

(x) ACTION/DECISION
() INFORMATION

Date: June 8, 2023

To: S.C. Board of Health and Environmental Control

From: Bureau of Land and Waste Management

Re: Notice of Proposed Regulation for New Solid Waste Management Regulation, *Solar Energy Systems*.

I. Introduction


The Bureau of Land and Waste Management (“Bureau”) proposes the attached Notice of Proposed Regulation for new regulation R.61-107.20, *Solar Energy Systems*, for publication in the June 23, 2023, South Carolina State Register (“State Register”). Legal authority resides in 2022 Act No. 119, Section 5, which directs the Department of Health and Environmental Control (“Department”) to develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life photovoltaic modules, and energy storage system batteries on solar projects and the decommissioning of solar projects in excess of thirteen acres. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.


II. Facts

1. Pursuant to 2022 Act No. 119, Section 5, the Department is directed to submit regulations for the management of end-of-life PV modules and energy storage system batteries on solar projects in excess of thirteen acres. The Bureau proposes new regulation R.61-107.20, *Solar Energy Systems*, to create basic guidelines for large solar energy systems to facilitate proper disposal of PV modules and accompanying equipment. The new regulation is designed to establish a registration requirement, and require all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary.
2. The Department had a Notice of Drafting published in the March 24, 2023, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received no public comments by the April 24, 2023, close of the public comment period.
3. Appropriate Department staff conducted an internal review of the proposed new regulation on May 8, 2023.
4. The Bureau conducted a stakeholder engagement meeting on January 18, 2023, to receive comments on the proposed new regulation. The Bureau conducted the meeting virtually and included representatives of solar companies, utilities, green energy advocates, the recycling industry, waste processing industry, environmental organizations, city and county governments, and other interested parties.

III. Request for Approval

The Bureau respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the June 23, 2023, *State Register*.


Henry Porter
Bureau Chief


Myra C. Reece
Director

Attachments:

- A. Notice of Proposed Regulation
- B. Notice of Drafting published in the March 24, 2023, *State Register*

ATTACHMENT A

**STATE REGISTER NOTICE OF PROPOSED REGULATION
FOR NEW SOLID WASTE MANAGEMENT REGULATION, *SOLAR ENERGY SYSTEMS***

June 8, 2023

Document No. _____

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: 2022 Act No. 119, Section 5, effective January 27, 2022

Preamble:

Pursuant to 2022 Act No. 119, Section 5, the Department of Health and Environmental Control (“Department”) is directed to develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, *Solar Energy Systems*, to create basic guidelines for large solar energy systems. The new regulation is designed to establish a registration requirement, and facilitate all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.

The Department had a Notice of Drafting published in the March 24, 2023, South Carolina State Register.

Section-by-Section Discussion of Proposed New Regulation:

Section	Type of Change	Purpose
Regulation Number, Regulation Title, and Statutory Authority	Addition	Assigns a regulation number and title, and establishes the Department’s statutory authority.
Table of Contents	Addition	Gives an overview of the contents and organization of the regulation.
A. Applicability	Addition	This part lays out the pertinent activities by providing guidance, rules, and requirements for compliance with this regulation.
B. Definitions	Addition	This part defines the terms used throughout the regulation and presents the terms in alphabetical order.
C. General Provisions	Addition	This part describes the general requirements that apply to all large solar energy systems.
D. Registration	Addition	This part describes the registration requirements that

		apply to all large solar energy systems.
E. Decommissioning Requirements	Addition	This part describes requirements for a facility’s decommissioning of a large solar energy system after certain conditions are met.
F. Financial Assurance	Addition	This part describes the minimum financial assurance standards for compliance with Section E.
G. Severability	Addition	This part protects the remaining portion of the regulation should any part or language be found invalid.
H. Violations and Penalties	Addition	This part establishes the penalties for violation of this regulation or any permit, order, or standard issued pursuant to the regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed new regulation to Juli Blalock of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; swregdev@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on July 24, 2023, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed new regulation during its September 7, 2023, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the Bull Street main entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement

The requirements of this regulation would cause a cost assessment to the State General Fund. Staff anticipates there will be no cost to the Department to implement the directives of the Act and this proposed regulation. There are no fees established by the Act and this proposed regulation. Additional costs to state government are unanticipated.

Statement of Need and Reasonableness

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: New Solid Waste Management Regulation, Solar Energy Systems

Purpose: The purpose of this new regulation is to comply with the requirements of 2022 Act No. 119, Section 5, which directs the Department to develop rules for solar projects in excess of thirteen acres. The new regulation is designed to establish a registration requirement for large solar sites, and facilitate that all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary.

Legal Authority: 2022 Act No. 119, Section 5

Plan for Implementation: The new regulation will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the new regulation. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

In 2022, the General Assembly passed Act No. 119, which in Section 5 instructs the Department to prepare regulations for the management of end-of-life PV modules and energy storage system batteries on solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, Solar Energy Systems, to establish basic requirements for large solar energy systems. This proposed regulation would require the Department to oversee a registration process for those who qualify as large solar energy systems, as well as the decommissioning of these sites at their end-of-life. This regulation is needed to comply with the requirements of 2022 Act No. 119 and will give the Department a basic framework with which to manage large solar energy systems and facilitate local approval for such sites.

DETERMINATION OF COSTS AND BENEFITS:

Internal costs: Implementation of this proposed regulation will not require additional resources beyond those allowed for by Act 119. The Department estimates that there are 78 current facilities that would need oversight under this regulation. This proposed regulation would require the Department to oversee a registration process for large solar energy systems as well as the decommissioning of these sites at their end-of-life. The Act does not establish a fee that would fund the implementation of this regulation.

External costs: There will be a cost for facilities that qualify as large solar energy systems. Costs include complying with registration requirements and decommissioning requirements that require these facilities to remove all solar panels and accompanying equipment, which includes providing a financial assurance mechanism to the Department. There are no registration or operating fees in this proposed regulation.

External benefits: With the state participating in oversight of large solar energy systems, there will be less of a burden on local government resources to manage such sites. It will benefit the residents of South Carolina as this proposed regulation assists in facilitating the proper disposal of solar panels at the end of their useful life.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This proposed new regulation will provide rules to facilitate the proper disposal of end-of-life large solar energy systems.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

If this proposed new regulation does not become effective, the rules for large solar energy systems required by 2022 Act No. 119, Section 5 will not be implemented. The Department will not have any regulatory framework to manage the creation and operation of large solar energy systems.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The requirements of 2022 Act No. 119, Section 5, directs the Department to develop regulations to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. R.61-107.20, Solar Energy Systems, will establish basic oversight rules over large solar energy systems, including a registration requirement, and a requirement for a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. This new regulation will allow the Department to have knowledge of existing facilities and establishes a framework with which to manage end-of-life PV modules and energy storage system batteries.

Text:

~~Indicates Matter Stricken~~

Indicates New Matter

61-107.20. Solar Energy Systems.

Statutory Authority: Section 5 of Act 119 of 2022

Table of Contents

A. Applicability

B. Definitions

C. General Provisions

D. Registration Requirements

E. Decommissioning Requirements

F. Financial Assurance

G. Severability

H. Violations and Penalties

A. Applicability.

1. This regulation establishes procedures, documentation, and other requirements which must be met to operate large solar energy systems.

2. The requirements of this regulation are not applicable to rooftop solar energy systems or any other solar energy system that does not meet the definition of a large solar energy system.

3. The requirements of this regulation do not supersede or amend R.61-79, *Hazardous Waste Management Regulations*, or any other applicable laws, statutes, rules, and regulations.

4. The requirements of this regulation do not supersede or amend R.61-107, *Solid Waste Management Regulations*, or any other applicable laws, statutes, rules, and regulations.

B. Definitions.

1. "Decommission" means the removal and proper disposal of solar energy equipment, facilities, or devices located on real property utilized by or in a large solar energy system. "Decommission" includes the reasonable restoration of the property upon which such solar equipment, facilities, or devices are located, including, but not limited to:

a. soil stabilization; and

b. revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

2. "Department" means the South Carolina Department of Health and Environmental Control.

3. "End-of-life solar panel" means, for the purpose of this regulation, any solar panel, solar energy equipment or other materials that is no longer suitable for its original intended purpose because of wear, damage, or defect.

4. "Existing large solar energy system (system)" means a large solar energy system installed prior to promulgation of this regulation. The system is considered installed if: on-site physical construction has begun, or the owner or operator has entered into contractual obligations for the installation of the system.

5. "Financial assurance mechanism" means, for the purpose of this regulation, a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of a large solar energy system. Available financial assurance mechanisms include cash, insurance, trust funds, surety bonds, letters of credit, certificates of deposit, and financial tests as determined by the Department, per regulation.

6. "Generation" means the act or process of producing waste materials.

7. "Ground-mounted solar energy systems" means a solar energy system that is structurally mounted to the ground.

8. "Hazardous waste" is defined in Section 44-56-20 of the South Carolina Hazardous Waste Management Act and is applicable to this regulation.

9. "Landowner" means a person or corporation who has assumed legal ownership of the property upon which a solar energy system is constructed.

10. “Large solar energy system” means a ground-mounted solar energy system that occupies in excess of thirteen (13) acres.

11. “Operator” means the person or corporation responsible for the overall operation of a solar energy system.

12. “Owner” means the person or corporation who has assumed legal ownership of the solar energy system through the provisions of a contract or other legally binding transfer of ownership.

13. “Person” means an individual, business entity, partnership, limited liability company, corporation, not-for-profit corporation, association, public benefit corporation, or public authority.

14. “Photovoltaic device” means a device that generates electricity directly from sunlight via an electronic process that occurs naturally in certain types of material, such as semiconductors.

15. “Reasonably restored” means to place a solar energy system back into its original state or in accordance with any other applicable contract between the owner and landowner.

16. “Rooftop solar energy system” means a solar energy system that is structurally mounted to the roof of a house, building, or other structure and does not qualify as a large solar energy system.

17. “Solar energy equipment” means electrical material, hardware, inverters, conduit, storage devices, footings, braces, stands or any other equipment to any electric grid equipment associated with the operation of a solar energy system.

18. “Solar energy system” means components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to any interconnection equipment.

19. “Solar panel” means a photovoltaic device capable of collecting and converting solar energy into electricity.

20. Solid waste” is defined in Section 44-96-40 of the South Carolina Solid Waste Policy and Management Act and is applicable to this regulation.

C. General Provisions.

1. Large solar energy systems shall comply with all federal, state, and local zoning, land use, and other applicable ordinances which include, but are not limited to, financial assurance requirements from local governments.

2. All solid waste and hazardous waste generated within the operation, routine or unexpected maintenance, or decommissioning of a large solar energy system’s operations shall be managed according to all applicable laws, statutes, rules, and regulations.

D. Registration Requirements.

1. Persons intending to operate a new large solar energy system shall submit a completed registration, prior to operation, via a form provided by the Department. The registration includes the following information:

- _____ a. Name of the large solar energy system;
- _____ b. Address and tax map ID number of the property upon which the large solar energy system will be located;
- _____ c. Landowner information which includes name, address, and contact information;
- _____ d. Owner information which includes name, address, and contact information;
- _____ e. Operator information which includes name, address, contact information; and
- _____ f. Projected date of decommissioning.
- _____ g. Signed agreement between owner and landowner, which confirms the plan for land restoration after decommissioning.

_____ 2. Existing large solar energy systems operating before the effective date of this regulation shall have one hundred eighty (180) calendar days from the regulation's effective date to comply with the provisions of this regulation.

_____ 3. Registrations shall be updated every five (5) years from the registration submission date, or with a transfer of ownership, until the site is completely decommissioned.

E. Decommissioning Requirements.

_____ 1. Five (5) years prior to a large solar energy system's projected end-of-life, the registrant shall submit to the Department a decommissioning plan for review and approval. The decommissioning plan shall be updated if any changes occur at the facility that require a deviation from the approved decommissioning plan, which includes the cost estimate.

_____ 2. Following a continuous twelve (12)-month period in which no electricity is generated, the registered owner/operator will have twelve (12)-months to complete decommissioning of the large solar energy system.

_____ 3. Decommissioning shall be considered complete once all components of a large solar energy system are removed, including, but not limited to, solar panels, buildings, cabling, electrical components, and any other components of a solar energy system that are removed and properly disposed of, or the property upon which such solar equipment, facilities, or devices are located have been reasonably restored.

_____ 4. The decommissioning plan shall include:

_____ a. A description of the large solar energy system that includes:

_____ (1) Total property acreage,

_____ (2) Total acreage used for solar panels and accessory equipment, and

_____ (3) The proposed number of solar panels for decommissioning.

b. A statement of the objective of the decommissioning process. An example of an objective can be the following: to reasonably restoring the site to its prior use or to a different use as approved by the owner and landowner;

c. The estimated timeframe it will take to complete the decommissioning process;

d. A description of the tasks involved in decommissioning and the types of equipment that will be required;

e. A final decommissioning cost estimate prepared by a third-party. The registrant shall provide a detailed estimate of the cost of recycling or disposing of all components of the solar energy system, including, but not limited to, solar panels, electrical material, hardware, inverters, conduits, storage devices, footings, braces, stands, or any other appurtenances associated with the operation of a solar energy system. A final decommissioning cost estimate shall provide estimates for third-party costs to properly recycle or dispose of all components of the solar energy system and perform any post-closure care. If applicable, a salvage plan may be included to support proposed salvage values.

f. A financial assurance mechanism that will be used to meet the requirements of the third-party cost estimate.

5. The owner or operator of the large solar energy system shall send a notification to the Department no later than thirty (30) calendar days after the completion of decommissioning.

F. Financial Assurance.

1. Once the Department has approved the decommissioning cost estimate, a financial assurance mechanism payable to the Department shall be submitted to the Department for review and approval.

a. A large solar energy system can satisfy the requirements of this section by submitting proof of compliance with financial assurance requirements from the municipal or local government in which the large solar energy system is located.

b. If the municipal or local government submittal is less than the Department-approved decommissioning cost estimate, the Department will require a greater amount to satisfy the financial assurance requirement.

2. Local governments may also establish or retain financial assurance ordinances that are more stringent than the statewide minimum standards.

3. The mechanism shall be adequate to ensure the satisfactory decommissioning of the large solar energy system and post-closure care as required by this regulation in Section E.4.

4. During the remaining operational life of the large solar energy system, the facility owner/operator shall adjust the decommissioning cost estimate as needed for inflation.

a. The large solar energy system owner/operator may update the financial assurance mechanism as needed to account for salvage value.

b. At any time during its period of operation, the large solar energy system owner/operator shall increase the decommissioning cost estimate and the amount of financial assurance provided if changes to the decommissioning plan or facility conditions increase the maximum cost of decommissioning.

c. At any time during its period of operation, the large solar energy system owner/operator may reduce the amount of financial assurance provided for proper closure if the approved decommissioning cost estimate exceeds the maximum cost of decommissioning. Prior to reducing the amount of financial assurance, the justification for the reduction of the decommissioning cost estimate shall be submitted to the Department for review and approval. Provided the new cost estimate is approved, the owner/operator may then reduce the amount of financial assurance secured.

5. The financial assurance mechanism shall consist of one or more of the following mechanisms: cash, insurance, trust funds, surety bonds, letters of credit, certificates of deposit, and financial tests as determined by the Department per regulation.

6. The mechanism used to demonstrate financial assurance under this section shall ensure that the funds necessary to meet the costs of closure and corrective action for known releases will be available whenever needed. The owner/operator shall provide continuous coverage for corrective action and decommissioning until released from financial assurance requirements by the Department.

7. The Department may take possession of a financial assurance mechanism for failure to complete decommissioning, to complete post-closure care, or to renew or provide alternate acceptable financial assurance.

8. The requirements of this Section apply to all large solar energy systems except those owned and operated by local government, a region comprised of local governments, or state or federal government entities whose debts and liabilities are the debts and liabilities of the state or the United States.

G. Severability.

Should any section, paragraph, sentence, clause, or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of this regulation shall not be affected thereby.

H. Violations and Penalties.

The Department may impose reasonable civil penalties on a large solar energy system for each day of violation of the provisions of this regulation, including violation of any Department order or standard.

ATTACHMENT B

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Chapter 61

Statutory Authority: 2022 Act No. 119, Section 5, effective January 27, 2022

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes drafting a new regulation for the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects in excess of thirteen acres. Interested persons may submit comment(s) on the proposed new regulation to Juli Blalock of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; swregdev@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 24, 2023, the close of the Notice of Drafting comment period.

This notice supersedes the Notice of Drafting that was published in the South Carolina State Register Volume 46, Issue 2 on February 25, 2022.

Synopsis: Pursuant to Section 5 of 2022 Act No. 119 (the “Act”), the Department was directed to submit regulations which develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic modules and energy storage system batteries in the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects. Regulations submitted may pertain to the decommissioning of solar projects in excess of thirteen acres. The Department proposes promulgating a new regulation as directed in the Act. The new regulation will establish rules for the responsible management and disposal of materials and equipment used in utility-scale solar projects, including local government approval of a site plan and the submission of a nonbinding management plan. The rules may also include a decommissioning plan, financial assurance, registration requirements, reporting requirements, and stewardship.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of the proposed new regulation.

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
June 8, 2023

_____ ACTION/DECISION

 X INFORMATION

1. **TITLE:** Administrative and Consent Orders issued by the Office of Environmental Affairs.
2. **SUBJECT:** Administrative and Consent Orders issued by the Office of Environmental Affairs during the period April 1, 2023, through April 30, 2023.
3. **FACTS:** For the reporting period of April 1, 2023, through April 30, 2023, the Office of Environmental Affairs issued twenty (20) Consent Orders with total assessed civil penalties in the amount of thirty-four thousand, one hundred sixty-five dollars (\$34,165.00). Also, twenty-six (26) Administrative Orders with total assessed civil penalties in the amount of fifty-nine thousand, four hundred fifty-seven dollars (\$59,457.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	5	\$54,957.00	4	\$12,865.00
Solid Waste	1	\$4,500.00	2	\$5,500.00
Hazardous Waste	0	0	0	0
Mining	0	0	0	0
Radiological Health	0	0	0	0
SUBTOTAL	6	\$59,457.00	6	\$18,365.00
Water				
Recreational Water	0	0	2	0
Drinking Water	0	0	1	0
Water Pollution	0	0	6	\$9,300.00
SUBTOTAL	0	0	9	\$9,300.00
Air Quality				
SUBTOTAL	0	0	1	\$500.00
Environmental Health Services				
Food Safety	0	0	0	0
Onsite Wastewater	20	0	4	\$6,000.00
SUBTOTAL	20	0	4	\$6,000.00
OCRM				
SUBTOTAL	0	0	0	0
TOTAL	26	\$59,457.00	20	\$34,165.00

Submitted by:

Myra C. Reece
Myra C. Reece
Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
June 8, 2023**

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 22-0340-UST
Order Date: March 21, 2023
Individual/Entity: **Parth's, Inc.**
Facility: 5 Star Food Mart 2
Location: 104 East McIntyre Street
Mullins, SC 29574
Mailing Address: Same.
County: Marion
Previous Orders: AO 21-0015-UST; AO 21-0215-UST
(superseded 21-0015-UST; \$24,355.00;
\$6,240.00 paid)
Permit/ID Number: 10053
Violations Cited: The State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-
2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage
Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.34(c), 280.40(a),
280.43(d), and 280.45(b)(1) (2012 & Supp 2022).

Summary: Parth's, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Marion County, South Carolina. On August 25, 2022, the Department conducted a routine compliance inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide records to the Department upon request; failed to provide an adequate release detection method; failed to conduct proper release detection using automatic tank gauge (ATG); and failed to maintain records for at least one (1) year. These are repeat violations.

Action: The Individual/Entity is required to submit either ten (10) of twelve (12) months of the most recent ATG records with the most recent two (2) passing for the 8,000-gallon plus and 6,000-gallon premium USTs at the Facility or passing tank tightness test results and current passing ATG results for the 8,000-gallon plus and 6,000-premium USTs at the Facility by May 26, 2023. The Department has assessed a civil penalty in the amount of eight thousand, three hundred seventy-five dollars (\$8,375.00). The Individual/Entity shall pay a civil penalty in the amount of eight thousand, three hundred seventy-five dollars (**\$8,375.00**) by May 26, 2023.

Update: The Individual/Entity did not file a request for review. The Order has been referred to Office of General Counsel for further enforcement action.

2) Order Type and Number: Administrative Order 22-0375-UST
Order Date: March 24, 2023
Individual/Entity: **Sandhu Properties, LLC**
Facility: Split Stop 201
Location: 201 Epting Avenue
Greenwood, SC 29648
Mailing Address: 52 Dogwood Drive
Adel, GA 31620
County: Greenwood
Previous Orders: None
Permit/ID Number: 18940
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.50, and 280.52 (2012 & Supp 2022).

Summary: Sandhu Properties, LLC (Individual/Entity) owns underground storage tanks (USTs) in Greenwood County, South Carolina. On September 27, 2022, the Department conducted a routine compliance inspection at the Facility and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to report a suspected release and failed to investigate and confirm a suspected release within a reasonable amount of time.

Action: The Individual/Entity is required to submit site check results for the premium, kerosene, and off-road diesel UST spill buckets by May 26, 2023. The Department has assessed a civil penalty in the amount of six thousand, seven hundred fifty dollars (\$6,750.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand, seven hundred fifty dollars (**\$6,750.00**) by May 26, 2023.

Update: The Individual/Entity did not file a request for review. Site check results have been submitted. The Order has been referred to Office of General Counsel for further enforcement action.

3) Order Type and Number: Administrative Order 22-0393-UST
Order Date: March 24, 2023
Individual/Entity: **Sandhu Properties, LLC**
Facility: Split Stop 712
Location: 712 East Gold Street
McCormick, SC 29835
Mailing Address: 52 Dogwood Drive
Adel, GA 31620
County: McCormick
Previous Orders: None
Permit/ID Number: 06439
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.31(a), 280.31(c),

280.34(2), 280.40(a), 280.40(a)(2), 280.43(h), and 280.45(b)(1) (2012 & Supp 2022).

Summary: Sandhu Properties, LLC (Individual/Entity) owns underground storage tanks (USTs) in McCormick County, South Carolina. On October 10, 2022, the Department conducted a routine compliance inspection at the Facility and issued a Notice of Alleged Violation on October 11, 2022. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain and operate a corrosion protection system; failed to inspect an impressed current system every sixty (60) days; failed to provide records to the Department upon request; failed to provide an adequate release detection method; failed to properly maintain release detection equipment; failed to conduct proper release detection using statistical inventory reconciliation (SIR); and failed to maintain records for at least one (1) year.

Action: The Individual/Entity is required to submit: current passing SIR results for all USTs at the Facility; proof the rectifier is on and functioning properly; proof the exposed impressed current wire have been repaired and/or covered and current passing follow-up cathodic protection system test results; proof metal in the UDCs for dispensers 1/2 and 3/4 has been isolated from soil and/or water; proof that a rectifier log has been initiated and is being properly maintained; passing release detection equipment operability test results for all USTs; and proof a new tank gauging stick has been obtained by May 26, 2023. The Department has assessed a civil penalty in the amount of fifteen thousand, two hundred fifty-eight dollars (\$15,258.00). The Individual/Entity shall pay a civil penalty in the amount of fifteen thousand, two hundred fifty-eight dollars (**\$15,258.00**) by May 26, 2023.

Update: The Individual/Entity did not file a request for review. The Order has been referred to Office of General Counsel for further enforcement action.

4) Order Type and Number: Administrative Order 22-0394-UST
Order Date: March 24, 2023
Individual/Entity: **Sandhu Properties, LLC**
Facility: Split Stop 437 and 407
Location: Split Stop 437: 437 Lee Street, Johnston, SC (Facility #1)
Split Stop 407: 407 Addison Street, Johnston, SC (Facility #2)
Mailing Address: 52 Dogwood Drive
Adel, GA 31620
County: Edgefield
Previous Orders: None
Permit/ID Number: 10952 and 11177
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.34(c), 280.40(a), 280.50, and 280.52 (2012 & Supp 2022).

Summary: Sandhu Properties, LLC (Individual/Entity) owns underground storage tanks (USTs) in Edgefield County, South Carolina. On October 10, 2022, the

Department conducted a routine compliance inspection at Facilities #1 and #2 and issued Notices of Alleged Violations on October 11, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation as follows, failed to: provide records to the Department upon request; provide an adequate release detection method; report a suspected release; and investigate and confirm a suspected release within a reasonable amount of time.

Action: The Individual/Entity is required to: submit site check results for all spill buckets at Facility #1; submit site check results for the 8,000-gallon regular unleaded UST; and submit a current passing automatic tank gauge result for the off-road diesel UST at Facility # 2 by May 26, 2023. The Department has assessed total civil penalties in the amount of eight thousand dollars (\$8,000.00) for Facility #1 and four thousand, seven hundred twenty-five dollars (\$4,725.00) dollars for Facility #2. The Individual/Entity shall pay a civil penalty in the amount of twelve thousand, seven hundred twenty-five dollars (**\$12,725.00**) by May 26, 2023.

Update: The Individual/Entity did not file a request for review. Site check results have been submitted. The Order has been referred to Office of General Counsel for further enforcement action.

5) Order Type and Number: Administrative Order 22-0395-UST
Order Date: March 24, 2023
Individual/Entity: **Sandhu Properties, LLC**
Facility: Split Stop 205
Location: 205 South Main Street
Saluda, SC 29138
Mailing Address: 52 Dogwood Drive
Adel, GA 31620
County: Saluda
Previous Orders: None
Permit/ID Number: 11445
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.34(c), 280.40(a), 280.40(a)(2), 280.43(h), 280.444(a), and 280.45(b)(1) (2012 & Supp 2022).

Summary: Sandhu Properties, LLC (Individual/Entity) owns underground storage tanks (USTs) in Saluda County, South Carolina. On October 10, 2022, the Department conducted a routine compliance inspection at the Facility and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide records to the Department upon request; failed to provide an adequate release detection method; properly maintain release detection equipment; failed to conduct proper release detection using statistical inventory reconciliation (SIR); failed to conduct annual test of automatic line leak detectors; and failed to maintain records for at least one (1) year.

Action: The Individual/Entity is required to: submit current passing SIR results for all USTs at the Facility; submit passing line leak detector function check results for all USTs at the Facility; submit passing release detection equipment operability test results for all USTs; and submit proof a new tank gauging stick has been obtained by

May 26, 2023. The Department has assessed a total civil penalty in the amount of eleven thousand, eight hundred forty-nine dollars (\$11,849.00). The Individual/Entity shall pay a civil penalty in the amount of eleven thousand, eight hundred forty-nine dollars (**\$11,849.00**) by May 26, 2023.

Update: The Individual/Entity did not file a request for review. The Order has been referred to Office of General Counsel for further enforcement action.

6) Order Type and Number: Consent Order 23-0022-UST
Order Date: April 10, 2023
Individual/Entity: **M. Pittman Enterprises, L. C.**
Facility: Ben's Country Store
Location: 1857 Lincoln Road
York, SC 29754
Mailing Address: P. O. Box 249
Manassas, VA 20108
County: York
Previous Orders: None
Permit/ID Number: 09382
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.10(d) and 280.26(f) (2012 & Supp. 2022).

Summary: M. Pittman Enterprises, L. C. (Individual/Entity) is a carrier/supplier of bulk fuels for delivery to underground storage tanks (USTs) in York County, South Carolina. Based on a routine compliance inspection on December 5, 2022, the Department issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: introduced petroleum or petroleum products into an unregistered or unpermitted UST system; and made an illegal delivery while USTs are under delivery prohibition.

Action: The Individual/Entity has corrected the violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**) by May 25, 2023.

Update: The Individual/Entity paid the assessed civil penalty on April 28, 2023. The Order is closed.

7) Order Type and Number: Consent Order 23-0052-UST
Order Date: April 13, 2023
Individual/Entity: **Southern Loggers Cooperative**
Facility: Georgetown Station
Location: 8 Dock Street
Georgetown, SC 29440
Mailing Address: 1152 Expressway Drive
Pineville, LA 71360-6697
County: Georgetown

Previous Orders: None
Permit/ID Number: 19623
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.20(c)(1)(ii) (2012 & Supp 2022).

Summary: Southern Loggers Cooperative (Individual/Entity) owns an underground storage tank (UST) in Georgetown County, South Carolina. On March 20, 2023, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a total civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by May 27, 2023.

Update: The Individual/Entity has paid the civil penalty. The Order is closed.

8) Order Type and Number: Consent Order 22-0414-UST
Order Date: April 14, 2023
Individual/Entity: **SC Department of Education**
Facility: Blackville School Bus Shop
Location: 565 Country Club Road
Blackville, SC 29817
Mailing Address: 1429 Senate Street, Room 1104
Columbia, SC 29201
County: Barnwell
Previous Orders: None
Permit/ID Number: 09610
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.34(c), 280.40(a), 280.40(a) (2), 280.43(d), 280.45(b)(1) (2012 & Supp 2022).

Summary: South Carolina Department of Education (Individual/Entity) owns an underground storage tank (UST) in Barnwell County, South Carolina. On October 24, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide records to the Department upon request; failed to provide an adequate release detection method; failed to properly maintain release detection equipment; failed to conduct proper release detection using automatic tank gauge; and failed to maintain records for at least one (1) year.

Action: The Individual/Entity is required to: submit either proof that the UST at the facility contains less than one (1) inch of residue or submit current automatic tank gauge records with passing results; and repair or replace the line leak detector and submit passing follow-up line leak detector function check results. The Department has assessed a total civil penalty in the amount of five thousand, eight hundred sixty-five dollars

(\$5,865.00). The Individual/Entity shall pay a total civil penalty in the amount of five thousand, eight hundred sixty-five dollars (**\$5,865.00**) by May 14, 2023.

Update: The Department received proof that the UST at the facility contained less than one (1) inch of residue. The civil penalty has been paid. The Order is closed.

- 9) Order Type and Number: Consent Order 23-0054-UST
 Order Date: April 24, 2023
 Individual/Entity: **Eddie Defee**
 Facility: Bulk Plant
 Location: 1800 Trade Street
 Florence, SC 29503
 Mailing Address: 7714 Francis Marion Road
 Effingham, SC 29541

 County: Florence
 Previous Orders: 22-0102-UST (\$400.00)
 Permit/ID Number: 03427
 Violations Cited: The State Underground Petroleum
 Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-
 2-10 et seq. (2018); and South Carolina Underground Storage Tank Control
 Regulation, 7 S.C. Code Ann., Regs 61-92, 280.70(a) (2012 & Supp 2022).

Summary: Eddie Defee (Individual/Entity) owns an underground storage tank (UST) in Florence County, South Carolina. On January 24, 2023, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain corrosion protection or appropriate release detection on a temporarily closed UST. This is a repeat violation.

Action: The Individual/Entity is required to submit proof the regular UST contains less than one (1) inch of residue. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00) for the violation. The Individual/Entity shall pay a total civil penalty in the amount of four hundred dollars (**\$400.00**) by June 8, 2023.

Update: The Individual/Entity submitted proof the regular UST contains less than one (1) inch of residue and has paid the civil penalty. The Order is closed.

Solid Waste Enforcement

- 10) Order Type and Number: Administrative Order 23-04-SW
 Order Date: March 21, 2023
 Individual/Entity: **Kelvin Chaplin**
 Facility: Kelvin's Auto & Tire
 Location: 880 Five Chop Road
 Orangeburg, SC 29115
 Mailing Address: 1681 Spring Valley Road
 County: Orangeburg

Previous Orders: None
Permit/ID Number: N/A
Violations Cited: Solid Waste Policy and Management Act of 1991, S.C. Code Ann. 44-96-10 et seq. (Rev. 2018 & Supp. 2021); Solid Waste Management: Waste Tires, R.61-107.3, Part III B.3.

Summary: Kelvin Chaplin (Individual/Entity), owns and operates a retail tire Facility, in Orangeburg County, South Carolina. Based on inspections conducted April 13, 2021, June 15, 2021, and February 10, 2022, the Department issued a Notice of Alleged Violation/Notice of Enforcement Conference. The Individual/Entity has violated the Solid Waste Policy and Management Act and the Solid Waste Management: Waste Tire Regulations, as follows: failed to obtain a permit to operate a waste tire collection facility from the Department before storing greater than one thousand (1,000) waste tires at the Facility.

Action: The Individual/Entity is required to dispose of the waste tires, over one thousand (1,000), at a Facility permitted by the Department to accept waste tires and provide disposal receipts to the Department. The Department assessed a total civil penalty in the amount of four thousand, five hundred dollars (\$4,500.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, five hundred dollars (**\$4,500.00**) by May 8, 2023.

Update: The Individual/Entity did not file a request for final review. The Order has been referred to Office of General Counsel for further enforcement action.

11) Order Type and Number: Consent Order 23-08-SW
Order Date: April 25, 2023
Individual/Entity: **SH Carter Development, Inc.**
Facility: SH Carter Class 2 Processing Facility
Location: 51 Sentell Road
Greenville, SC 29611
Mailing Address: P.O. Box 27064
Greenville, SC 29616
County: Greenville
Previous Orders: None
Permit/ID Number: PROC-00039
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Solid Waste Processing Facilities, R.61-107.6, Part H.1. (1995) and Permit # PROC-00039 A.4.

Summary: SH Carter Development, Inc. (Individual/Entity), operates a Class 2 Solid Waste Processing Facility located in Greenville County, South Carolina. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and Solid Waste Management: Solid Waste Processing Facilities, as follows: exceeded the permitted limit of 5,150 tons of all solid waste material stored on-site at any given time.

Action: The Individual/Entity is required to: immediately cease accepting unprocessed materials until such time the total amount of stored solid waste at the Facility returns to below the permitted limit of 5,150 tons and submit updated financial

assurance in the amount of two hundred twenty-six thousand, six hundred sixty-two dollars and sixty cents (\$226,662.60). The Department has assessed a total civil penalty of three thousand, five hundred dollars (\$3,500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**) and pay a suspended penalty in the amount of three thousand, (\$3,000.00) should any requirement of the Order not be met.

Update: The Individual/Entity has submitted updated financial assurance and has been issued a modified permit. The civil penalty has been paid. The Order is closed.

12) Order Type and Number: Consent Order 23-11-SW
Order Date: April 27, 2023
Individual/Entity: **Head-Lee Landscape Materials, Inc.**
Facility: Head-Lee Landscape Materials (Linley Drive) Type One Composting
Location: 299 Linley Drive
West Union, SC 29696
Mailing Address: 119 Redland Ranch Road
Walhalla, SC 29691
County: Oconee
Previous Orders: None
Permit/ID Number: 372411-3001
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, R.61-107.4, Part III.E.1.d., Part III.E.1.e. (2021) and permit # 372411-3001 General Conditions 1 and 4.

Summary: Andrew Head (Individual/Entity), operates a Wood Chipping Facility located in West Union, South Carolina. On December 29, 2022, the Department conducted a routine inspection of the Facility. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, as follows: stored unprocessed and/or in-process materials in excess of the maximum capacity allowed by the permit; accepted materials that resulted in materials stored at the facility in excess of the maximum capacity allowed by the permit; and exceeded the permitted capacity of 622.22 cubic yards for unprocessed or in-process materials stored onsite.

Action: The Individual/Entity is required to: immediately upon the execution of the Consent Order, cease accepting unprocessed materials until such time the stored unprocessed and/or in-process material at the Facility returns to below the permitted limit of 622.22 cubic yards and reduce the amount of unprocessed and in-process material to below the permitted limit of 622.22 cubic yards by June 11, 2023. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**) by June 11, 2023.

Update: The Individual/Entity has paid the civil penalty.

BUREAU OF WATER

Recreational Waters Enforcement

- 13) Order Type and Number: Consent Order 23-007-RW
Order Date: April 14, 2023
Individual/Entity: Brookfield 7501, LLC
Facility: Dira East Apartments
Location: 7501 Brookfield Road
Columbia, SC 29223
Mailing Address: 581 Franklin Turnpike
Ramsey, NJ 17446
County: Richland
Previous Orders: None
Permit/ID Number: 40-129-1
Violations Cited: S.C. Code Ann. Regs. 61-51.J.22

Summary: Brookfield 7501, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department issued a Notice of Enforcement Conference on January 26, 2023, as a result of a review of inspection records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to fill in or remove the pool, which has been permanently closed for a period in excess of twenty-four consecutive months.

Action: The Individual/Entity is required to: correct all deficiencies and any upgrades required to bring the pool into compliance with Regulation 61-51 and contact the Department to schedule an inspection to verify the completed work by July 13, 2023. The Individual/Entity will be required to properly fill in or remove the pool by September 11, 2023, if the requirement to bring the pool into compliance with Regulation 61-51 is not met within the specified timeline. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four hundred dollars (**\$400.00**) should any requirement of the Order not be met.

Update: On March 15, 2023, Department staff conducted a technical assistance inspection of the pool with the Individual/Entity and provided an inspection checklist of the deficiencies and required upgrades.

- 14) Order Type and Number: Consent Order 23-008-RW
Order Date: April 19, 2023
Individual/Entity: **Wanda L. Hall, Individually and d.b.a. Lake Shore Motel**
Facility: Lake Shore Motel
Location: 1443 Highway 17
Little River, SC 29566
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-457-1 & 26-457-2

Violations Cited:

S.C. Code Ann. Regs. 61-51.J.22

Summary: Wanda L. Hall, Individually and d.b.a. Lake Shore Motel (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Horry County, South Carolina. The Department issued a Notice of Enforcement Conference on March 6, 2023, as a result of a review of inspection records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to fill in or remove the pool and kiddie pool, which have been permanently closed for a period in excess of twenty-four consecutive months.

Action: The Individual/Entity is required to: correct all deficiencies and any upgrades to bring the pool and kiddie pool into compliance with Regulation 61-51 and contact the Department to schedule an inspection to verify the completed work by July 18, 2023. The Individual/Entity will be required to properly fill in or remove the pool and kiddie pool by October 16, 2023, if the requirement to bring the pool and kiddie pool into compliance with Regulation 61-51 is not met within the specified timeline. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight hundred dollars (**\$800.00**) should any requirement of the Order not be met.

Update: On March 15, 2023, Department staff conducted technical assistance inspections of the pool and kiddie pool with the Individual/Entity and provided inspection checklists of the deficiencies and required upgrades.

Drinking Water Enforcement

15) <u>Order Type and Number:</u>	Consent Order 23-006-DW
<u>Order Date:</u>	April 14, 2023
<u>Individual/Entity:</u>	Laleisha V. Cohen, Individually and d.b.a. Little Angels Child Care
<u>Facility:</u>	Little Angels Child Care
<u>Location:</u>	64 Rocky One Road Winnsboro, SC 29180
<u>Mailing Address:</u>	Same
<u>County:</u>	Fairfield
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	2074001
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.7

Summary: Laleisha V. Cohen, Individually and d.b.a. Little Angels Child Care (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Fairfield County, South Carolina. The Department conducted an inspection on March 7, 2023, and the PWS was rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the well did not have a well pad, sanitary seal, check valve, or blow-off; the wiring was not in conduit; there was no isolation valve; the piping was flex piping and was rusted; the sample tap was threaded; the well and storage tank were not secured to prevent unauthorized access; there was overgrown vegetation surrounding the well and storage tank; there was insect activity around the

well; the storage tank was dirty; and the well serving the system was permitted as a residential well.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to resolve the deficiencies by May 14, 2023. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity submitted a corrective action plan to install a public supply well to serve the childcare facility.

Water Pollution Enforcement

16) Order Type and Number: Consent Order 23-012-W
Order Date: April 12, 2023
Individual/Entity: **Town of Summerton**
Facility: Town of Summerton WWTF
Location: Wash Davis Road
Summerton, SC 29148
Mailing Address: P.O. Box 217
Summerton, SC 29148
County: Clarendon
Previous Orders: 21-073-W, (\$4,900.00)
Permit/ID Number: ND0063401
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) and Water Pollution Control Permits Regulation S.C. Code Ann. Regs. 61-9.122.41(a)

Summary: Town of Summerton (Individual/Entity) owns and is responsible for a wastewater treatment facility (WWTF) located in Clarendon County, South Carolina. The Individual/Entity reported violations of Escherichia coli (E.coli) on discharge monitoring reports (DMRs) submitted to the Department. The Individual/Entity has violated the Pollution Control Act, and the Water Pollution Control Permits Regulation as follows: failed to comply with the permitted effluent limitations for E.coli.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the effluent violations by May 12, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand, two hundred dollars (\$4,200.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, two hundred dollars (**\$4,200.00**) by May 12, 2023.

Update: None.

17) Order Type and Number: Consent Order 23-013-W
Order Date: April 19, 2023

Individual/Entity: **Lake Marion Resort and Marina/Water Holiday Owners Association Inc.**
Facility: Lake Marion Resort and Marina/Water Holiday Owners Association Inc. WWTF
Location: 510 Ragtime Trail
Santee, SC 29142-8623
Mailing Address: 510 Ragtime Trail
Santee, SC 29142-8623
County: Orangeburg
Previous Orders: None
Permit/ID Number: ND0067610
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d); Water Pollution Control Permits, S.C. Code Ann. Regs. 61-9.122.21(d) and 61-9.122.41(a)

Summary: Lake Marion Resort and Marina/Water Holiday Owners Association Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Orangeburg County, South Carolina. On November 14, 2022, a Notice of Violation (NOV) was issued to the Individual/Entity for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permit Regulations, as follows: failed to submit a permit renewal application at least one hundred eighty (180) days before the existing permit expires.

Action: The Individual/Entity is required to: continue to operate the WWTF in accordance with State Land Application Discharge Permit No. ND0067610, until a new permit issued by the Department becomes effective and submit an administratively complete application for the renewal of State Land Application Discharge Permit No. ND0067610 by May 4, 2023. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by May 19, 2023.

Update: None.

18) Order Type and Number: Consent Order 23-014-W
Order Date: April 24, 2023
Individual/Entity: **Santee Public Service District**
Facility: Santee Public Service District WWTF
Location: P.O. Box 1220
Santee, SC 29142-1220
Mailing Address: Same
County: Orangeburg
Previous Orders: 21-056-W (\$2,000.00)
Permit/ID Number: ND0065676
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d); Water Pollution Control Permits, S.C. Code Ann. Regs. 61-9.122.21(d) and 61-9.122.41(a)

Summary: Santee Public Service District (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility

(WWTF) in Orangeburg County, South Carolina. On January 10, 2023, a Notice of Violation (NOV) was issued to the Individual/Entity for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to submit a permit renewal application for renewal of the NPDES Permit at least one hundred eighty (180) days before the existing permit expires.

Action: The Individual/Entity is required to continue to operate the WWTF in accordance with State Land Application Discharge Permit ND0065676, until a new permit issued by the Department becomes effective and submit an administratively complete application for the renewal of State Land Application Discharge Permit ND0065676 by May 9, 2023. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by May 24, 2023.

Update: None

19) Order Type and Number: Consent Order 23-015-W
Order Date: April 24, 2023
Individual/Entity: **Town of Williamston**
Facility: Williamston Big Creek WWTF
Location: 59 Gate Court
Williamston, SC 29697
Mailing Address: 12 West Main Street
Williamston, SC 29697
County: Anderson
Previous Orders: 19-059-W, 22-052-W (\$2,800.00)
Permit/ID Number: SC0046841
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a)

Summary: The Town of Williamston (Individual/Entity) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Anderson County, South Carolina. On April 7, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Ultimate Oxygen Demand (UOD), Ammonia-nitrogen (ammonia) and Biochemical Oxygen Demand (BOD) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation, as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for UOD, ammonia, and BOD.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations by May 24, 2023; conduct a six (6) event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of two thousand one hundred dollars (\$2,100.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand one dollars (**\$2,100.00**) in three (3) quarterly installments due October 15, 2023, December 15, 2023, and February 15, 2024.

Update: The Individual/Entity has submitted the corrective action completion letter.

20) Order Type and Number: Consent Order 23-016-W
Order Date: April 24, 2023
Individual/Entity: **R.D. Anderson Applied Technology Center**
Facility: R.D. Anderson Applied Technology Center WWTF
Location: 1151 Center Point Drive
Moore, SC 29369
Mailing Address: P.O. Box 248
Moore, SC 29369
County: Spartanburg
Previous Orders: None
Permit/ID Number: ND0067351
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d); Water Pollution Control Permits, S.C. Code Ann. Regs. 61-9.122.21(d) and 61-9.122.41(a)

Summary: R.D. Anderson Applied Technology Center (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Spartanburg County, South Carolina. On November 14, 2022, a Notice of Violation was issued to the Individual/Entity for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to submit a permit renewal application for renewal of the NPDES Permit at least one hundred eighty (180) days before the existing permit expires.

Action: The Individual/Entity is required to continue to operate the WWTF in accordance with State Land Application Discharge Permit ND0067351, until a new permit issued by the Department becomes effective and submit an administratively complete application for the renewal of State Land Application Discharge Permit ND0067351 by May 9, 2023. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by May 24, 2023.

Update: None.

21) Order Type and Number: Consent Order 23-017-W
Order Date: April 27, 2023
Individual/Entity: **Gunter-Belk, LLC**
Facility: Smith MHP WWTF
Location: 903 McRae Road
Camden, SC 29020
Mailing Address: Same
County: Kershaw
Previous Orders: None

Permit/ID Number: ND0061735
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d); Water Pollution Control Permits, S.C. Code Ann. Regs. 61-9.122.21(d) and 61-9.122.41(a)

Summary: Gunter-Belk, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Kershaw County, South Carolina. On November 15, 2022, a Notice of Violation was issued for the failure of reapplying for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permit Regulations, as follows: failed to submit a permit renewal application for renewal of the NPDES Permit at least one hundred eighty (180) days before the existing permit expires.

Action: The Individual/Entity is required to continue to operate the WWTF in accordance with State Land Application Discharge Permit ND0061735, until either a new permit issued by the Department becomes effective or a Lagoon Closure Plan has been received and approved by the Department and all closure requirements have been completed. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of one thousand dollars (**\$1,000.00**) should any requirement of the Order not be met.

Update: None.

BUREAU OF AIR QUALITY

22) Order Type and Number: Consent Order 23-004-A
Order Date: April 27, 2023
Individual/Entity: Ms. Jerica Jackson, Individually and as Personal Representative for the Estate of Sheila Peeples.
Facility: N/A
Location: 1096 Wilhite Drive
Ladson, SC 29456
Mailing Address: P.O. Box 68
Ladson, SC 29456
County: Berkeley
Previous Orders: 21-026-A
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. Regs. 61-62.2 (2022),
Prohibition of Open Burning

Summary: Ms. Jerica Jackson, Individually and as Personal Representative for the Estate of Sheila Peeples (Individual/Entity) is the owner of record for property located in Berkeley County, South Carolina. On March 1, 2022, the Department conducted an inspection in response to a complaint of open burning. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as

follows: burned materials other than those allowed in Section I of the regulations, specifically household garbage.

Action: The Individual/Entity is required to: henceforth cease all open burning at the site except which is allowed under the regulations. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (\$500.00) by May 27, 2023.

Update: None

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

On-Site Wastewater Enforcement

23)	<u>Order Type and Number:</u>	Administrative Order 23-009-OSWW
	<u>Order Date:</u>	March 20, 2023
	<u>Individual/Entity:</u>	Warren L. Frierson
	<u>Facility:</u>	Warren L. Frierson
	<u>Location:</u>	957 Brentwood Drive Hartsville, SC 29550
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Darlington
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Warren L. Frierson (Individual/Entity) owns property located in Darlington County, South Carolina. The Department conducted an investigation on January 6, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

24)	<u>Order Type and Number:</u>	Administrative Order 23-010-OSWW
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Order Date: March 20, 2023
Individual/Entity: **Essie B. Crosswell**
Facility: Essie B. Crosswell
Location: 825 Honda Way
Timmonsville, SC 29161
Mailing Address: P.O. Box 177
Timmonsville, SC 29161
County: Florence
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Essie B. Crosswell (Individual/Entity) owns property located in Florence County, South Carolina. The Department conducted an investigation on December 13, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

25) Order Type and Number: Administrative Order 23-011-OSWW
Order Date: March 20, 2023
Individual/Entity: **G and L Land Development, LLC**
Facility: G and L Land Development, LLC
Location: 2067 Rabun Road
Gray Court, SC 29645
Mailing Address: P.O. Box 435
Cross Hill, SC 29332
County: Laurens
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: G and L Land Development, LLC (Individual/Entity) owns property located in Laurens County, South Carolina. The Department conducted an investigation on December 7, 2022, and observed a camper occupied for more than two hours per day without an approved method of domestic wastewater treatment and disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that any unit or dwelling occupied for more than

two hours per day is connected to an approved method of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to apply for and install an OSWW system to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the camper to eliminate the flow of domestic wastewater. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Department is in the process of evaluating the Site to determine the issuance of a Permit to Construct.

26)	<u>Order Type and Number:</u>	Administrative Order 23-012-OSWW
	<u>Order Date:</u>	March 20, 2023
	<u>Individual/Entity:</u>	MD 77, LLC
	<u>Facility:</u>	MD 77, LLC
	<u>Location:</u>	98 Shealy Circle Pomeria, SC 29126
	<u>Mailing Address:</u>	9 Old Castle Court West Columbia, SC 29170
	<u>County:</u>	Newberry
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: MD 77, LLC (Individual/Entity) owns property located in Newberry County, South Carolina. The Department conducted an investigation on January 18, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

27)	<u>Order Type and Number:</u>	Administrative Order 23-013-OSWW
	<u>Order Date:</u>	March 20, 2023
	<u>Individual/Entity:</u>	Andrew Earl Weaver and Elizabeth P. Weaver

Facility: Andrew Earl Weaver and Elizabeth P. Weaver
Location: 1929 Penn Farm Road
Timmonsville, SC 29161
Mailing Address: Same
County: Florence
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Andrew Earl Weaver and Elizabeth P. Weaver (Individual/Entity) owns property located in Florence County, South Carolina. The Department conducted an investigation on November 22, 2022, and observed domestic wastewater discharging onto the surface of the ground from a camper not connected to an approved method of domestic wastewater treatment and disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department and failed to ensure that any occupied dwelling or unit is connected to an approved means of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to apply for and install an OSWW system to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the camper to eliminate the flow of domestic wastewater. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: None.

28) Order Type and Number: Administrative Order 23-014-OSWW
Order Date: March 20, 2023
Individual/Entity: **John A. Dacey, Jr.**
Facility: John A. Dacey, Jr.
Location: 1137 Kenneth Drive
Lexington, SC 29073
Mailing Address: 3 Hunting Glen Court
Irmo, SC 29063
County: Lexington
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: John A. Dacey, Jr. (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on January 23, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to install an OSWW system effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residences to eliminate the flow of domestic wastewater. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

29) Order Type and Number: Administrative Order 23-015-OSWW
Order Date: March 20, 2023
Individual/Entity: **William Earl Severance and Kay Ann Severance**
Facility: William Earl Severance and Kay Ann Severance
Location: 2404 Santee Drive
Hartsville, SC 29550
Mailing Address: Same
County: Darlington
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: William Earl Severance and Kay Ann Severance (Individual/Entity) own property located in Darlington County, South Carolina. The Department conducted an investigation on January 20, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

30) Order Type and Number: Administrative Order 23-016-OSWW
Order Date: March 20, 2023
Individual/Entity: **Lucas Properties, LLC**
Facility: Lucas Properties, LLC
Location: 7248 Patricia Drive, Lot 3

Mailing Address: Columbia, SC 29209
701 Gervais Street, Ste. 150-529
Columbia, SC 29201
County: Richland
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Lucas Properties, LLC (Individual/Entity) owns property located in Richland County, South Carolina. The Department conducted an investigation on February 6, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: None.

31) Order Type and Number: Administrative Order 23-017-OSWW
Order Date: March 20, 2023
Individual/Entity: **FAC Ranch Development, LLC**
Facility: FAC Ranch Development, LLC
Location: 9285 Tarboro Road
Ridgeland, SC 29936
Mailing Address: 43 Bartons Run
Bluffton, SC 29910
County: Jasper
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: FAC Ranch Development, LLC (Individual/Entity) owns property located in Jasper County, South Carolina. The Department conducted an investigation on November 18, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system, and any associated plumbing, within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system.

The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

32) Order Type and Number: Administrative Order 23-018-OSWW
Order Date: March 20, 2023
Individual/Entity: **Lucas Properties, LLC**
Facility: Lucas Properties, LLC
Location: 7248 Patricia Drive, Lots 1 and 2
Columbia, SC 29209
Mailing Address: 701 Gervais Street, Ste. 150-529
Columbia, SC 29201
County: Richland
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Lucas Properties, LLC (Individual/Entity) owns property located in Richland County, South Carolina. The Department conducted an investigation on February 6, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: None.

33) Order Type and Number: Administrative Order 23-019-OSWW
Order Date: March 20, 2023
Individual/Entity: **Lawrence T. Brooks, Jr.**
Facility: Lawrence T. Brooks, Jr.
Location: 611 Harmon Road
Hopkins, SC 29610
Mailing Address: 603 Harmon Road
Hopkins, SC 29610
County: Richland
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Lawrence T. Brooks, Jr. (Individual/Entity) owns property located in Richland County, South Carolina. The Department conducted an investigation on February 3, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

34) <u>Order Type and Number:</u>	Administrative Order 23-020-OSWW
<u>Order Date:</u>	March 20, 2023
<u>Individual/Entity:</u>	Althea Clarkson Life Estate and Gale Clark
<u>Facility:</u>	Althea Clarkson Life Estate and Gale Clark
<u>Location:</u>	1513 Four Oaks Road Little Mountain, SC 29075
<u>Mailing Address:</u>	1487 Four Oaks Road Little Mountain, SC 29075
<u>County:</u>	Newberry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Althea Clarkson Life Estate and Gale Clark (Individual/Entity) owns property located in Newberry County, South Carolina. The Department conducted an investigation on February 6, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

35) Order Type and Number: Administrative Order 23-023-OSWW
Order Date: March 20, 2023
Individual/Entity: **Howard E. McCartha**
Facility: Howard E. McCartha
Location: 1110 Peace Haven Road
Chapin, SC 29063
Mailing Address: P.O. Box 429
White Rock, SC 29177
County: Richland
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Howard E. McCartha (Individual/Entity) owns property located in Richland County, South Carolina. The Department conducted an investigation on February 14, 2023, and observed domestic wastewater discharging onto the surface of the ground from campers occupied more than two hours per day without being connected to an approved method of domestic wastewater treatment and disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department and failed to ensure that any dwelling or unit occupied for more than two hours per day is connected to an approved method of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to install OSWW systems for the campers to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the campers to eliminate the flow of domestic wastewater. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

36) Order Type and Number: Administrative Order 23-024-OSWW
Order Date: March 20, 2023
Individual/Entity: **Howard E. McCartha**
Facility: Howard E. McCartha
Location: 1100 Peace Haven Road
Chapin, SC 29063
Mailing Address: P.O. Box 429
White Rock, SC 29177
County: Richland
Previous Orders: None
Permit Number: None

Violations Cited:

S.C. Code Ann. Regs. 61-56

Summary: Howard E. McCartha (Individual/Entity) owns property located in Richland County, South Carolina. The Department conducted an investigation on February 14, 2023, and observed domestic wastewater discharging onto the surface of the ground from campers occupied for more than two hours per day without being connected to an approved method of domestic wastewater treatment and disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department and failed to ensure that any dwelling or unit occupied for more than two hours per day is connected to an approved method of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to install OSWW systems for the campers to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the campers to eliminate the flow of domestic wastewater. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

37) <u>Order Type and Number:</u>	Administrative Order 23-025-OSWW
<u>Order Date:</u>	March 20, 2023
<u>Individual/Entity:</u>	Audrey W. Richards
<u>Facility:</u>	Audrey W. Richards
<u>Location:</u>	710 Andrea Court West Columbia, SC 29169
<u>Mailing Address:</u>	1625 Double Branch Road West Columbia, SC 29169
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Audrey W. Richards (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on February 1, 2023, and observed domestic wastewater discharging onto the surface of the ground from three residences at the site. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW systems, including any associated plumbing, within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residences to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five

thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: This case has been referred to the Department's Office of General Counsel for further enforcement of the Order in the Administrative Law Court.

38) Order Type and Number: Administrative Order 22-034-OSWW
Order Date: April 12, 2023
Individual/Entity: **Joye R. Smith**
Facility: Joye R. Smith
Location: 1209 Kitty Hawk Drive
West Columbia, SC 29170
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Joye R. Smith (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on February 24, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: On May 30, 2023, Department personnel confirmed with the licensed OSWW contractor that the repairs were scheduled to be completed by next week.

39) Order Type and Number: Administrative Order 23-022-OSWW
Order Date: April 12, 2023
Individual/Entity: **Laleisha V. Cohen**
Facility: Laleisha V. Cohen
Location: 67 Rocky One Road
Winnsboro, SC 29180
Mailing Address: Same
County: Fairfield
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Laleisha V. Cohen (Individual/Entity) owns property located in Fairfield County, South Carolina. The Department conducted an investigation on March 7, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: On May 30, 2023, Department personnel confirmed with the Individual/Entity they are still working with the Professional Soil Classifier and the property will be surveyed this week to confirm property lines so an approved OSWW system can be designed for the business.

40) <u>Order Type and Number:</u>	Administrative Order 23-035-OSWW
<u>Order Date:</u>	April 12, 2023
<u>Individual/Entity:</u>	Rebecca Lynn Boozer and Rebecca Katelynn Boozer Roberts
<u>Facility:</u>	Rebecca Lynn Boozer and Rebecca Katelynn Boozer Roberts
<u>Location:</u>	3450 Highway 391 Prosperity, SC 29127
<u>Mailing Address:</u>	3480 Highway 391 Prosperity, SC 29127
<u>County:</u>	Newberry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Rebecca Lynn Boozer and Rebecca Katelynn Boozer Roberts (Individual/Entity) own property located in Newberry County, South Carolina. The Department conducted an investigation on February 24, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: On May 30, 2023, Department personnel confirmed with the licensed OSWW contractor that the repairs were scheduled to be completed by next week, weather permitting.

41) Order Type and Number: Administrative Order 23-036-OSWW
Order Date: April 12, 2023
Individual/Entity: **Wayne Pogroski**
Facility: Wayne Pogroski
Location: 5406 Cabot Avenue
Columbia, SC 29203
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Wayne Pogroski (Individual/Entity) owns property located in Richland County, South Carolina. The Department conducted an investigation on March 10, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

42) Order Type and Number: Administrative Order 23-041-OSWW
Order Date: April 12, 2023
Individual/Entity: **Jeffery B. Dale and Kelly L. Anderson**
Facility: Jeffery B. Dale and Kelly L. Anderson
Location: 510 Shadowing Pines Road
Hardeeville, SC 29927
Mailing Address: Same
County: Jasper
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Jeffery B. Dale and Kelly L. Anderson (Individual/Entity) own property located in Jasper County, South Carolina. The Department conducted an

investigation on March 22, 2023, and observed domestic wastewater discharging onto the surface of the ground and a camper and a mobile home not connected to an approved means of domestic wastewater disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department and failed to ensure that any dwelling occupied for more than two (2) hours per day is connected to an approved means of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharge of septic tank effluent, domestic wastewater, or sewage to the surface of the ground and apply for a Permit to Construct for the camper and mobile home at the site; or immediately vacate the residences to eliminate the flow of domestic wastewater to the OSWW system and the surface of the ground. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: On May 25, 2023, the Department issued a Legal Demand Letter as the Order has not been complied with.

43) <u>Order Type and Number:</u>	Consent Order 23-033-OSWW
<u>Order Date:</u>	April 12, 2023
<u>Individual/Entity:</u>	Kevin Coffee, Professional Engineer, Individually and dba Lowcountry Land Development Consulting
<u>Facility:</u>	Kevin Coffee, Professional Engineer, Individually and dba Lowcountry Land Development Consulting
<u>Location:</u>	3030 Ashley Town Center Drive, Ste 101-A Charleston, SC 29414
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Kevin Coffee, Professional Engineer, individually and doing business as (dba) Lowcountry Land Development Consulting (Individual/Entity) was responsible for the installation of a onsite wastewater (OSWW) systems on properties located in Charleston County, South Carolina. The Department conducted investigations related to three sites in February of 2023 and determined the installer of one of the OSWW system installations was not a Tier 3 installer, the repair area of the installation at one site was moved from the permitted location, and as-built documents were not submitted in the required timeframe. The Individual/Entity has violated the South Carolina OSWW Systems Regulation as follows: failed to ensure that the OSWW system for which they were responsible was installed in accordance with the permit to construct and did not ensure the contractor met the requirements to install the OSWW system.

Action: The Individual/Entity is required to cease and desist allowing OSWW systems for which they are responsible to be installed outside the parameters of the

permit to construct, allowing contractors that do not hold a Tier 3 license to install engineered OSWW systems, and submitting the required documentation to the Department later than set forth in the regulation. The Department has assessed a total civil penalty in the amount of two thousand dollars (\$2,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

44) Order Type and Number: Consent Order 23-028-OSWW
Order Date: April 19, 2023
Individual/Entity: **Ralph Massenburg**
Facility: Ralph Massenburg
Location: 5035 Salty Dog Drive
Hollywood, SC 29449
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Ralph Massenburg (Individual/Entity) installed an OSWW system on property located in Charleston County, South Carolina. The Department conducted a review of documents submitted for the installed OSWW system on February 6, 2023. Department personnel determined that the Individual/Entity was not a Tier 3 licensed OSWW installer. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: the Individual/Entity has engaged in the business of constructing and repairing onsite sewage treatment systems without first applying for, receiving, and subsequently maintaining a valid Tier 3 license to conduct such activities as required by the Department.

Action: The Individual/Entity is required to cease and desist installing OSWW systems until they obtain a Department issued license to construct and repair OSWW systems. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

45) Order Type and Number: Consent Order 23-031-OSWW
Order Date: April 27, 2023
Individual/Entity: **Ivan Rusev, dba Rock Solid Excavation Services, LLC**
Facility: Ivan Rusev, dba Rock Solid Excavation Services, LLC
Location: Berry Road, Lot 1-3
Boiling Springs, SC 29316
Mailing Address: 140 Wilkins Road
Campobello, SC 29322

County: Spartanburg
Previous Orders: 22-033-OSWW, 22-054-OSWW
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Ivan Rusev, doing business as (dba) Rock Solid Excavation Services, LLC (Individual/Entity), installed onsite wastewater (OSWW) systems on property located in Spartanburg County, South Carolina. The Department conducted an inspection of the site on January 30, 2023, and determined that the Individual/Entity installed one OSWW system per duplex, instead of an OSWW system for each half of each duplex. The Individual/Entity has violated the South Carolina OSWW Systems Regulation as follows: failed to ensure that all systems for which the licensee is responsible are constructed, repaired, and cleaned in accordance with S.C. Regulation 61-56 and permits issued by the Department.

Action: The Individual/Entity is required to cease and desist installing OSWW systems for which they are responsible outside the parameters specified on the Permit to Construct. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

46) Order Type and Number: Consent Order 23-027-OSWW
Order Date: April 28, 2023
Individual/Entity: **Brad Freeman**
Facility: Brad Freeman
Location: 2922 Furman Fendley Road
Jonesville, SC 29353
Mailing Address: Same
County: Union
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Brad Freeman (Individual/Entity) installed onsite wastewater (OSWW) systems on properties located in Union County, South Carolina. The Department conducted a review of documents in December of 2022 and determined that the OSWW system was installed outside the parameters of the Permit to Construct. The Individual/Entity has violated the South Carolina (OSWW) Systems Regulation as follows: failed to ensure that all systems for which the licensee is responsible are constructed, repaired, and cleaned in accordance with S.C. Regulation 61-56 and permits issued by the Department.

Action: The Individual/Entity is required to cease and desist installing OSWW systems outside the parameters set by the Permit to Construct and S.C. Regulation 61-56. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

* Unless otherwise specified, "Previous Orders" as listed in this report include orders issued by Environmental Affairs Programs within the last five (5) years.

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

June 8, 2023

- () ACTION/DECISION
(X) INFORMATION

- I. TITLE:** Healthcare Quality Administrative and Consent Orders.
- II. SUBJECT:** Healthcare Quality Administrative Orders and Consent Orders for the period of April 1, 2023, through April 30, 2023.
- III. FACTS:** For the period of April 1, 2023, through April 30, 2023, Healthcare Quality reports 2 Administrative Orders and 6 Consent Orders totaling \$8,350 in assessed monetary penalties.

Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Assessed Penalties	Required Payment
Community Care	Community Residential Care Facility (CRCF)	2			
Healthcare Systems and Services	Outpatient Facilities for Chemically Dependent or Addicted Persons (CDAP)		1	\$300	\$300
	Home Health Agency		1	\$300	\$300
	Emergency Medical Services (EMS) Agency		3	\$7,450	\$7,450
	EMT		1	\$300	\$300
TOTAL		2	6	\$8,350	\$8,350

Submitted By:

Gwendolyn C. Thompson

Gwen C. Thompson
Deputy Director
Healthcare Quality

HEALTHCARE QUALITY ENFORCEMENT REPORT
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

June 8, 2023

Bureau of Community Care

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Community Residential Treatment Facility (CRCF)	466	21,910

1. Reese’s Community Care Home #1 (8 Licensed Beds) – Columbia

Investigation and Violations: On April 9, 2021, December 8, 2022, and December 9, 2022, Department representatives made unannounced visits to the Facility to conduct inspections. During those inspections, the Department found the Facility in violation of Regulation 61-84 as follows:

- The Facility failed to maintain a current copy of the licensing standards, accessible to all staff and volunteers.
- The Facility allowed a staff member to sleep in a resident’s room when s/he was not on shift.
- The Facility failed to post its license in a conspicuous place in a public area.
- The facility failed to submit an amended license to the Department prior to the forfeiture/dissolution of Reese's Community Care Home, Inc.
- The Facility failed to submit timely acceptable written POCs.
- The Facility failed to employ qualified staff that are capable of rendering care/services to the residents.
- The Facility allowed staff to sleep on a couch while on duty during non-peak hours.
- The Facility failed to maintain documentation to ensure the Facility was meeting the staffing ratios.
- The Facility failed to have documentation of current annual staff in-service training in basic first aid.
- The Facility failed to have documentation of current annual staff in-service training in management/care of persons with contagious and/or communicable diseases.
- The Facility failed to have documentation of current annual staff in-service training in medication management.
- The Facility failed to have documentation of current annual staff in-service training in care of persons specific to the physical/mental condition(s) being cared for in the Facility.
- The Facility failed to have documentation of current annual staff in-service training in the use of restraint techniques.
- The Facility failed to have documentation of current annual staff in-service training in OSHA standards regarding blood-borne pathogens.
- The Facility failed to have documentation of current annual staff in-service training in confidentiality of resident information and records.
- The Facility failed to have documentation of current annual staff in-service training in the *Bill of Rights for Residents of Long-Term Care Facilities*, S.C. Code Sections 44-81-10, *et. seq.*
- The Facility failed to have documentation of current annual staff in-service training in fire response.

- The Facility failed to have documentation of current annual staff in-service training in emergency procedures/disaster preparedness.
- The Facility failed to have documentation of a resident's ICP and by not reviewing and/or revising residents' ICPs at least semi-annually.
- The Facility failed to maintain records of current residents at the Facility.
- The Facility failed to render care and services in accordance with orders from physicians or other authorized healthcare providers.
- The Facility failed to have recreational supplies for the residents.
- The Facility failed to post the current month's activity calendar.
- The Facility failed to have documentation of residents' current annual physical examinations.
- The Facility failed to ensure that documented reviews of MARs by outgoing staff members with incoming staff members were signed.
- The Facility failed to have an on-site medication review of the medication program by a pharmacist on a quarterly basis.
- The Facility failed to secure the medication room to prevent access by unauthorized persons.
- The Facility failed to maintain its kitchen in compliance with regulations.
- The Facility failed to ensure that suitable snacks were available and offered to residents.
- The Facility failed to ensure that the current week's menus included any substitutions or changes made.
- The Facility failed to post an emergency evacuation plan in a conspicuous public area in the Facility.
- The Facility failed to maintain all equipment and building components in good repair and operating condition.
- The Facility failed to ensure the Facility and its grounds were maintained clean, and free of vermin and offensive odors.
- The Facility failed to ensure that each specific interior area of the Facility was clean.
- The Facility failed to ensure safe storage of chemicals, cleaning materials, and supplies, which are indicated as harmful on the product label.
- The Facility failed to ensure the exterior area of the Facility was clean.
- The Facility failed to ensure soiled linen/clothing were kept in enclosed/covered containers.
- The Facility failed to ensure that resident rooms had window treatments to provide privacy.
- The Facility failed to ensure plumbing fixtures accessible to residents were maintained between 100 degrees F and 120 degrees F.
- The Facility failed to provide a comfortable single bed for a resident.
- The Facility failed to ensure liquid soap was provided in all public restrooms and/or bathrooms used by more than one resident.

Enforcement Action: On February 21, 2023, the Department and the Facility met for an enforcement conference. The Parties discussed the above-mentioned violations. As a result, the Department decided to issue an Administrative Order revoking the license to operate Reese's Community Care Home #1 as a CRCF.

Remedial Action: none

Prior Orders: The Department executed an Emergency Suspension Order on December 9, 2022, due to insect infestation, failing to administer medications to residents and lack of sufficient food in the facility.

2. Reese's Community Care Home #2 (5 Licensed Beds) – Columbia

Investigation and Violations: On April 19, 2021, and December 13, 2022, Department representatives made unannounced visits to the Facility to conduct inspections. During those inspections, the Department found the Facility in violation of Regulation 61-84 as follows:

- The Facility failed to maintain a current copy of the licensing standards, accessible to all staff members/volunteers.
- The Facility failed to submit an amended license to the Department prior to the forfeiture/dissolution of Reese's Community Care Home, Inc.
- The Facility failed to submit timely acceptable written POCs.
- The Facility failed to adhere to its established time period of every two (2) years for review of all policies and procedures.
- The Facility failed to have documentation of current annual staff in-service training in basic first aid.
- The Facility failed to have documentation of current annual staff in-service training in management/care of persons with contagious and/or communicable diseases.
- The Facility failed to have documentation of current annual staff in-service training in medication management.
- The Facility failed to have documentation of current annual staff in-service training in the care of persons specific to the physical/mental condition(s) being care for in the Facility.
- The Facility failed to have documentation of current annual staff in-service training in the use of restraint techniques.
- The Facility failed to have documentation of current annual staff in-service training in OSHA standards regarding blood-borne pathogens.
- The Facility failed to have documentation of current annual staff in-service training in confidentiality of resident information and records.
- The Facility failed to have documentation of current annual staff in-service training in the *Bill of Rights for Residents of Long-Term Care Facilities*, S.C. Code Sections 44-81-10, *et. seq.*
- The Facility failed to have documentation of staff current annual in-service training in emergency procedures/disaster preparedness.
- The Facility failed to maintain on site an organized record for a resident.
- The Facility failed to maintain orders for all medications from a physician or other authorized healthcare provider for a resident.
- The Facility failed to review and/or revise resident's ICPs at least semi-annually.
- The Facility failed to maintain records of current residents at the Facility.
- The Facility failed to comply with all current Federal, State, and local laws and regulations concerning a resident's care.
- The Facility failed to have documentation of a resident's current annual physical examination.
- The Facility failed to maintain current applicable reference material at the Facility.
- The Facility failed to have an on- site medication review of the medication program by a pharmacist on a quarterly basis.
- The Facility stored expired medication with current medications.
- The Facility failed to maintain its kitchen in compliance with regulations.
- The Facility failed to post the current week's menu in one or more conspicuous places in a public area of the Facility.
- The Facility failed to maintain records of menus as served for at least thirty (30) days.

- The Facility failed to have a written plan for the continuation of essential resident support services.
- The Facility failed to keep all equipment and building components in good repair and operating condition.
- The Facility failed to have documentation of a current annual tuberculosis risk assessment.
- The Facility failed to ensure that each specific interior area of the Facility is clean.
- The Facility failed to keep the Facility grounds free of weeds, rubbish, overgrown landscaping, and other potential breeding sources for vermin.
- The Facility failed to have documentation of current inoculation records for a pet observed at the Facility.
- The Facility failed to maintain plumbing fixtures accessible to residents at a temperature of at least 100 degrees F and 120 degrees F.
- The Facility stored supplies directly on the floor.

Enforcement Action: On February 21, 2023, the Department and the Facility met for an enforcement conference. The Parties discussed the above-mentioned violations. As a result, the Department decided to issue an Administrative Order revoking the license to operate Reese's Community Care Home #2 as a CRCF.

Remedial Action: none

Prior Orders: The Department executed an Emergency Suspension Order on December 15, 2022, due to an insect infestation, neglecting to provide care to a resident and unsanitary conditions.

Bureau of Healthcare Systems and Services

Facility Type	Total Number of Licensed Facilities
Outpatient Facilities for Chemically Dependent or Addicted Persons	89

1. Greenville Transitions Recovery Center LLC – Greenville

Investigation and Violations: The Facility failed to submit a timely renewal application and licensing fees by the license expiration date.

Enforcement: The Department and the Facility decided to resolve the matter through a Consent Order. The Facility agreed to pay a \$300 monetary penalty.

Remedial Action: The Facility has paid the required \$300.

Prior Orders: None in the past five years.

Facility Type	Total Number of Licensed Facilities
Home Health Agency	97

1. Methodist Manor Home Health – Florence

Investigation and Violations: The Facility failed to submit a timely renewal application and licensing fees by the license expiration date.

Enforcement: The Department and the Facility decided to resolve the matter through a Consent Order. The Facility agreed to pay a \$300 monetary penalty.

Remedial Action: The Facility has paid the required \$300.

Prior Orders: None in the past five years.

Provider Type	Total Number of Licensed EMS Agencies
Emergency Medical Services (EMS) Agency	266

1. Family Medical Transport, LLC

Investigation and Violations: The Department received a report that Family Medical Transport, LLC allowed two employees to provide primary care for 96 calls with an expired certification.

Enforcement Action: Based on the foregoing, the Department and the EMS agency met for an enforcement conference and agreed to resolve this matter with a consent order. The EMS agency agreed to the imposition of a \$6,000 monetary penalty and was required to pay the full amount.

Remedial Action: A payment plan is arranged. The Facility will make three equal payments on June 3, 2023, July 3, 2023, and August 3, 2023.

Prior Orders: None in the past five years.

2. MedTrust Medical Transport, LLC

Investigation and Violations: The Department received a report that MedTrust Medical Transport allowed uncertified personnel to attend five calls to provide primary care.

Enforcement Action: Based on the foregoing, the Department and the EMS agency met for an enforcement conference and agreed to resolve this matter with a consent order. The EMS agency agreed to the imposition of a \$750 monetary penalty and was required to pay the full amount.

Remedial Action: The EMS agency has paid the required \$750.

Prior Orders: None in the past five years.

3. Lakeside Medical Response

Investigation and Violations: The Department received a report that Lakeside Medical Response allowed uncertified personnel to attend twelve calls to provide primary care.

Enforcement Action: Based on the foregoing, the Department and the EMS agency met for an enforcement conference and agreed to resolve this matter with a consent order. The EMS agency agreed to the imposition of a \$700 monetary penalty and was required to pay the full amount.

Remedial Action: The EMS agency has paid the required \$700.

Prior Orders: None in the past five years.

Emergency Medical Technician (EMT) Certification Level	Total Number of Certified EMTs
EMT	8,344

1. Jenna Sotomayor - EMT

Investigation and Violations: Laurens County EMS self-reported that Ms. Sotomayor provided patient care on eleven patient transports while her certificate was expired.

Enforcement Action: The Department and Ms. Sotomayor agreed to resolve the matter through a Consent Order. The parties agreed to the assessment of a \$300 monetary penalty.

Remedial Action: Ms. Sotomayor has paid the required \$300.

Prior Orders: None in the past 5 years.

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

June 8, 2023

- () ACTION/DECISION
(X) INFORMATION

- I. TITLE:** Public Health Administrative and Consent Orders.
- II. SUBJECT:** Public Health Administrative Orders and Consent Orders for the period of April 1, 2023, through April 30, 2023.
- III. FACTS:** For the period of April 1, 2023, through April 30, 2023, Public Health reports 1 Administrative Order and 15 Consent Orders totaling \$18,800 in assessed monetary penalties.

Permit Type	Administrative Orders	Consent Orders	Assessed Monetary Penalties
Retail Food Establishments	1	15	\$18,800

Submitted By:



Bentley P. White
Policy Director
Public Health

PUBLIC HEALTH ENFORCEMENT REPORT
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

June 8, 2023

Administrative Orders

- 1) Order Type and Number: Administrative Order 23-45-FOOD
 Order Date: April 12, 2023
 Individual/Entity: **Jeremy Godfrey**
 Facility: Big Boy's Barbecue
 Location: 289 Devine Lane
 Calhoun Falls, SC 29628
 Mailing Address: Same
 County: Abbeville
 Previous Orders: None
 Permit Number: Operating Without a Permit (OWP)

Summary: The Department conducted investigations on February 14, 2023, February 22, 2023, and March 23, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: provided food to the public without a valid permit issued by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (\$3,000.00).

Update: The Department mailed a payment demand letter to the Individual/Entity on May 15, 2023, demanding payment of the civil penalty by May 26, 2023.

Consent Orders

- 1) Order Type and Number: Consent Order 23-37-FOOD
 Order Date: April 4, 2023
 Individual/Entity: **Tacos Locos & Grill No. 2**
 Facility: Tacos Locos & Grill No. 2
 Location: 1735 Decker Boulevard, Suite 10
 Columbia, SC 29206
 Mailing Address: 331 McKenna Circle
 Greenville, SC 29615
 County: Richland
 Previous Orders: None
 Permit Number: 40-206-09133

Summary: The Department conducted inspections on January 26, 2023, February 2, 2023, and February 9, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has

assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (\$400.00).

Update: On May 11, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

2) Order Type and Number: Consent Order 23-12-FOOD
 Order Date: April 4, 2023
 Individual/Entity: **Subway at East Laurens**
 Facility: Subway at East Laurens
 Location: 909 East Main Street, Suite A
 Laurens, SC 29306
 Mailing Address: 1754 Woodruff Road, #245
 Greenville, SC 29607
 County: Laurens
 Previous Orders: None
 Permit Number: 30-206-01476

Summary: The Department conducted inspections on December 1, 2022, December 7, 2022, and December 15, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00).

Update: On May 15, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

3) Order Type and Number: Consent Order 23-42-FOOD
 Order Date: April 4, 2023
 Individual/Entity: **Waffle House #1867**
 Facility: Waffle House #1867
 Location: 130 West Church Street
 Batesburg, SC 29060
 Mailing Address: P. O. Box 6450
 Norcross, GA 30091
 County: Lexington
 Previous Orders: None
 Permit Number: 32-206-05607

Summary: The Department conducted inspections on February 1, 2023, February 8, 2023, and February 15, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to ensure employees wash hands after engaging in activities that contaminate their hands; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00).

Update: On April 4, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 4) Order Type and Number: Consent Order 23-62-FOOD
 Order Date: April 4, 2023
 Individual/Entity: **Huddle House**
 Facility: Huddle House
 Location: 1264 Wilson Road
 Newberry, SC 29108
 Mailing Address: 5901-B Peachtree Dunwoody Road, NE
 Suite 450
 Atlanta, GA 30328
 County: Newberry
 Previous Orders: None
 Permit Number: 36-206-01410

Summary: The Department conducted inspections on August 25, 2022, August 30, 2022, October 18, 2022, February 16, 2023, and February 23, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to ensure employees wash hands after engaging in activities that contaminate their hands.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand four hundred dollars (\$2,400.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand four hundred dollars (\$2,400.00).

Update: On March 31, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 5) Order Type and Number: Consent Order 23-50-FOOD
 Order Date: April 4, 2023
 Individual/Entity: **Omega Pancake**
 Facility: Omega Pancake
 Location: 1617 Highway 17 North
 Surfside Beach, SC 29575
 Mailing Address: Same
 County: Horry
 Previous Orders: None
 Permit Number: 26-206-00275

Summary: The Department conducted inspections on March 16, 2022, October 3, 2022, and February 1, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment

Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00).

Update: On April 3, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

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| 6) | <u>Order Type and Number:</u> | Consent Order 23-35-FOOD |
| | <u>Order Date:</u> | April 4, 2023 |
| | <u>Individual/Entity:</u> | Waffle House #1975 |
| | <u>Facility:</u> | Waffle House #1975 |
| | <u>Location:</u> | 116 High Tide Drive
Beaufort, SC 29906 |
| | <u>Mailing Address:</u> | P. O. Box 6450
Norcross, GA 30091 |
| | <u>County:</u> | Beaufort |
| | <u>Previous Orders:</u> | None |
| | <u>Permit Number:</u> | 07-206-02511 |

Summary: The Department conducted inspections on February 2, 2022, January 10, 2023, and January 19, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that when time without temperature control is used as a public health control, foods with expired time labels, unmarked containers or packages, shall be discarded.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00).

Update: On April 6, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

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| 7) | <u>Order Type and Number:</u> | Consent Order 23-29-FOOD |
| | <u>Order Date:</u> | April 4, 2023 |
| | <u>Individual/Entity:</u> | California Dreaming |
| | <u>Facility:</u> | California Dreaming |
| | <u>Location:</u> | 2657 Beaver Run Boulevard
Surfside Beach, SC 29575 |
| | <u>Mailing Address:</u> | Same |
| | <u>County:</u> | Horry |
| | <u>Previous Orders:</u> | None |
| | <u>Permit Number:</u> | 26-206-09569 |

Summary: The Department conducted inspections on March 4, 2022, September 26, 2022, and January 25, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment

Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00).

Update: On March 23, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

8)	<u>Order Type and Number:</u>	Consent Order 23-61-FOOD
	<u>Order Date:</u>	April 5, 2023
	<u>Individual/Entity:</u>	Nico Oysters & Seafood
	<u>Facility:</u>	Nico Oysters & Seafood
	<u>Location:</u>	201 Coleman Boulevard Mount Pleasant, SC 29464
	<u>Mailing Address:</u>	1042 Harbortowne Road Charleston, SC 29407
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	10-206-10889

Summary: The Department conducted inspections on November 14, 2022, November 22, 2022, and February 21, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to comply with the Hazard Analysis and Critical Control Point (HACCP) plan and procedures that are submitted and approved as a basis for the modification or waiver; and maintain and provide to the Department, upon request, records that demonstrate the HACCP plan is being employed.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00).

Update: On March 29, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

9)	<u>Order Type and Number:</u>	Consent Order 23-46-FOOD
	<u>Order Date:</u>	April 5, 2023
	<u>Individual/Entity:</u>	Sodexo/Ridgeview High School
	<u>Facility:</u>	Sodexo/Ridgeview High School
	<u>Location:</u>	4801 Hardscrabble Road Columbia, SC 29229
	<u>Mailing Address:</u>	P. O. Box 352 Buffalo, NY 14240
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	40-206-06353

Summary: The Department conducted inspections on February 13, 2023, February 23, 2023, and March 2, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (\$400.00).

Update: On April 7, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 10) Order Type and Number: Consent Order 23-56-FOOD
 Order Date: April 7, 2023
 Individual/Entity: **Publico Kitchen & Tap**
 Facility: Publico Kitchen & Tap
 Location: 2013 Greene Street
 Columbia, SC 29205
 Mailing Address: Same
 County: Richland
 Previous Orders: Consent Order 21-10-FOOD (\$2,150.00)
 Permit Number: 40-206-07683

Summary: The Department conducted an inspection on March 3, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (\$500.00).

Update: On April 7, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (21-10-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and by failing to maintain the premises free of insects, rodents, and other pests.

- 11) Order Type and Number: Consent Order 23-38-FOOD
 Order Date: April 10, 2023
 Individual/Entity: **Sodexo Management Inc.**
 Facility: Sodexo-Bookman Elementary School
 Location: 1245 Bookman Road
 Columbia, SC 29205
 Mailing Address: P. O. Box 352
 Buffalo, NY 14240
 County: Richland
 Previous Orders: None

Permit Number:

40-206-06337

Summary: The Department conducted inspections on March 3, 2022, March 8, 2022, January 25, 2023, February 2, 2023, and February 10, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of six hundred dollars (\$600.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred dollars (\$600.00).

Update: On April 7, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

12) <u>Order Type and Number:</u>	Consent Order 23-54-FOOD
<u>Order Date:</u>	April 13, 2023
<u>Individual/Entity:</u>	Mark Conrad
<u>Facility:</u>	Columbo's Pizza
<u>Location:</u>	203 Pendleton Road Clemson, SC 29631
<u>Mailing Address:</u>	P. O. Box 455 Clemson, SC 29633
<u>County:</u>	Pickens
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	39-206-01014

Summary: The Department conducted inspections on June 27, 2022, January 23, 2023, February 1, 2023, and February 10, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; failed to clean non-food contact surfaces at a frequency to preclude accumulation of soil residues; and failed to clean the physical facilities as often as necessary to keep them clean.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00).

Update: On April 12, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 13) Order Type and Number: Consent Order 23-58-FOOD
 Order Date: April 13, 2023
 Individual/Entity: **Sue Medlin**
 Facility: Sue's Wings and Things
 Location: 4711 Highway 81 North
 Anderson, SC 29621
 Mailing Address: Same
 County: Anderson
 Previous Orders: None
 Permit Number: 04-206-03644

Summary: The Department conducted inspections on January 26, 2023, February 3, 2023, February 9, 2023, February 16, 2023, February 22, 2023, March 1, 2023, March 8, 2023, and March 17, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash hands after engaging in activities that contaminate their hands; failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to keep equipment food contact surfaces and utensils clean to sight and touch; and failed to ensure that multiuse food-contact surfaces were smooth; free of breaks; open seams; cracks, chips, inclusions, pits, and similar imperfections; free of sharp internal angles; corners, and crevices; finished to have smooth welds and joints; and accessible for cleaning.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of four thousand four hundred dollars (\$4,400.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand four hundred dollars (\$4,400.00).

Update: On April 12, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 14) Order Type and Number: Consent Order 23-19-FOOD
 Order Date: April 13, 2023
 Individual/Entity: **Kingdom Restaurants, LLC**
 Facility: Burger King
 Location: 2330 Highway 501 East
 Conway, SC 29526
 Mailing Address: P. O. Box 7971
 Madison, WI 53713
 County: Horry
 Previous Orders: None
 Permit Number: 26-206-14415

Summary: The Department conducted inspections on August 17, 2021, June 2, 2022, June 9, 2022, June 15, 2022, January 4, 2023, and January 12, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that equipment is maintained in a state of repair and condition that meets the regulation requirements.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00).

Update: On May 9, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

15)	<u>Order Type and Number:</u>	Consent Order 23-80-FOOD
	<u>Order Date:</u>	April 17, 2023
	<u>Individual/Entity:</u>	Old Country Diner
	<u>Facility:</u>	Old Country Diner
	<u>Location:</u>	91 Highway 72 West Abbeville, SC 29620
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Abbeville
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	01-206-00961

Summary: The Department conducted an inspection on March 14, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (\$500.00).

Update: On April 14, 2023, the Department received payment in full. The Individual/Entity has met all requirements of the Order. This Order has been closed.

**BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
SUMMARY SHEET**

June 8, 2023

ACTION/DECISION
 INFORMATION

I. TITLE: State Health Facility Licensure Act, as amended by 2023 Act No. 20 (S.164)

II. SUBJECT: Summary of State Health Facility Licensure Act – Partial Repeal of Certificate of Need (CON).

III. FACTS:

On May 16, 2023, Governor McMaster signed Senate Bill 164, now Act 20, into law. The Act took effect upon signature of the Governor. Pursuant to Act 20, certain types of projects no longer require Certificate of Need (CON) review.

IV. OVERVIEW:

As a result of Act 20, the following facilities and services no longer require a CON:

- a. Ambulatory Surgical Facilities
- b. Opioid (Narcotic) Treatment Programs
- c. Freestanding Emergency Departments
- d. Hospice Facilities
- e. Residential Treatment Facilities for Children and Adolescents
- f. Cardiovascular Care Services
- g. Radiation Therapy Services (Linear Accelerators)

The following facilities and services do require a CON:

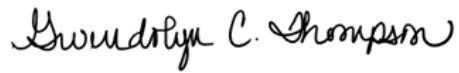
- a. Nursing Home Facilities
- b. Home Health Agencies
- c. Hospitals (General and Specialized Hospitals) before undertaking the following:
 - i. The construction or other establishment of a hospital (except for relocation of a hospital in the same county, construction of a new hospital up to 50 beds in a county currently without a hospital, and/or the merger or acquisition of a hospital)
 - ii. A change in the existing bed complement of a hospital through the addition of one or more beds or a change in the classification of licensure of one or more beds
 - iii. Effective January 1, 2027, the hospital CON requirements are repealed.
- d. MUSC – Acquisitions of hospitals by MUSC will require a CON.

V. DEPARTMENT STAFF ACTIONS

- Department staff notified CON holders for projects no longer requiring CON review via letter that no further quarterly progress reports or final completion reports are required.
- Department staff are in the process of notifying applicants for projects no longer requiring CON review that their applications will not be processed.

- Department staff notified via telephone applicants for projects still requiring CON review that their applications will be processed.
- Department staff will be publishing Frequently Asked Questions on the website soon.
- Department staff will be developing guidance to assist the regulated community in navigating and obtaining, if applicable, any other Healthcare Quality approval(s).

Approved by:

A handwritten signature in cursive script that reads "Gwendolyn C. Thompson".

Gwen C. Thompson
Deputy Director
Healthcare Quality