proposed Amendment of Regulation 61-50, Natural Public Swimming Areas, in the State Register, to provide opportunity for public comments, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 7: Agency Affairs (Attachment 7-1)

Ms. Shelly Kelly was introduced as the Deputy Director for Health Regulation.

Acting Director Taylor reported on the following:

- Pinewood Site Assessment;
- Bennett's Landfill fire;
- Certificate of Need Legislation;
- Legislative Audit Council review of Abortion Clinic Regulations.

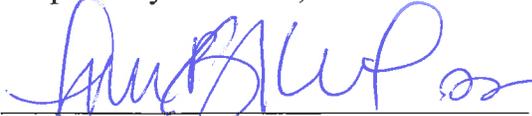
Mr. Joye moved, seconded by Mr. Lutz, to go into Executive Session for the purpose of discussing a personnel matter. The Board voted and the Motion carried.

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

Chairman Amsler adjourned the meeting.

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

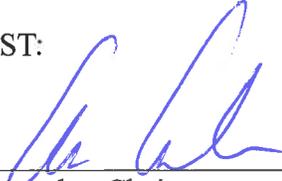
Respectfully submitted,



Ann B. Kirol, DDS, Secretary

Minutes approved this 11th day of June 2015.

ATTEST:



Allen Amsler, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 April 9, April 23 and April 24, 2015 minutes
- 2-1 Administrative Orders, Consent Orders issued by Environmental Affairs
- 3-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 4-1 Public Hearing – Proposed Amendment of R. 61-13, Standards for Licensing Habilitation Centers for Persons with Intellectual Disability and Persons with Related Conditions
- 4-2 Sign-in Sheet for Public Hearing
- 4-3 Verbatim Transcript of Public Hearing
- 5-1 Public Hearing - Proposed Amendment of R.61-92, Underground Storage Tank Regulations
- 5-2 Sign-in Sheet for Public Hearing
- 5-3 Verbatim Transcript of Public Hearing
- 6-1 Proposed Amendment of R.61-50, Natural Public Swimming Areas