Minutes of
S.C. Board of Health and Environmental Control
April 12, 2012

The South Carolina Board of Health and Environmental Control met on Thursday, April 12, 2012 at 10:00 in the Board Room of the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

   Allen Amsler, Chairman
   Member-at-Large

   Mark S. Lutz, Vice-Chairman
   1st District

   R. Kenyon Wells
   2nd District

   L. Clarence Batts
   4th District

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

Also in attendance were Catherine Templeton, Director, Elizabeth F. Potter, Legal Counsel, Lisa Lucas Longshore, Clerk, and guests. (Attachment 0-2)

Mr. Amsler stated notice of this meeting has 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: Board Minutes for March 8 meeting and March 14 conference call

Mr. Batts moved, seconded by Mr. Wells, to approve the minutes as submitted for March 8 and March 14 meetings. Approved.

Item 2: Monthly Award for Excellence for April 2012 (Attachment 2-1)

Director Templeton recognized Megan Davis, who was in attendance for the meeting, and thanked all of the recipients as follows for their hard work:
Curtis Joyner has been selected as the recipient of the Monthly Award for Excellence for Health Services Central Office. Megan Davis joined the Bureau of Laboratories (BOL) in August, 2006 as a food microbiologist to support outbreak investigations of food borne illness. At that time, the only method to detect bacteria in food was culture. An extremely laborious and slow procedure in the rapidly changing field of food microbiology, this often left public health in a lurch for days until food could be ruled in or out as the point of contamination. The BOL lagged behind the times in testing food for bacterial pathogens, and was quickly left behind during national outbreak investigations, unable to participate due to our lack of technology for rapid identification of disease causing agents. Over the past four years, Megan has worked to increase the food borne testing capacity of the BOL. She brought four new platforms for rapid testing online, and validated procedures for each. The BAX real-time PCR instrument, the VIDAS rapid EIA instrument, two M1M rapid EIA instruments, and the Vitek2 rapid and automated bacterial identification system all give the BOL rapid methods for detecting common (Salmonella, E. coli, Campylobacter) and uncommon (bioterrorism) agents in food. Megan has done an enormous amount of work validating these instruments and their protocols, not only for South Carolina, but also for the rest of the country via the Food Emergency Response Network. Additionally, she has implemented immunomagnetic precipitation of pathogens using the Dynalbead Extractor and Pathatrix instruments, allowing for the rapid concentration of organisms (versus overnight enrichment in culture). Recently she completed a FERN Laboratory Capacity and Capabilities Exercise that required testing 120 samples for Bacillus anthracis to demonstrate the ability of Cooperative Agreement Laboratories to meet targets set in previous years. Not only was she successful in this exercise, but it was performed concomitantly with a yearly FDA Food Split Sample Proficiency. Her work supporting the FERN grant often puts her in the lab on weekends and evenings, in addition to work that she does to test for outbreaks of food borne disease. In FY 2011, Megan’s work was critical to two investigations of Campylobacter associated with raw milk consumption, and a large outbreak of Clostridium perfringens, Bacillus cereus, and Staphylococcus aureus associated with a church fundraiser. In addition to outbreak testing, she also routinely tests sushi rice samples for pH using Association of Official Agricultural Chemists (AOAC) methods. Not only is Megan the only BOL staff member tasked to test food for bacterial pathogens, she also assumes all responsibilities for managing the FERN Cooperative Agreement, including preparing reports, detailing activities and measures of effectiveness, budget tracking, and assisting in the preparation of our annual FERN Cooperative Agreement submission to USDA/FSIS. On top of all of these activities, she has eagerly taken interns into her laboratory for the past three summers to work on special projects related to food testing. Her ability to consistently handle a heavy workload of method development, proficiency testing, and outbreak testing with great success and a positive attitude is quite amazing.

Ocean & Coastal Resource Management (OCRM) – Curtis Joyner: Curtis Joyner has been selected as the recipient of the Monthly Award for Excellent for OCRM. At the direction of the DHEC-OCRM Deputy Commissioner and due to his demonstrated coastal management program experience and expertise, Curtis was chosen to lead a Process Improvement Team (PIT) comprised of key, multi-disciplined OCRM staff to evaluate and develop recommendations to enhance the...
efficiency and effectiveness of the Coastal Zone Consistency certification process for state-issued permits. Coastal Zone Consistency certification is a hallmark of the state’s coastal management program and is designed to protect sensitive habitat for endangered species, wetlands, historical sites and other resources that may be impacted by permitted development in the eight coastal counties. In a very compressed timeframe, Curtis successfully organized the necessary weekly meetings, led discussions, prepared process analysis documents, summarized meeting notes, and provided regular progress briefings to the Deputy Commissioner and senior staff. In January 2012, Curtis presented the PIT findings to OCRM senior management and garnered the endorsement of key recommendations that will significantly streamline the technical review process and reduce permitting time frames while continuing to protect sensitive coastal resources.

Region 1 Public Health Office – Rachelle Shirley: Rachelle Shirley has been selected as the recipient of the Monthly Award for Excellence for Region 1. Rachelle serves as the PIO for the region, as well as, a “go to person” in Anderson for a variety of tasks. Rachelle has developed a working knowledge of all of the media outlets within the region and assures that public health issues are presented in the media. She coordinates with Central Office in a timely fashion to assure up to date management of issues and that information is released appropriately. Aside from her critical role as the Public Information Coordinator, Rachelle is always willing and available to be tapped by management to carry out miscellaneous functions. Last year she was asked to attend a customer service certification program so that she could share this expertise with our staff. She completed the program and became a certified trainer. She recently created a “car scheduling program” in Google Docs for the staff in Anderson to use in scheduling state cars. She’s done an excellent job in assuring that we have up to date communication tools like the Region 1 Phone List. Coworkers see Rachelle as a team player, someone who is always available to review materials and provide input, create needed materials for managers, back up others when needed and takes on additional tasks like answering the telephones in Anderson. She seeks educational opportunities to enhance her skills, is creative, and committed to her job. She has excellent community connections within Anderson County. Rachelle has performed admirably in working with other PIO’s related to PHP functions and EPI.

Region 2 Public Health Office – Maria Durkee-Davis: Maria Durkee-Davis (Terra) has been selected as the recipient of the Monthly Award for Excellence for Region 2. Terra Davis is a Nutritionist with the WIC program at the Union County Health Department. Terra attended the Breastfeeding Peer Counselor Training Program in October of 2011 and has gone above and beyond her expected duties by acting as not only the WIC Nutritionist but also as a Peer Counselor. Terra is seeing WIC clients as usual but is also conducting a breastfeeding class for prenatal clients, counseling breastfeeding moms with problems, and providing follow-up to all clients who expressed interest in breastfeeding. Even though she is very busy, she always takes the time to really listen to the client’s concerns about breastfeeding and helps address them. She has a passion for helping new moms and babies with breastfeeding and because of it the breastfeeding numbers in Union County are on the rise. In July of 2011, only 7% of Union County WIC clients were breastfeeding and by December that number had risen to 12%! She is enthusiastic and compassionate and she is making a positive difference in the health of both moms and babies in Union!

Region 3 Public Health Office – Robin Faulkner: Robin Faulkner has been selected as the recipient of the Monthly Award for Excellence for Region 3. Ms. Robin Faulkner is the Administrative Support Supervisor for the Chester County Health Department administrative support staff assigned to DHEC, WIC, Vital Records and EQC programs. She has been a dedicated SC DHEC employee for 28 years. This past year has been challenging to all staff due to many changes, further reduction in staff and staff out unplanned and unexpectedly due to illness, family emergencies and other unforeseen situations. Ms. Faulkner has a strong relationship with the County Management Team and Program Supervisors. They work together to maintain adequate staffing and quality service delivery for our customers, internally and externally. She works closely with administrative staff daily; often working with frontline staff to provide customer services. She maintains a calm and positive attitude, offering encouragement to staff and helping staff stay focused on their job duties and maintain positive attitudes. On some hectic days this seems hard to achieve, but somehow Ms. Faulkner manages to stay calm and focused; often preventing staff from overreacting negatively in the many difficult and trying situations. Ms. Faulkner works closely with all staff, listens to concerns and suggestions; making any necessary changes, thereby enabling staff to continue providing timely and quality customer services (internal and external, including nurses, NES, RD, EQC staff, Vital Records, Administrative Support Staff). She has a good working relationship with the Chester County Supervisor and County Maintenance team. This is very helpful since the local county maintains our Health Department buildings and utilities. Both of our buildings (2 sites) are old and need frequent repairs and Ms. Faulkner is
able to communicate these concerns and requests timely and professionally. Ms. Faulkner is active in the local county, community and faith based community and is well known as a public health representative.

Region 4 Public Health Office – Mary Ann Nugent, RN: Mary Ann Nugent has been selected as the recipient of the Monthly Award for Excellence for Region 4. Mary Ann Nugent, RN, DSRC/Employee Health Coordinator, performed in an exemplary manner from the notification of the first human rabies case in South Carolina in 50 years to what would be countless hours of work. Over holidays and after hours, Mary worked on this case with zeal and without complaint. This included one late evening visit to the family at a Columbia hospital. EPI team members reported that Mary Ann’s compassion and ease in talking with the family contributed to a very successful visit. Over the December holidays, she interrupted her personal leave time for conference calls, PEP for the family and multiple interviews in the medical field and in the community. Mary Ann assisted the family in maneuvering multiple trips for treatment with professionalism and compassion. Also, when we learned that CPR outsourcing was being delayed, Mary came to the rescue. She quickly and efficiently coordinated with the regional office and instructors to schedule CPR classes. By borrowing from other regions, Mary Ann helped secure all the needed materials. Also, she helped teach classes on short notice and rearranged her schedule to accommodate staff needing this certification. Staff members needing CPR classes have been updated and others have been scheduled to attend a class in the next few months. Mary Ann is a consistent, high performing employee. In addition to that, her work with a rare and complex situation and the lead role with meeting our CPR policy make her an excellent recipient of this award and recognition.

Region 5 Public Health Office – Valarie Martin and Richard Pipkins: Valarie Martin and Richard Pipkins, Procurement in Orangeburg, have been selected as the recipients of the Monthly Award for Excellence for Region 5. Teamwork is critical to accomplish our goals for DHEC clients. We have many key players in Region 5. Two who have provided Region 5 with excellent support are Valarie Martin and Richard Pipkins. No matter what your role is in Region 5, you need supplies to provide the services to our clients. Someone has to order, track, disperse and pay for those supplies. Everyone in Region 5 knows that Valarie and Richard meet these needs in a timely and efficient manner. During the transition period with SCEIS, there was some difficulty in processing the Region 5 pharmacy order. Valarie worked diligently to make sure our order was successfully placed. We had a temperature surge in the pharmacy this past summer when Orangeburg was without air conditioning. Valarie and Richard moved all of their supplies around in their storage area to allow medications to be moved out of the danger zone.

Region 6 Public Health Office – Glenda Goff, RN: Glenda Goff has been selected as the recipient of the Monthly Award for Excellence for Region 6. Glenda Goff came to work for DHEC in 1979. Glenda is a very productive nurse in clinic. She is very customer service minded always trying to keep the client’s needs and best interests in focus. Over the years, Glenda has been recognized for many things. One that comes to mind particularly is her saving a man’s life in a local restaurant. Glenda saw a man choking on his food and rushed over to him, performed the Heimlich maneuver dislodging the food item. The man and his family were naturally very grateful. This is but one example of her heroism. Glenda has willingly worked during the emergencies that we have endured over the years. She has never been afraid to take on any assignment. She is tenacious, conscientious, and determined. Seeing her level of productivity is evidence that she comes to work and makes it her mission to see as many clients as she can while maintaining a high level quality service. She has demonstrated what customer service is all about for many, many years and should be recognized for her dedication and service.

Region 7 Public Health Office – Carrie Pratt, MSN, APRN: Carrie Pratt, MSN, APRN, Family Planning and Adult Health Advanced Nurse Practitioner, has been selected as the recipient of the Monthly Award for Excellence for Region 7. Since Carrie has joined the Region 7 Family Planning/Adult Health staff, she has been an asset to the team. Currently Carrie is the sole provider for the 2 stand-alone teen clinics, The Point-Goose Creek and The Point- John’s Island. The Point-Goose Creek was opened in September 2011. Carrie worked diligently with other staff to facilitate the clinic’s opening by bringing her expertise of working with the teen population. Carrie is the provider at teen clinics and also manages the clinics. She ensures that each clinic is kept in compliance, stocked with proper materials and does all follow up and paperwork. Not only does Carrie manage the 2 stand-alone teen clinics, she acts as a Region Nurse Practitioner floater providing assistance and coverage when there is a need. Patients are happy to have Carrie as a provider at any of the locations she covers.
Region 8 Public Health Office – Nan Krueger, RN: Nan Krueger, RN, The New Born Home Visit (NBHV) nurse for Beaufort and Jasper Counties, has been selected as the recipient of the Monthly Award for Excellence for Region 8. She recently received a referral for a mom from China, new to the United States, very limited English, and limited support and unfamiliar with resources. This was a premature delivery with fairly serious breast feeding issues. This NBHV nurse has been able to help mom feel more secure in her parenting and resolved the breast feeding issues so mom could continue to breast feed. Nan linked mom and baby with a pediatrician, Medicaid and WIC and has been able to provide follow up visits and phone calls to ensure all is going well. The Region received a thank you card recently from this family. Their gratitude was expressed in this way. “Thank you for sending Nan our way. She is very special, and she was able to help us in a lot of different ways.” This is just one example of Nan’s passion for what she does, her dedication to the moms and babies she sees on a daily basis and her commitment to providing quality Public Health service to the clients she serves. Region 8 agrees, Nan Krueger, RN is very special and we are proud to have her on the Region 8 team.

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

Ms. Robin Stephens, Assistant to the Deputy Commissioner, EQC, stated twenty eight (28) actions had been taken with total penalties of $233,417.

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 six (6) actions had been taken with total penalties of $49,290. Mr. Aaron Gantt, Bureau Chief, Bureau of Radiological Health answered questions from the Board.

After discussion, the Board accepted this item as information.

Item 5: Public Hearing and Request for Final Approval – Proposed Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards and the Air Quality State Implementation Plan, State Register Document No. 4280, Legislative Review is not required (Attachment 5-1)

Mr. Robert Brown, Director, Division of Air Assessment, Innovation and Regulation, presented this item to the Board. Under the Clean Air Act, the Department shares authority with the U.S. Environmental Protection Agency (EPA) to implement certain air quality regulations. Thus when EPA updates its regulations the Department also updates its regulations so that the two are consistent. These proposed amendments incorporate EPA regulations issued in 2010. The Department incorporates EPA regulations in this manner annually. Regulated industries are already subject to these regulations as a matter of federal law; the regulated community has already incurred the cost of these regulations. There will be no increased cost to the State or its political subdivisions resulting from these revisions.

The EPA promulgates amendments to 40 CFR Parts 50, 51, 52, 60, 61, and 63 throughout each calendar year. These are some of the regulations that implement the Clean Air Act. Regulatory amendments in 2010 included revisions to the Prevention of Significant Deterioration (PSD) program for particulate matter 2.5 micrometers in diameter and smaller (PM2.5) to incorporate new “increments.” The PSD program is a preconstruction permitting program for the largest sources. The goal of the program is to prevent new or significantly modified sources from contributing to violations of the National Ambient Air Quality Standards (NAAQS) and to ensure the use of the best available air pollution control technology. The NAAQS are maximum safe levels for what are known as criteria pollutants: nitrogen oxides, sulfur dioxide, lead, carbon monoxide, ozone, and particulate matter. The Clean Air Act gives states primary authority for meeting the NAAQS, which states accomplish through State Implementation Plans (SIPs). The South Carolina SIP includes Department air quality regulations as well as plans, meteorological models, and emissions inventories which prove the Department has the

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capacity to meet the NAAQS. The PSD program is part of South Carolina’s SIP, and the increments are one part of the PSD program that assures that new sources will not lead to a violation of the PM2.5 NAAQS. The Clean Air Act requires EPA to review the NAAQS every five years. In 2006, as a part of its review of the particulate matter NAAQS, EPA withdrew the annual PM10 (particulate matter 10 micrometers in diameter and smaller) standard. The NAAQS for PM10, as averaged on a 24-hour basis, and the NAAQS for PM2.5, as averaged on an annual and 24-hour basis, remain in place in EPA and Department regulations.

Other 2010 amendments included new and revised New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and NESHAP for Source Categories. New Source Performance Standards are federal regulations that include emissions limits, compliance testing requirements, or technology requirements on a category-by-category basis. The NESHAP regulations govern emissions of hazardous air pollutants, which are comprised of 187 pollutants that are not as common as the criteria pollutants and have different health effects. NESHAPs require that sources install the maximum available control technology to address emissions of hazardous air pollutants. There are no NAAQS for hazardous air pollutants.

As a part of this action: (1) The Department proposes to amend Regulations 61-62.60, New Source Performance Standards (NSPS); 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP); and 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; to incorporate by reference recent federal amendments published from January 1, 2010, through December 31, 2010. (2) The Department also proposes to amend R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate a 2008 rule entitled National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (73 FR 35939; June 25, 2008). (3) The Department also proposes to amend R. 61-62.5, Standard 2, Ambient Air Quality Standards, to reformat the Ambient Air Quality Standards table and revise R. 61-62.5, Standard 2, to delete an annual standard for particulate matter 10 micrometers in diameter or smaller (PM10) that the EPA revoked in 2006 (71 FR 61144; October 17, 2006) (“2006 PM10 Rule”). (4) The Department also proposes to amend R. 61-62.5, Standard 7, Prevention of Significant Deterioration, to incorporate maximum allowable increases in ambient pollutant concentrations (“increments”) required by the rule entitled Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM2.5) – Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) (75 FR 64864; October 20, 2010) (“PSD PM2.5 Screening Tool Rule”). The Department also proposes other minor nonsubstantive changes to R. 61-62, Air Pollution Control Regulations and Standards, which include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R. 61-62. Pursuant to the 2006 PM10 Rule (71 FR, at 61215) and the PSD PM2.5 Screening Tool Rule (75 FR, at 64898), the proposed changes are federally mandated; all other rules are being incorporated by reference. Therefore, pursuant to S.C. Code Section 1-23-120(H)(1), legislative review is not required.

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

After discussion, Mr. Batts moved, seconded by Mr. Wells, to find for the need and reasonableness of the proposed regulations and SIP and approve them for publication in the State Register as final. Approved.

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

**Item 6: Handling of Requests for Final Review requiring action by May 8, 2012** (Attachment 6-1)

Chairman Amsler asked Ms. Potter to state the matter before the Board for consideration.

After discussion, Mr. Lutz moved, seconded by Mr. Wells, to conduct a Final Review Conference on Docket No. 12-RFR-20, Bellwood Manor. Approved.
**Item 7: Status Report – Environmental Fees and Time Frames** (Attachment 7-1)

Mr. Michael Rowe, Director, Division of Research and Planning, EQC, presented this quarterly item to the Board. The 1993 Environmental Protection Fund Act transferred authority for the collection of certain environmental fees from the annual appropriations process to a permanent funding authority. Regulation 61-30, passed by the General Assembly in 1995, requires the Department staff to make quarterly reports to the Board on fees collected and expended, permitting activities, and permit review time frames. This informational item represents a report for the second quarter of the 2011-2012 fiscal year. It also summarizes activity for the fiscal year to date. In addition, this report contains a staff update on the pilot programs for expedited permitting during the second quarter and fiscal year as a whole.

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

**Item 8: Agency Affairs** (Attachment 8-1)

Director Templeton stated the Board had been provided with the Home Health Services FY2011 Annual Program Evaluation and stated staff was available if the Board had questions. Mr. Lee Kirkpatrick, Assistant Director, Division of Home Health, answered questions from the Board.

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

Ms. Pamela Dukes, Deputy Commissioner for Health Regulation, briefed the Board on the April 24 meeting of the CON Review Panel. After discussion, **Mr. Batts moved, seconded by Mr. Lutz, to add a representative from Department of Health and Human Services, to be appointed by the Director of DHHS, to the CON Review Panel. Approved.**

**Item 9: Legal Report**

Ms. Potter asked for an Executive Session for briefing the Board on pending litigation and court decisions under the Attorney-Client Privilege. The Board will be briefed on the following: SHEP, Marlboro County Landfill.

**Mr. Lutz moved, seconded by Mr. Wells, to go into Executive Session for discussion of pending litigation and court decisions under the Attorney-Client privilege and for discussion of an employment issue. Approved.**

While in Executive Session, no actions were taken.

There being no further business, Mr. Amsler declared the meeting adjourned.
All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,

Mark S. Lutz, Vice-Chairman

Minutes approved this 8th day of May 2012.

ATTEST:

Allen Amsler, Chairman

Attachments
0-1 Agenda
0-2 Attendance Roster
1-1 Minutes for March 8 and March 14
2-1 Monthly Award for Excellence – April 2012
3-1 Administrative and Consent Orders issued by EQC
4-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
5-1 Public Hearing and Request for Final Approval – R.61-62, Air Pollution Control Regs and Standards
5-2 Public Hearing Sign-in Sheet
5-3 Verbatim Transcript
6-1 Handling of Requests for Review requiring action before June 12, 2012
7-1 Status Report – Environmental Fees and Time Frames
8-1 Home Health Services FY2011 Annual Program Evaluation