



Mark Elam, Chairman  
David W. Gillespie, MD, Vice-Chairman  
Charles M. Joye II, P.E., Secretary

**Board:**  
Seema Shrivastava-Patel  
Richard V. Lee, Jr.  
Jim Creel, Jr.

### **Minutes of the March 7, 2019, meeting of the South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, March 7, 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  
David W. Gillespie, MD, 6<sup>th</sup> District  
Jim Creel, Jr., 7<sup>th</sup> District

In attendance via telephone  
Charles M. Joye, II, P.E., 3<sup>rd</sup> District

Not in attendance  
Seema Shrivastava-Patel, 2<sup>nd</sup> District,

1<sup>st</sup>, 4<sup>th</sup> and 5<sup>th</sup> Congressional District seats are currently vacant.

Also, in attendance were Jacquelyn S. Dickman, Legal Counsel; Lisa Lucas Longshore, 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 December 13, 2018 meeting, December 19, 2018 meeting and January 3, 2019 meeting** (Attachments 1-1, -2, -3 respectively)

Mr. Creel moved, seconded by Dr. Gillespie, to approve minutes as presented. The Board voted and Motion carried.

#### **Item 2: Public Hearing for Notice of Final Regulation -- Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, Document No. 4873** (Attachment 2-1)

Mr. Robbie Brown, Director, Division of Air Assessment and Regulations, presented this item to the Board.

The South Carolina Pollution Control Act authorizes the Department to adopt emission control regulations, standards, and limitations, and to take all actions necessary or appropriate to secure to the state the benefits of federal air pollution control laws. General Assembly review is required.

Pursuant to the Federal Clean Air Act ("CAA) and the South Carolina Pollution Control Act, the Department proposed amending South Carolina Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP, as follows:

- R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to expand and improve consistency in language regarding general and registration permits;
- The introductory paragraph to R.61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove the sentence describing the test method for Gaseous Fluorides to improve the accuracy and clarity of the regulation's text;
- R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NOX), to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling;
- R.61-62.5, Standard No. 7, Prevention of Significant Deterioration, to update applicability and exemptions, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling;
- R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to improve the overall clarity and structure of the regulation, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling;
- R.61-62.1, Definitions and General Requirements; R.61-62.5, Standard No. 7, Prevention of Significant Deterioration; R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); and R.61-62.70, Title V Operating Permit Program, to update public participation procedures;
- R.61-62, Air Pollution Control Regulations and Standards, including definitional updates, clarification of certain permitting provisions, and other changes and additions deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R.61-62 as necessary.

Ms. Dickman opened the meeting for public comments on this matter, but no one wished to speak. (Attachment 2-2)

After discussion, ***Mr. Creel moved, seconded by Dr. Gillespie, that based on the public hearing and documents herein, move to find for the need and reasonableness of the Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, Document No. 4873, and grant approval for 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 permanent record. (Attachment 2-3)

**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 twenty (20) Consent Orders, one (1) Administrative Order and one (1) Emergency Suspension Order had been issued with assessed penalties totaling \$63,710.

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

**Item 4: Administrative Orders and Consent Orders issued by Environmental Affairs** (Attachment 4-1)

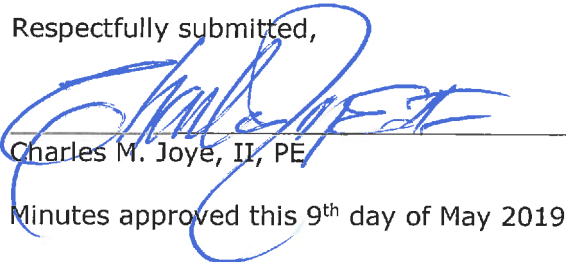
Ms. Robin Stephens, Assistant to Deputy Director of Environmental Affairs, stated that for this reporting period three hundred eleven (311) Consent Orders, five (5) Administrative Orders and one (1) Consent Agreement had been issued with assessed penalties totaling \$578,610.

***The Board accepted this item as information.***

Be 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 9<sup>th</sup> day of May 2019.

ATTEST:



Mark R. Elam, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 December 13, 2018 minutes
- 1-2 December 19, 2018 minutes
- 1-3 January 3, 2019 minutes
- 2-1 **Public Hearing for Notice of Final Regulation** -- Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, Document No. 4873
- 2-2 Public Hearing Sign-in Sheet
- 2-3 Verbatim Transcript of Public Hearing
- 2-1 Notice of Proposed Regulation Amending Regulation 61-62, Air Pollution Control Regulations and Standards, Review by General Assembly required
- 3-1 Administrative and Consent Orders issued by Health Regulation
- 4-1 Administrative and Consent Orders issued by Environmental Affairs