



## The Task Force to Strengthen the Health and Promote the Environment of South Carolina

2100 Bull Street  
Columbia, SC 29201

### Environmental Protection Subcommittee

Aug. 5, 2021

#### Minutes

The SHaPE SC Environmental Protection Subcommittee met on **Aug. 5, 2021, at 1:30 pm** at the Nexsen Pruet offices located at 1230 Main Street, Suite 700, Columbia, SC. The meeting was called to order by Mr. Tommy Lavender, Subcommittee Chair, and the following members were in attendance:

Tommy Lavender, Erika Hollis, Bill Stangler, Michael Fields, Rebecca Haynes, Myra Reece, Gary Spires, Dr. Jeffery Allen, Emily Cedzo, Mark Nix, Charlie Gray (for Jill Miller)

Not in attendance:

Art Braswell, John Durst, Todd Glover, Sara Hazzard, Clint Leach, Harold Mitchell Jr., Ken Rentiers

Also in attendance were Bernie Hawkins, Facilitator (SHaPE SC); Cassandra Harris, DHEC's Director of Strategy and Engagement; Jade Reynolds, DHEC's Engagement Coordinator; Robin Mack, Assistant Bureau Chief of DHEC's Bureau of Environmental Health Services; Rob Devlin, Director of Water Monitoring, Assessment, & Protection Division of DHEC's Bureau of Water; Katie Titus, SC Chamber of Commerce; Megan Chase, Upstate Forever; Merrill McGregor, Coastal Conservation League; Cassidy Murphy, Farm Bureau; and members of the public.

#### **Item 1: Call to Order/Welcome**

Chairman Lavender called the meeting to order, welcomed members to the meeting, and started the meeting by stating that notice of this meeting was 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. He asked members to introduce themselves. He then directed subcommittee members to the agenda and asked if anyone had any comments to share before getting started. He then called upon Cassandra Harris to provide a summary of the minutes from the last meeting.

#### **Item 2: Review of Minutes**

Ms. Harris directed members to the minutes, which had been previously provided. Ms. Harris provided a brief review of the minutes from previous meeting. Mr. Lavender asked the members if any corrections were needed. Mr. Fields stated the need to correct the minutes to show that he was not in attendance at

the previous meeting. Mr. Lavender then asked for vote to approve the minutes. Upon receiving no objections, the minutes of the July 22 meeting were approved with the revision.

Mr. Lavender briefly reviewed next steps and potential revisions to the Subcommittee Input document to meet the needs of the subcommittee prior to the full task force meeting on Aug. 10.

### **Item 3: Overview of Interactions with Other State Agencies**

Mr. Lavender then requested that Ms. Reece, followed by members of the Subcommittee, provide an overview of the existing interactions between DHEC and other state agencies.

Ms. Reece reviewed the existing benefits to collaboration between state agencies across South Carolina. During her brief, she spotlighted interactions including regulatory issues, event response, and overall strategic initiatives moving forward with environmental protection.

Mr. Lavender asked the subcommittee if there was any additional feedback on cross agency collaboration between DHEC and other agencies.

Ms. Hollis stated concerns regarding confusion at the local level with who is the responsible party for the coordination the MS4 (Municipal Separate Storm Sewer Systems) program. It's not a matter of intent, but resources and staffing, Ms. Hollis explained. Ms. Chase included concerns related to capacity level and requested that Ms. Reece outline where improvements could be made.

Ms. Reece responded that there is a focus on coordination at the local government level. To address this issues Ms. Reece explained that DHEC is working to develop a summit with the aim to connect local authorities to DHEC staff, information and resources.

Ms. Chase added the need for a clear line of command and communications. Mr. Lavender asked if workshops at DHEC existed to provide support to stakeholders at the regional level. He specifically emphasized the need for a clear understanding with MS4s.

Ms. Reece noted that the responsibility of overseeing of the MS4s though the stormwater program is held by DHEC. She also stated that the need for capacity is seeking to be addressed by the agency through a request for a budget increase and additional skilled staffing. She reminded the subcommittee that stormwater is becoming one of the largest concerns for the agency because of increased development statewide.

Mr. Lavender asked Ms. Hollis when there is confusion about the responsible party, which does it usually fall back on, local government or DHEC. Ms. Hollis clarified that depending on the issue, local governments often refer issues and questions back to DHEC, and it again seems to have to do with limited personnel to respond to the issue on a local government level. Mr. Spires asked if this was a larger issue that was getting worse based on development across the state. Ms. Hollis stated that the issue is that development is increasing as funding for local government is decreasing.

Ms. Chase asked Ms. Reece to clarify interactions with other state agencies. Ms. Reece outlined a need to strengthen partnerships between other state agencies. Mr. Stangler also provided several examples of inter-agency and stakeholders collaborations, such as tabletop exercises and series of meetings to address issues collaboratively.

Mr. Spires described concerns related to water management and planning being split between two agencies. He stated that the Farm Bureau has gone to the state legislature concerning combining water planning and regulation to request that management be placed within one agency. Their recommendation was to set up a division within DHEC to manage this effort, including its own deputy to

report directly to agency's director. He stated that the Farm Bureau also supports realignment of the regulation of shellfish and food safety addressed by S. 2.

Mr. Spires mentioned the need for greater efficiencies concerning meetings, including decreasing the number of meetings and ensuring outcome driven results as a product of those meetings.

Mr. Lavender stated that the Chamber would support the consolidation of water planning within the same agency. This would include surface water and groundwater.

Mr. Stangler stated concerns related to river basin planning. Specifically, he was concerned that putting water planning in one agency would not resolve current issues. Mr. Spires stated that a consolidation would provide increased accountability, streamline government, and increase efficiencies. Mr. Stangler asked if through such consolidations you would instead be creating redundancies. Mr. Spires stated the need to identify a single place of accountability.

Mr. Stangler asked if DHEC could take on the new roles as proposed in S. 2 without derailing the state water plan.

Mr. Lavender asked Ms. Reece if DHEC currently is able to manage other environmental programs that are not split in the same manner. Ms. Reece responded that anytime the agency takes on new responsibilities, it needs the appropriate resources and expertise.

Rob Devlin, DHEC's Director of Water Monitoring, Assessment, & Protection Division within the Bureau of Water, clarified that planning functions are currently provided under the groundwater management planning. He also stated that DHEC works well with DNR and Clemson to support surface water planning. Mr. Devlin stated that as long as staff was together, he didn't see a reason why DHEC couldn't cover both planning needs.

Mr. Lavender stated that the initial need for consolidation came from the DNR budget request.

Mr. Spires referred to the Kansas Report's conclusion that the separation brought more programmatic visibility to the legislature, particularly in terms of the budget and not having to compete with other parts within the same agency.

Ms. Chase stated that she doesn't see how to get away from the level of stakeholder engagement needed for water planning. Mr. Stangler later agreed with that sentiment.

Mr. Lavender mentioned that the last plan was in 2004 and believed that there was an opportunity to move FTEs without losing ground. Specifically, he pointed to the hydrologist staffing and the need to direct staffing based on needs for water planning.

Mr. Spires stated that DNR does a great job with protecting and managing fish and game species. He said DNR would still be considered a stakeholder and would be able to comment on water management functions.

Ms. Chase asked if anyone has asked what was needed to expedite the water planning process and if it was more money and resources. For Upstate Forever, they would like to see something fixed before consolidation. Mr. Stangler concurred.

Mr. Lavender asked if there were other functional crossovers, specifically mentioning food safety. He then asked if DHEC had concerns with trimming the food safety program.

Ms. Reece responded that environmental health programs were previously under Public Health. Today, those programs are led by Environmental Affairs at mostly the local level. Robin Mack, Assistant Bureau Chief of DHEC's Bureau of Environmental Health Services, responded that some staff are solely responsible for food safety and retail food establishment inspections, while others are responsible for food safety and rabies investigations, based on staffing needs and resources. Ms. Reece added that both rabies and food safety have a strong health component and they are linked in expertise.

Mr. Fields stated that he's seen an improvement over the years between DHEC's interaction with state agencies, specifically for hurricane response. He stated that there was still room for improvement. An example that Mr. Fields provided was multiple communications during COVID-19. He exclaimed the critical need for state agencies to work more directly together.

Ms. Haynes asked, as it relates to current pending legislation, what was trying to be fixed. At this time, she does not see compelling evidence to restructure DHEC. Ms. Haynes stated the interest in talking about water planning concerns separately, unless more compelling evidence is provided.

Ms. Cedzo largely agreed with Ms. Haynes observations, stating that the Conservation League did not yet see compelling evidence for restructuring. The Conservation League works closely with DHEC and found collaboration between the agency and other state agencies like DNR. Examples included abandoned vessels. Ms. Cedzo stated the need to continue to have an additional agency, referring to DNR, to provide data to advise DHEC. She then stated the need to set DHEC up for success through adequate funding to address problems that the task force has identified.

Dr. Allen stated the need to look deeper into the collaboration with partners. While he noted the process involving partnerships takes time, they are still needed. He stated that he understands the need for efficiency, but he hasn't seen evidence that S. 2 would address that concern. He also mentioned that the consolidation of agency structure does not remove the necessary work.

Mr. Nix expounded that DHEC has done a good job holding meetings among stakeholders and local government, especially on stormwater issues.

Mr. Gray stated that he was not sure that there was enough to gain in restructuring. He also echoed previous comments about DHEC positive efforts to engage stakeholders.

#### **Item 4: Discussion of Subcommittee Input Document**

Chairman Lavender then asked the subcommittee members to review the Stakeholder Input document, starting with question one.

##### **Question 1. How are we presently doing in delivering services?**

Mr. Stangler mentioned the previous SWOT matrix developed by the subcommittee.

Mr. Fields stated that sometimes DHEC is too rigid on its processes, lacking on flexibility to support clients. Specifically looking at the tank program and the need for flexibility with internal processes.

Mr. Lavender stated that purge of internal records related to UST in 1995 should never happen again. Ms. Reece reviewed DHEC's retention records and efforts to digitize records. Some current retention schedules are shorter than the agency would like to be. Ms. Reece stated the need to go back and review those schedules.

Mr. Fields examined the impact of inaction because of lack of staff or records has a direct impact based on real-estate transactions and other businesses.

**Question 2 & 3. What are our greatest future challenges?; What are your recommendations for a bright tomorrow?**

Mr. Stangler mentioned that funding and resources are the greatest challenges.

Mr. Lavender requested the current number of vacancies in DHEC's Deputy Area of Environmental Affairs. Ms. Reece mentioned various reasons why positions may be held. Meanwhile most vacancies are due to lack of competitive funding.

Mr. Hawkins stated the number of vacancies can be misleading as sometimes the agency may not even receive applications for the position.

Mr. Fields asked about exit interviews. Ms. Reece explained that reasons are not consistent across programs. She then stated the need to have an intentional retention plan.

Ms. Hollis asked if DHEC staff were able to provide input in the process. Mr. Hawkins said efforts were underway, including through the public input survey as well as informal communications with staff. Examples of concerns from staff to date include competitive salaries and benefits and rotating leadership at the top.

Mr. Lavender asked if there were any next steps or concerns on where to go next for the committee.

**Item 6: Closing Remarks and Next Steps**

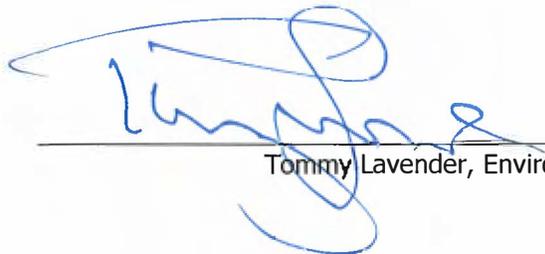
Mr. Lavender indicated that he would work with the Subcommittee Clerk Lawra Boyce and Ms. Harris to develop a document to share with the members based on input to date. The document will be shared to provide consensus.

Mr. Spires asked for a 10-year historic overview of federal and state funding for Environmental Affairs.

Mr. Lavender asked about the process for making budget requests to the General Assembly. Ms. Reece said that through the budget requests case studies are developed and determined by the Agency Head based on agency priorities. This process requires deputy areas to compete for funding.

**Based on feedback from today's meeting and past meetings, a document will be produced for the subcommittees review prior to the full task force meeting on Aug. 10.**

Recordings of Task Force and Subcommittee meetings can be found at the SHaPE SC website.



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Tommy Lavender, Environmental Protection Subcommittee Chair  
SHaPE SC  
September 9, 2021