

SUMMARY SHEET  
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

July 13, 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 May 1, 2023, through May 31, 2023.
- III. FACTS:** For the period of May 1, 2023, through May 31, 2023, Healthcare Quality reports 1 Administrative Orders and 3 Consent Orders totaling \$14,700 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)	1	2	\$14,400	\$12,000
Healthcare Systems and Services	Home Health Agency		1	\$300	\$300
<b>TOTAL</b>		<b>1</b>	<b>3</b>	<b>\$14,700</b>	<b>\$12,300</b>

Submitted By:

*Gwendolyn C. Thompson*

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Gwen C. Thompson  
Deputy Director  
Healthcare Quality

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

July 13, 2023

**Bureau of Community Care**

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Community Residential Treatment Facility (CRCF)	470	22,408

**1. Carolina Gardens at York – York (143 beds)**

**Investigation and Violations:** In January 2023, Department representatives made unannounced visits to the Facility to conduct inspections, follow-up inspections and an investigation. During those inspections, the Department found the Facility in violation of Regulation 61-84 as follows:

- The Facility failed to notify the Department within 72 hours via telephone or email immediately following a water leak in the main kitchen.
- The Facility failed to maintain its kitchen and food preparation in compliance with R. 61-25.
- The Facility failed to maintain all equipment and building components in good repair and operating condition.

**Enforcement Action:** The parties agreed to resolve the matter with a Consent Order. The facility paid a \$5,000 civil monetary penalty.

**Remedial Action:** The facility agrees to schedule and attend a compliance assistance meeting.

**Prior Orders:** None in the past 5 years.

**2. Helms-Gordon Residential Care Home – Fort Lawn (32 beds)**

**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 at least one staff/direct care volunteer for residents during all peak hours.
- The facility failed to report a resident elopement within 24 hours.
- The Facility failed to take precautions to prevent elopement.
- The Facility failed to review a resident’s individual care plan at least semiannually.
- The facility failed to have documentation of resident’s physical examination completed at least annually.

**Enforcement Action:** The parties agreed to resolve the matter with a Consent Order. The Facility agrees to the assessment of a \$9,400 monetary penalty. The facility agrees to pay \$7,000 and the remaining \$2,400 will be held in abeyance.

**Remedial Action:** The Facility met with the Department on June 7, 2023, for a compliance assistance meeting.

**Prior Orders:** None in the past 5 years.

### **3. Daltons CMC Residential Care Facility – Orangeburg (5 beds)**

**Investigation and Violations:** From April 2022 to April 2023, Department staff visited the facility to conduct routine inspections, follow-up inspections and compliant investigations. During those inspections, the Department found the Facility in violation of Regulation 61-84 as follows:

- The Facility failed to grant Department representatives access to the Facility.
- The Facility failed to submit timely POCs.
- The Facility failed to implement the Facility’s policy regarding performance of elopement risk assessments on residents.
- The Facility failed to have documentation of a criminal background check for a staff member and failing to perform such background checks prior to employment.
- The Facility failed to have on duty staff members at all times.
- The Facility failed to comply with the staffing ratios during peak hours.
- The Facility failed to have a staff member that is awake and dressed at all times.
- The Facility failed to maintain documentation to ensure the Facility was meeting staff ratios.
- The Facility failed to have documentation of initial and/or basic first-aid training for staff.
- The Facility failed to have documentation of initial and/or annual contagious and/or communicable disease training for staff.
- The Facility failed to have documentation of initial and/or annual medication management training for staff.
- The Facility failed to have documentation of initial and/or annual specific person care training for a staff member.
- The Facility failed to have documentation of initial and/or annual restraint techniques training for a staff member.
- The Facility failed to have documentation of initial and/or annual OSHA standards regarding bloodborne pathogens training for a staff member.
- The Facility failed to have documentation of initial and/or annual training for employees.
- The Facility failed to have documentation of initial and/or annual fire response training for employees.
- The Facility failed to have documentation of initial and/or annual emergency procedures and disaster preparedness training for employees.
- The Facility failed to have a health assessment within 12 months prior to initial resident contact for staff members, including the tuberculin skin testing.
- The Facility failed to maintain orders for all medications from a physician or other authorized healthcare provider for residents.
- The Facility failed to have monthly notes of observation for residents.
- The Facility failed to have photographs of residents.
- The Facility failed to have a resident’s 72-hour written assessment that was dated.
- The Facility failed to have documentation of residents’ ICPs and failed to review and/or revise ICPs as changes in resident needs occur.
- The Facility failed to render care to residents in accordance with physician orders.
- The Facility failed to initial residents’ MARs as medications were administered.
- The Facility failed to have documented reviews of MARs by outgoing staff with incoming staff at shift changes.
- The Facility failed to ensure medications were kept in their original containers.

- The Facility failed to properly store and safeguard residents’ medications to prevent access by unauthorized persons.
- The Facility failed to maintain records of a controlled substance in sufficient detail.
- The Facility failed to have documented reviews of the narcotic control sheets by outgoing staff with incoming staff at shift changes.
- The Facility failed to ensure that upon discharge, residents’ unused medications were properly released with the resident, family member, or responsible party.
- The Facility failed to maintain its kitchen in compliance with regulation.
- The Facility failed to maintain at least a one-week supply of staple food and a two-week supply of perishable foods.
- The Facility failed to provide meals according to the menu posted.
- The Facility failed to ensure that suitable snacks were available and offered to residents.
- The Facility failed to ensure that the current weeks’ menus included any substitutions or changes made.
- The Facility failed to maintain all equipment and building components in good repair and operation condition.
- The facility failed to ensure the facility was clean and free of 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 chemical indicated as harmful on the product label.

**Enforcement Action:** Based on the foregoing findings of fact and conclusions of law, the conditions of the facility, the impact or potential impact on the health, safety, and well-being of residents, as well as the Facility’s history of noncompliance, the Department determined it was appropriate to revoke the license issued to operate the Facility.

**Remedial Action:** none

**Prior Orders:** The Department issued an Administrative Order that required the Facility to pay a \$5,000 monetary penalty in June 2022. The Department issued a Consent Order that required the Facility to pay a \$6,000 monetary penalty and attend a compliance assistance meeting in May 2019.

**Bureau of Healthcare Systems and Services**

Facility Type	Total Number of Licensed Facilities
Home Health Agency	96

**1. PruittHealth @ Home - Columbia**

**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 paid the \$300 monetary penalty.

**Remedial Action:** none

**Prior Orders:** None in the past 5 years.

SUMMARY SHEET  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
July 13, 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 May 1, 2023, through May 31, 2023.
3. **FACTS:** For the reporting period of May 1, 2023, through May 31, 2023, the Office of Environmental Affairs issued thirty-eight (38) Consent Orders with total assessed civil penalties in the amount of five hundred, seventy-three thousand, forty dollars (\$573,040.00). Also, eighteen (18) Administrative Orders with total assessed civil penalties in the amount of one hundred sixty-three thousand, three hundred twenty-five dollars (\$163,325.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
<b>Land and Waste Management</b>				
UST Program	7	\$126,205.00	3	\$7,200.00
Solid Waste	2	\$12,620.00	5	\$13,990.00
Hazardous Waste	0	0	4	\$80,000.00
Mining	0	0	0	0
Radiological Health	0	0	1	\$3,500.00
<b>SUBTOTAL</b>	<b>9</b>	<b>\$138,825.00</b>	<b>13</b>	<b>\$104,690.00</b>
<b>Water</b>				
Recreational Water	0	0	5	\$5,200.00
Drinking Water	0	0	7	\$4,000.00
Water Pollution	0	0	7	\$34,650.00
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>19</b>	<b>\$43,850.00</b>
<b>Air Quality</b>				
<b>SUBTOTAL</b>	<b>1</b>	<b>\$20,500.00</b>	<b>2</b>	<b>\$419,000.00</b>
<b>Environmental Health Services</b>				
Onsite Wastewater	8	\$4000.00	2	\$2,000.00
<b>SUBTOTAL</b>	<b>8</b>	<b>\$4,000.00</b>	<b>2</b>	<b>\$2,000.00</b>
<b>OCRM</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>\$3,500.00</b>
<b>TOTAL</b>	<b>18</b>	<b>\$163,325.00</b>	<b>38</b>	<b>\$573,040.00</b>

Submitted by:

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



Mailing Address: 115 Lavender Hill Court  
Simpsonville, SC 29681  
County: Laurens  
Previous Orders: AO 19-0362-UST (\$3,483.00)  
Permit/ID Number: 05713  
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)(3), 280.41(b)(1)(i)(B), and 280.45(b)(1) (2012 & Supp. 2022).

Summary: Pavan Parth, LLC (Individual/Entity) owns underground storage tanks (USTs) in Laurens County, South Carolina. The Department conducted an inspection on August 24, 2022, 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 test release detection equipment annually; failed to conduct an annual line tightness test on pressurized lines or have monthly monitoring; and failed to maintain record for at least one (1) year. This is a repeat violator.

Action: The Individual/Entity is required to submit a passing line tightness test results for the 8,000-gallon regular UST and passing release detection equipment operability test results for the 8,000-gallon regular UST. Should any of the required tests fail, the Individual/Entity is required to submit proof of repair and/or replacement of the affected system and current passing test results within thirty (30) days of the failed test results. The Department has assessed a total civil penalty in the amount of five thousand, thirty dollars (\$5,030.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand, thirty dollars (**\$5,030.00**) by July 3, 2023.

Update: None

3) Order Type and Number: Administrative Order 22-0378-UST  
Order Date: April 10, 2023  
Individual/Entity: **Lavern Bluefort**  
Facility: Rail Express  
Location: 3056 Nesmith Road  
Nesmith, SC 29580  
Mailing Address: 1757 Old Georgetown Road  
Hemingway, SC 29554  
County: Williamsburg  
Previous Orders: AO 20-0286-UST (\$6,850.00)  
CO 21-0502-UST (\$200.00)  
Permit/ID Number: 16723  
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, 280.36(a)(1)(ii) and 280.70(a) (2012 & Supp. 2022).

Summary: Lavern Bluefort (Individual/Entity) owns and operates underground storage tanks (USTs) in Williamsburg County, South Carolina. The Department





Location: 100 Batchelor Drive  
Blacksburg, SC 29702  
Mailing Address: 217 99 Island Road  
Blacksburg, SC 29702  
County: Cherokee  
Previous Orders: AO 19-0484-UST (\$9,658.00)  
Permit/ID Number: 08618  
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 Regulations, 7 S.C. Code Ann., Regs. 61-92, 280.93(a) and 280.110(c) (2012 & Supp. 2022).

Summary: Jamie Ham (Individual/Entity) owns underground storage tanks (USTs) in Cherokee County, South Carolina. Based on a file review, the Department issued a Notice of Alleged Violation on October 10, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide proof of financial assurance and a completed Certificate of Financial Responsibility form. This is a repeat violator.

Action: The Individual/Entity is required to submit proof of financial assurance and a completed Certificate of Financial Responsibility form by June 26, 2023. The Department has assessed a total civil penalty in the amount of twenty-eight thousand, six hundred dollars (\$28,600.00). The Individual/Entity shall pay a civil penalty in the amount of twenty-eight thousand, six hundred dollars (**\$28,600.00**) by June 26, 2023.

Update: None.

6) Order Type and Number: Administrative Order 22-0410-UST  
Order Date: April 28, 2023  
Individual/Entity: **Estate of Albert Rollings, Sr.**  
Facility: City Service  
Location: 204 South Main Street  
Jefferson, SC 29718  
Mailing Address: Same  
County: Chesterfield  
Previous Orders: AO 20-0202-UST (\$17,250.00; unpaid); AO 21-0501-UST (\$1,200.00; suspended)  
Permit/ID Number: 02300  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-60(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.21(a), 280.31(a), 280.70(c), 280.93(a), 280.110(c), and 280.243(b) (2012 & Supp 2022).

Summary: The Estate of Albert Rollings, Sr. (Individual/Entity) owns underground storage tanks (USTs) in Chesterfield County, South Carolina. On October 19, 2022, the Department conducted a file review 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: comply with the performance standards of Section 280.20 or upgrading requirements of Section 280.21, or

closure and corrective action requirements found in Subparts G and F; maintain and operate a corrosion protection system; properly abandon a temporarily closed UST system; demonstrate financial responsibility; submit evidence of financial assurance; have a trained Class A/B operator at the facility for operation and maintenance and/or emergency response actions; and pay Annual Tank Registration Fees. This is a repeat violator.

Action: The Individual/Entity is required to submit: proof that a Class A/B operator has been trained for the Facility; a completed Certificate of Financial Responsibility and evidence of financial assurance; payment of Annual Tank Registration Fees and late fees for fiscal years 2016 through 2021 in the amount of six thousand, two hundred ninety-two dollars (\$6,292.00); and a completed UST Tank and Sludge Disposal Form for the closure of all USTs at the Facility by July 7, 2023. Within forty-five (45) days of the Department's approval, the USTs must be permanently closed, and within sixty (60) days of the permanent closure, submit a UST Closure and Assessment Report. The Department has assessed a total civil penalty in the amount of forty-nine thousand, eight hundred seventy-five dollars (\$49,875.00). The Individual/Entity shall pay a civil penalty in the amount of forty-nine thousand, eight hundred seventy-five dollars (\$49,875.00) by July 7, 2023.

Update: None

7) Order Type and Number: Administrative Order 22-0409-UST  
Order Date: May 2, 2023  
Individual/Entity: **John Bennett**  
Facility: Bob White's El Cheapo  
Location: 2463 North Okatie Highway  
Ridgeland, SC 29936  
Mailing Address: 218 Deloss Drive  
Ridgeland, SC 29936  
County: Jasper  
Previous Orders: None  
Permit/ID Number: 18116  
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, 280.22(b), 280.93(a), 280.110(c), 280.243(b) (2012 & Supp. 2022), and 44-2-60 (A) (2018).

Summary: John Bennett (Individual/Entity) owns an underground storage tank (UST) in Jasper County, South Carolina. Based on a routine file review conducted on October 18, 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: failed to notify the Department of ownership change within thirty (30) days of acquisitions of a regulated UST system; failed to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance to the Department upon request; failed to have a trained Class A/B operator designated for the facility; and failed to pay annual UST registration fees.

Action: The Individual/Entity is required to submit proof that a Class A/B operator has been trained and designated for the facility; a completed Notification of

Ownership Change for Underground Storage Tanks form; a completed Certificate of Financial Responsibility and proof of financial assurance; and payment of annual tank registration fees and late fees for fiscal years 2021 through 2023 in the amount of three hundred sixty-three dollars (\$363.00). The Department has assessed a total civil penalty in the amount of thirty-two thousand, five hundred dollars (\$32,500.00). The Individual/Entity shall pay a civil penalty in the amount of thirty-two thousand, five hundred dollars (**\$32,500.00**) by July 17, 2023.

Update: None

- 8) Order Type and Number: Consent Order 23-0061-UST  
Order Date: May 2, 2023  
Individual/Entity: **1850 Whiskey Road Real Estate, LLC**  
Facility: Circle K 2723244  
Location: 1850 Whiskey Road  
Aiken, SC 29801  
Mailing Address: 273 Equinox Loop  
Aiken, SC 29803  
County: Aiken  
Previous Orders: None  
Permit/ID Number: 00160  
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: 1850 Whiskey Road Real Estate, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) in Aiken County, South Carolina. On March 17, 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 civil 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 June 16, 2023.

Update: The civil penalty has been paid in full. The Order is closed.

- 9) Order Type and Number: Consent Order 23-0044-UST  
Order Date: May 12, 2023  
Individual/Entity: **Kathy S. Jackson**  
Facility: Stanley's Grocery  
Location: 9210 Highway 9  
Nichols, SC 29581  
Mailing Address: 3942 Old Stage Road  
Nichols, SC 29581  
County: Horry  
Previous Orders: None

Permit/ID Number: 05010  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-60(A)(2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.21(a)(3), 280.31(a), 280.70(a), 280.70(c), 280.93(a), and 280.110(c) (2012 & Supp 2022).

Summary: Kathy S. Jackson (Individual/Entity) owns an underground storage tank (UST) in Horry County, South Carolina. On January 4, 2023, the Department conducted a file review of the Facility and issued a Transfer of Ownership – New Owner letter. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to close the UST in accordance with Subpart G of the Regulation; failed to maintain and operate a corrosion protection system; failed to maintain corrosion protection for a temporarily closed UST; failed to properly close an UST system that has been temporarily closed for more than twelve (12) months and does not meet either performance standards in Section 280.20 or upgrading requirements in Section 280.21; failed to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance to the Department upon request; and, failed to pay Annual Tank Registration Fees.

Action: The Individual/Entity shall: immediately upon the execution date of the Consent Order, pay Annual Tank Registration Fees and associate late fees for fiscal years 2016 through 2020 in the amount of three thousand, twenty-five dollars (\$3,025.00) in accordance with a promissory note; submit an UST Tank and Sludge Disposal Form for the permanent closure of the UST at the Facility by June 26, 2023. Within forty-five (45) days of the Department’s approval of the Tank and Sludge Disposal Form, permanently close the UST, within sixty (60) days of closure, submit an UST Closure and Assessment Report, and pending the results of the UST Closure and Assessment Report, submit a completed Certificate of Financial Responsibility form and evidence of financial assurance as directed by the Department. The Department has assessed a total penalty in the amount of thirty-three thousand, nine hundred fifty dollars (\$33,950.00). The Individual/Entity shall pay a **suspended penalty** in the amount of thirty-three thousand, nine hundred fifty dollars (**\$33,950.00**) should any requirement of the Order not be met.

Update: The first Annual Tank Registration Fees payment has been made in accordance with the promissory note.

10) Order Type and Number: Consent Order 23-0064-UST  
Order Date: May 26, 2023  
Individual/Entity: **Kritu, Inc.**  
Facility: Kritu, Inc.  
Location: 623 Bypass 25  
Greenwood, SC 29646  
Mailing Address: Same  
County: Greenwood  
Previous Orders: None  
Permit/ID Number: 04751  
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, 280.20(c)(1)(ii) (2012 & Supp. 2022).

Summary: Kritu, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Greenwood County, South Carolina. Based on a routine inspection conducted on March 7, 2023, the Department 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 maintain overfill prevention equipment of an underground storage tank system.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a civil penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by July 10, 2023.

Update: None

### **Solid Waste Enforcement**

- 11) Order Type and Number: Administrative Order 21-10-SW  
Order Date: April 24, 2023  
Individual/Entity: **Dushant Smith dba Smart Smith LLC**  
Facility: 247 Honeycutt Acres Drive, Longs, SC  
Location: 247 Honeycutt Acres Drive  
Longs, SC 29568  
Mailing Address: 1011 Chaffee Road  
Fort Bliss, TX 79916  
County: Horry  
Previous Orders: None  
Permit/ID Number: None  
Violations Cited: The South Carolina Solid Waste Policy and Management Act of 1991 (Rev.2018 & Supp. 2019), and South Carolina Solid Waste Management: Waste Tires, 8 S.C. Code Ann. Regs., R. 61-107.3 Part III.A.1 (Rev. 2015).

Summary: Dushant Smith dba Smart Smith, LLC (Individual/Entity) owns property located in Horry County, South Carolina. The Department conducted an inspection on January 27, 2022, and a Notice of Alleged Violation was issued on February 10, 2022. The Individual/Entity has violated the Solid Waste and Management Act and the South Carolina Solid Waste Management: Waste Tires Regulations as follows: operated a waste tire collection facility without a Department issued permit.

Action: The Individual/Entity is required to remove and properly dispose of all waste tires at the property and submit disposal receipts to the Department. The Department has assessed a total civil penalty in the amount of four thousand, six hundred seventy dollars (\$4,670.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, six hundred seventy dollars (**\$4,670.00**) by June 13, 2023.

Update: None

12) Order Type and Number: Administrative Order 23-07-SW  
Order Date: May 2, 2023  
Individual/Entity: **Green Man, LLC**  
Facility: Green Man, LLC  
Location: 100 Phoenix Street  
Anderson, SC 29624  
Mailing Address: 1523 Old Roberts Church Road  
Anderson, SC 29626  
County: Anderson  
Previous Orders: None  
Permit/ID Number: None  
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2019); Solid Waste Management: Solid Waste Processing Facilities, R.61-107.6 (1995) and Solid Waste Management: Solid Waste Landfills and Structural Fill Regulations 61-107.19 Part IV.A.3. (Rev. 2008 and Supp. 2018).

Summary: Green Man, LLC (Individual/Entity), owns property in Anderson County South Carolina. The Department conducted a complaint inspection on November 1, 2022, and a Notice of Alleged Violation/Notice of Enforcement Conference was issued on February 27, 2023. The Individual/Entity violated the Solid Waste Management Act, and the South Carolina Solid Waste Processing Facility Regulation and the South Carolina Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation as follows: operated a solid waste processing facility and a Class II landfill without Department issued permits.

Action: The Individual/Entity is required to cease accepting solid waste; remove and properly dispose of the solid waste at the Site at a facility permitted to accept solid waste; and provide disposal receipts to the Department by July 3, 2023. The Department assessed a total civil penalty in the amount of seven thousand, nine hundred fifty dollars (\$7,950.00). The Individual/Entity shall pay a civil penalty in the amount of seven thousand, nine hundred fifty dollars (**\$7,950.00**) by July 3, 2023.

Update: None

13) Order Type and Number: Consent Order 23-14-SW  
Order Date: May 2, 2023  
Individual/Entity: **Enterprise Material Handling, LLC**  
Facility: Enterprise Material Handling Class 2 Landfill  
Location: 200 True Temper Road  
Anderson, SC 29624  
Mailing Address: Same  
County: Anderson  
Previous Orders: None  
Permit/ID Number: 042733-1201  
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 Landfills and Structural Fill, R.61-107.19, Part IV.C.5., 6., 7., and 10. (Rev. 2008 & Supp. 2019).

Summary: Enterprise Material Handling, LLC (Individual/Entity), operates a Class 2 Landfill located in Anderson County, South Carolina. The Department conducted monthly routine inspections from November 28, 2022, through March 7, 2023. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and associated Regulations as follows: failed to confine the working face to as small an area as equipment can safely and efficiently operate and maintain a working face slope of 33% or less; failed to spread solid waste in uniform layers and compact to the smallest practical volume; failed to apply clean earth cover no less than six (6) inches at least every thirty (30) days; and failed to control blown litter.

Action: The Individual/Entity is required to: confine the working face to as small an area as equipment can safely and efficiently operate and ensure the working face slope does not exceed 33%; ensure solid waste is spread in uniform layers and compacted to its smallest practical volume; cover all exposed material at least every thirty (30) days with at least six (6) inches of clean earth cover; ensure all seeps are repaired and covered as quickly as reasonably possible; ensure that blown litter is controlled and removed in accordance with the regulatory and Permit requirements. The Department has assessed a total civil penalty in the amount of two thousand, seven hundred fifty dollars (\$2,750.00). The Individual/Entity is required to pay a civil penalty in the amount of two thousand, seven hundred fifty dollars (**\$2,750.00**) by June 16, 2023.

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

14) Order Type and Number: Consent Order 23-12-SW  
Order Date: May 4, 2023  
Individual/Entity: **Charleston County**  
Facility: Bees Ferry Class 3 Landfill  
Location: 1344 Bees Ferry Road  
Charleston, SC 29414  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 101001-1101  
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 Landfills and Structural Fill, R.61-107.19, Part V.C.258.21(a) and Part V.C.258.37 (Rev. 2008 & Supp. 2019).

Summary: Charleston County (Individual/Entity), operates a Class 3 Landfill located in Charleston County, South Carolina. The Department conducted monthly routine inspections from October 24, 2022, through February 27, 2023. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and associated Regulations as follows: failed to spread adequate daily cover and failed to control blown litter.

Action: The Individual/Entity is required to ensure that: daily cover meets the regulatory and Permit requirements; intermediate cover meets the regulatory and Permit requirements; and blown litter is controlled and removed in accordance with the regulatory and Permit requirements by July 3, 2023. The Department assessed a civil penalty in the amount of three thousand, eight hundred dollars (\$3,800.00). The



Individual/Entity shall pay a **suspended penalty** in the amount of three thousand, eight hundred dollars (**\$3,800.00**) should any requirement of the Order not be met.

Update: None

- 15) Order Type and Number: Consent Order 23-13-SW  
Order Date: May 12, 2023  
Individual/Entity: **Greenwood County**  
Facility: Greenwood County Class 3 Landfill  
Location: 1115 Siloam Church Road  
Greenwood, SC 29646-9572  
Mailing Address: Same  
County: Greenwood  
Previous Orders: None  
Permit/ID Number: 241001-1101  
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2021); Solid Waste Management: Solid Waste Landfills and Structural Fill, R.61-107.19, Part I.B.16, Part I.B. 41, Part V.C.251.21(a), Part V.C.258.34, and Part V. C.258.37 (2021) and permit # 241001-1101 Section A.4.

Summary: Greenwood County (Individual/Entity), operates a Class 3 Landfill Facility located in Greenwood, South Carolina. The Department conducted monthly routine inspections from August 24, 2022, through February 24, 2023. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, the Solid Waste Management; Solid Waste Landfills and Structural Fill Regulation, and the Permit as follows: failed to cover the working face of the landfill at the end of each operating day with a minimum of six (6) inches of clean earth cover; ensure that the leachate head above the liner system does not exceed one (1) foot, except for brief periods not to exceed one (1) week, due to circumstances beyond the immediate control of the permittee; failed to control and/or remove windblown litter; and failed to ensure that the slopes do not exceed thirty-three percent (33%) or 3:1.

Action: The Individual/Entity is required to submit proof that: daily cover meets the regulatory and/or Permit requirements; intermediate cover meets the regulatory requirements; blown litter is controlled and removed in accordance with the regulatory and/or Permit requirements by June 26, 2023. 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 June 26, 2023.

Update: None

- 16) Order Type and Number: Consent Order 23-16-SW  
Order Date: May 12, 2023  
Individual/Entity: **Randall J. Cobb**  
Facility: Randy Cobb Grading, LLC  
Location: 130 Park Avenue  
Salem, SC, 29676  
Mailing Address: 590 Old Ford Road  
Salem, SC 29676

County: Oconee  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: The South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018) and the Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, R.61-107.4, Part I.B.31., Part II.A.2., Part II.B.1.a., Part III.A.1. (2021).

Summary: Randall J. Cobb (Individual/Entity), operates a land-clearing business located in Oconee County, South Carolina. The Department conducted an inspection at the facility on December 21, 2022. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and the Compost and Mulch from Land-clearing Debris, Yard Trimmings and Organic Residuals Regulations as follows: operated a Type One Facility without a permit, except as specifically exempted in Part II of the Regulation.

Action: The Individual/Entity is required to: immediately upon the execution of the Consent Order, cease accepting and transporting unprocessed materials until such time the Site returns to the exempted limit of less than eighty (80) cubic yards of combined total of unprocessed and in-process material and submit to the Department in writing by May 31, 2023 its intent to either: continue operating as exempt (less than eighty (80) cubic yards of combined total of unprocessed and in-process material on the Site at any given time) or operate as conditionally exempt (less than four hundred (400) cubic yards of unprocessed and in-process material at the Site at any given time) or (c) apply for a permit as specified in R.61-107.4 Part IV Permit Application. The Department assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by June 30, 2023.

Update: The Individual/Entity has submitted the intent letter.

17) Order Type and Number: Consent Order 23-10-SW  
Order Date: May 26, 2023  
Individual/Entity: **City of Fort Mill**  
Facility: City of Fort Mill Composting Site  
Location: 1002 Steele Street  
Fort Mill, SC 29715  
Mailing Address: P.O. Box 159  
Fort Mill, SC 29716  
County: York  
Previous Orders: None  
Permit/ID Number: 461003-3001  
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 (2018 & Supp. 2021) (Act, the Solid Waste Management: Solid Waste Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals Regulation (2002 & Supp. 2014) (Regulation), R.61-107.4, Part III.E.1.d. and Part III.E.1.e., Solid Waste Management: Transfer of Solid Waste Regulation (2002 & Supp. 2014) (Regulation), R.61-107.7, Part A.1. and Part D.1. and Permit # 461003-3001 (Permit).

Summary: The City of Fort Mill (Individual/Entity), is responsible for operating a Type One Composting and Wood Chipping facility located in York County, South Carolina. The Department conducted inspections on June 7, 2022, July 22, 2022, October 14, 2022, and January 18, 2023. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, the Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation, Solid Waste Management: Transfer of Solid Waste Regulation, and Permit 461003-3001 as follows: failed to ensure unprocessed feedstocks or other materials at the Facility do not exceed the Facility's permitted capacity of 533 cubic yards.

Action: The Individual/Entity is required to: immediately cease accepting feedstocks or other materials for processing until the storage of unprocessed feedstocks or other materials at the Facility is less than 533 cubic yards; reduce the amount of unprocessed feedstocks or other materials at the Facility to less than 533 cubic yards; submit either proof the Facility is operating in accordance with the regulations, the permit, and the approved operational plan for a Type One Composting and Wood Chipping facility, or a completed application for a Transfer Station permit by July 10, 2023. The Department has assessed a total civil penalty in the amount of four thousand, two hundred forty dollars (\$4,240.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, two hundred forty dollars (**\$4,240.00**) by July 10, 2023.

Update: None

### **Hazardous Waste Enforcement**

18) Order Type and Number: Consent Order 23-12-HW  
Order Date: May 23, 2023  
Individual/Entity: **First Quality Printing and Packaging, LLC**  
Facility: First Quality Printing and Packaging, LLC  
Location: 335 Masters Boulevard  
Anderson, SC 29626  
Mailing Address: Same  
County: Anderson  
Previous Orders: None  
Permit/ID Number: SCR 000 776 526  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: First Quality Printing and Packaging, LLC (Individual/Entity) is a manufacturer of flexographic packaging goods, for use by other product manufacturers, at its facility located in Anderson County, South Carolina. The Department conducted an inspection at the facility on December 6, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations, as follows: failed to store solvent-contaminated wipes in closed containers; failed to store solvent contaminated wipes in a container labeled with the words "Excluded Solvent-Contaminated Wipes"; failed to close containers during

accumulation, except when adding and removing hazardous waste; failed to mark or label its containers with the words “Hazardous Waste” and an indication of the hazards of the contents; failed to close a box of universal waste lamps; failed to submit an updated contingency plan and a quick reference guide to the local emergency responders; failed to have a list of emergency equipment with the location and physical description of each item in the contingency plan; and failed to include an evacuation plan for generator personnel in the contingency plan.

Action: The Individual/Entity corrected all violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of nine thousand dollars (\$9,000.00). The Individual/Entity shall pay a civil penalty in the amount of nine thousand dollars (**\$9,000.00**) by June 22, 2023.

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

19) Order Type and Number: Consent Order 23-11-HW  
Order Date: May 26, 2023  
Individual/Entity: **China Jushi USA**  
Facility: China Jushi USA  
Location: 2971 Shop Road  
Columbia, SC  
Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit/ID Number: SCR 00 789 685  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018) and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: China Jushi USA (Individual/Entity) is a glass fiber manufacturer located in Richland County, South Carolina. The Department conducted an inspection at the facility on September 8, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to make an accurate waste determination; failed to file a notification form with the Department within thirty (30) days of generating hazardous waste; failed to file a new or revised notification form when the generator status changed; failed to label containers with the words “Hazardous Waste,” an indication of the hazards, and accumulation start dates; failed to receive an extension to store hazardous waste for greater than ninety (90) days; failed to inspect central accumulation areas at least weekly; failed to post “No Smoking” signs near ignitable or reactive waste; failed to ensure that all employees are trained in waste handling and emergency procedures; failed to maintain job titles, job descriptions, and descriptions of the initial and continual training for employees; failed to retain a copy of all land disposal receipts for at least three (3) years; failed to submit written Quarterly Reports; failed to have necessary spill control equipment; failed to maintain aisle space; failed to maintain records documenting arrangements with local emergency responders; failed to have a contingency plan and submit a copy to all local emergency responders; failed to ensure that universal waste batteries showing evidence of leakage, spillage, or damage were properly contained; and failed to properly label universal waste batteries with the words “Universal Waste – Battery(ies)” and an accumulation start date.

Action: The Individual/Entity is required to submit a Waste Management Plan (WMP) for the management of hazardous waste generated and stored onsite at the Facility by July 26, 2023, revise and resubmit the WMP within fifteen (15) days of the Department's comments, and promptly implement the plan upon the Department's approval; submit analytical results for the spent absorbent sorbent lime, spent filters, and waste glass fibers waste streams by July 26, 2023; submit an updated EPA 8700-12 Form by June 12, 2023. The Department has assessed a civil penalty in the amount of fifty-seven thousand dollars (\$57,000.00). The Individual/Entity shall pay a civil penalty in the amount of fifty-seven thousand dollar (**\$57,000.00**) in accordance with a promissory note.

Update: The Department has received the analytical results and the updated EPA 8700-12 Form.

20) Order Type and Number: Consent Order 23-13-HW  
Order Date: May 26, 2023  
Individual/Entity: **Plastic Omnium Auto Exteriors, LLC**  
Facility: Plastic Omnium Auto Exteriors, LLC  
Location: 5100 Old Pearman Dairy Road  
Anderson, SC 29625  
Mailing Address: Same  
County: Anderson  
Previous Orders: None  
Permit/ID Number: SCR 000 000 505  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018) and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: Plastic Omnium Auto Exteriors, LLC (Individual/Entity) is a manufacturer and developer of exterior systems that improve performance, connectivity, and aerodynamics for the automotive industry such as smart bumpers and tailgates at its facility located in Anderson County, South Carolina. The Department conducted an inspection at the facility on January 24, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to mark or label containers with the words "Hazardous Waste" and an indication of the hazards of the contents; failed to include a list of all persons qualified to act as the emergency coordinator in the contingency plan; failed to have a quick reference guide and to submit a copy of the quick reference guide along with a revised copy of the contingency plan to the local emergency responders; failed to retain onsite a copy of all notices, certifications, and waste analysis data documenting offsite treatment, storage, or disposal; failed to clearly label or mark universal waste lamps or containers of lamps with one with one of the following phrases: "Universal Waste- Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)"; failed to demonstrate the length of time universal waste had been accumulated from the date it became a waste; and failed to not accumulate universal waste for longer than one (1) year from the date the universal waste was generated.

Action: The Individual/Entity corrected all violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of eight thousand

dollars (\$8,000.00). The Individual/Entity shall pay a civil penalty in the amount of eight thousand dollars (**\$8,000.00**) by June 26, 2023.

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

21) Order Type and Number: Consent Order 23-14-HW  
Order Date: May 26, 2023  
Individual/Entity: **Giant Cement Company**  
Facility: Giant Cement Company  
Location: 654 Judge Street  
Harleyville, SC 29448  
Mailing Address: Same  
County: Dorchester  
Previous Orders: None  
Permit/ID Number: SCD 003 351 699  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021), and the South Carolina Solid Waste Management: Used Oil Regulations, 8 S.C. Code Ann. Regs. 61-107.279 (2012 and Supp. 2021).

Summary: Giant Cement Company (Individual/Entity) is a producer of Portland and masonry cements at its facility located in Dorchester County, South Carolina. The Department conducted an inspection at the facility on June 30, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act, the Hazardous Waste Management Regulations, and the Used Oil Regulations as follows: failed to close containers during accumulation, except when adding and removing hazardous waste; failed to at least weekly, inspect the central accumulation area; failed to record name of the inspector conducting weekly inspections in an inspection log; failed to ensure facility personnel take part in an annual review of the initial hazardous waste training; failed to retain monitoring information required under the Permit that included calibration and maintenance records, the date, exact place, and the time of sampling or measurements, and the individual(s) who performed the sampling measurements; failed to use or store used oil in containers that were in good condition; failed to label containers of used oil with the words “Used Oil”; and failed to perform the following cleanup steps upon the detection of a release of used oil: stop the release, contain the release, cleanup and manage properly the released used oil and other materials, and prevent future releases by replacing any leaking containers.

Action: The Individual/Entity corrected all violation prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of six thousand dollars (\$6,000.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**) by June 26, 2023.

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

### **Radiological Health Enforcement**

22) Order Type and Number: Consent Order 23-01-RH

Order Date: May 4, 2023  
Individual/Entity: **Aiken Chiropractic Associates**  
Facility: Aiken Chiropractic Associates  
Location: 425 Laurens Street Northwest  
Aiken, SC 29801  
Mailing Address: Same  
County: Aiken  
Previous Orders: None  
Permit/ID Number: Registration 02-2102  
Violations Cited: The Atomic Energy and Radiation Control Act, S.C. Code Ann. §§ 13-7-10 et seq. (21017) and the X-Rays (Title B) Regulations, 6 S.C. Code Ann. Regs. 61-64 (2021).

Summary: Aiken Chiropractic Associates (Individual/Entity), provides chiropractic care at its facility located in Oconee County, South Carolina. The Department conducted an inspection at the facility on October 19, 2022. The Individual/Entity has violated the Atomic Energy and Radiation Control Act and the X-Rays (Title B) Regulations as follows: failed to post a “Caution-Radiation Area” sign in the radiation area and failed to conduct annual equipment performance testing.

Action: The Individual/Entity corrected all violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of three thousand, five hundred dollars (\$3,500.00). The Individual/Entity is required to pay the civil penalty in the amount of three thousand, five hundred dollars (**\$3,500.00**) in four (4) monthly installments by August 15, 2023.

Update: The Individual/Entity has made the first two (2) payments of the civil penalty.

## **BUREAU OF WATER**

### **Recreational Waters Enforcement**

23) Order Type and Number: Consent Order 23-009-RW  
Order Date: May 1, 2023  
Individual/Entity: **Harrar Holdings II, LLC**  
Facility: Serendipity Inn  
Location: 407 71<sup>st</sup> Avenue North  
Myrtle Beach, SC 29577  
Mailing Address: 1406 B Commerce Place  
Myrtle Beach, SC 29577  
County: Horry  
Previous Orders: 19-120-RW (\$680.00);  
21-041-RW (\$1,600.00)  
Permit/ID Number: 26-251-1 & 26-G14-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Harrar Holdings II, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Horry County, South Carolina. On May 31, 2022, and July 18, 2022, the pool and spa were inspected, and violations were issued for failure to properly operate and maintain; and on July 18, 2022, violations were issued for re-opening the pool and spa prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was no lifeline; waterline tiles were missing; the foot rinse shower was not operating properly; the drinking water fountain was not operating properly; the fill spout was not co-located with a ladder or diving board; a light in the pool wall was out of its niche; the gate was propped open; the chlorine level was not within the acceptable range of water quality standards; there was no Vac-Alert certification; the facility address was not posted at the emergency notification device; the emergency notification device was not operating properly; the bound and numbered log book was not maintained on a daily basis; and the pool and spa were operating prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of four thousand eight hundred dollars (\$4,800.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand eight hundred dollars (**\$4,800.00**) by September 15, 2023.

Update: None

24) <u>Order Type and Number:</u>	Consent Order 23-010-RW
<u>Order Date:</u>	May 3, 2023
<u>Individual/Entity:</u>	Guru Enterprise, LLC
<u>Facility:</u>	Quality Inn
<u>Location:</u>	1147 Wilson Road Newberry, SC 29108
<u>Mailing Address:</u>	Same
<u>County:</u>	Newberry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	36-013-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51.J.22

Summary: Guru Enterprise, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Newberry County, South Carolina. The Department issued a Notice of Enforcement Conference on January 12, 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 October 31, 2023. The Individual/Entity will be required to properly fill in or remove the pool by December 15, 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 February 17, 2023, Department staff conducted a technical assistance inspection of the pool with the Individual/Entity to provide an inspection checklist of the deficiencies and required upgrades.

25) Order Type and Number: Consent Order 23-012-RW  
Order Date: May 3, 2023  
Individual/Entity: **City of North Charleston**  
Facility: Danny Jones Recreation Center  
Location: 1455 Monitor Street  
North Charleston, SC 29405  
Mailing Address: P.O. Box 190016  
North Charleston, SC 29419-9016  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-1439A  
Violations Cited: S.C. Code Ann. Regs. 61-51.B.2

Summary: The City of North Charleston (Individual/Entity) owns and is responsible for obtaining from the Department the proper permit for the construction of a pool located at the Danny Jones Recreation Center (Site) in Charleston County, South Carolina. On March 23, 2023, the Site was inspected, and it was discovered that construction of the pool had commenced and a permit to construct had not been issued by the Department. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to obtain a permit to construct from the Department prior to the construction of a public swimming pool.

Action: The Individual/Entity is required to complete the construction of the pool in accordance with the construction permit by August 1, 2023. 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**) by June 2, 2023.

Update: The civil penalty has been paid. On April 18, 2023, the Department issued a permit to construct the pool at the Site.

26) Order Type and Number: Consent Order 23-011-RW  
Order Date: May 9, 2023  
Individual/Entity: Spring Gardens SC, LLC  
Facility: Spring Gardens Apartments  
Location: 325 Percival Road  
Columbia, SC 29206  
Mailing Address: 11921 Freedom Drive  
Reston, VA 20190  
County: Richland  
Previous Orders: None  
Permit/ID Number: 40-030-1  
Violations Cited: S.C. Code Ann. Regs. 61-51.J.22

Summary: Spring Gardens SC, 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 24, 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 October 31, 2023. The Individual/Entity will be required to properly fill in or remove the pool by December 30, 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 2, 2023, Department staff conducted a technical assistance inspection of the pool with the Individual/Entity to provide an inspection checklist of the deficiencies and required upgrades.

27) <u>Order Type and Number:</u>	Consent Order 23-015-RW
<u>Order Date:</u>	May 26, 2023
<u>Individual/Entity:</u>	<b>Lions Gate III HOA, Individually and d.b.a. Lions Gate Condos III</b>
<u>Facility:</u>	Lions Gate Condos III
<u>Location:</u>	155 Lionsgate Drive Columbia, SC 29223
<u>Mailing Address:</u>	146 Lionsgate Drive
<u>County:</u>	Columbia, SC 29223
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-282-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51.J.22

Summary: Lions Gate III HOA, Individually and d.b.a. Lions Gate Condos III (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 March 17, 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 repair all sections of the perimeter fence that have openings greater than four inches, drain the stagnant water in the pool or cover the pool with a commercially manufactured pool cover, and contact the Department to schedule an inspection to verify the completed work by June 26, 2023; and 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 September 26, 2023. The Individual/Entity will be required to properly fill in or remove the pool by November 26, 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 February 16, 2023, the Department conducted a technical assistance inspection of the pool with the Individual/Entity to provide an inspection checklist of the deficiencies and required upgrades. The fence has been repaired and the pool drained of stagnant water.

### **Drinking Water Enforcement**

28) Order Type and Number: Consent Order 23-007-DW  
Order Date: May 15, 2023  
Individual/Entity: **Used Mobiles, LLC**  
Facility: Coconut and Lime Mobile Home Park  
Location: Aiken, SC 29803  
Mailing Address: 301 Hogan Way  
Lexington, SC 29072  
County: Aiken  
Previous Orders: None  
Permit/ID Number: 0260075  
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1)

Summary: Used Mobiles, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Aiken County, South Carolina. On April 14, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

Action: The Individual/Entity is required to submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by June 15, 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 which stated that an assessment of the PWS was conducted, and a professional well driller completed the assessment recommendations and disinfected the well and distribution system.

29) Order Type and Number: Consent Order 23-008-DW  
Order Date: May 16, 2023  
Individual/Entity: **Town of Carlisle**  
Facility: Town of Carlisle  
Location: 3911 Fishdam Avenue  
Carlisle, SC 29031  
Mailing Address: P.O. Box 305  
Carlisle, SC 29031

<u>County:</u>	Union
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	4110003
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.5.P(2)(b)

Summary: The Town of Carlisle (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Union County, South Carolina. On April 7, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS exceeded the maximum contaminant level (MCL) for total trihalomethanes.

Action: The Individual/Entity is required to submit a corrective action plan with a schedule to address the MCL violation by December 1, 2023. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None

30) <u>Order Type and Number:</u>	Consent Order 23-009-DW
<u>Order Date:</u>	May 16, 2023
<u>Individual/Entity:</u>	<b>Dollar General Corporation</b>
<u>Facility:</u>	Dollar General Jacksonboro
<u>Location:</u>	16483 Ace Basin Parkway Jacksonboro, SC 29452
<u>Mailing Address:</u>	100 Mission Ridge Goodlettsville, TN 37072
<u>County:</u>	Colleton
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	1574000
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.17.K(1)

Summary: Dollar General Corporation (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Colleton County, South Carolina. On April 14, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

Action: The Individual/Entity is required to submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by June 15, 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 which stated that an assessment of the PWS was conducted which did not find any deficiencies, and a professional well driller disinfected the well and distribution system.

31) Order Type and Number: Consent Order 23-010-DW  
Order Date: May 16, 2023  
Individual/Entity: **Town of Lockhart**  
Facility: Town of Lockhart  
Location: 118 Mill Street  
Lockhart, SC 29364  
Mailing Address: P.O. Box 250  
Lockhart, SC 29364  
County: Union  
Previous Orders: None  
Permit/ID Number: 4420010  
Violations Cited: S.C. Code Ann. Regs. 61-58.5.P(2)(b)

Summary: The Town of Lockhart (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Union County, South Carolina. On April 10, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS exceeded the maximum contaminant level (MCL) for total trihalomethanes.

Action: The Individual/Entity is required to submit a corrective action plan with a schedule to address the MCL violation by December 1, 2023. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None

32) Order Type and Number: Consent Order 23-011-DW  
Order Date: May 23, 2023  
Individual/Entity: **Santuck-Hebron Water Company, Inc.**  
Facility: Santuck-Hebron Water Company  
Location: 2729 Santuck Carlisle Highway  
Union, SC 29379  
Mailing Address: P.O. Box 188  
Carlisle, SC 29031  
County: Union  
Previous Orders: None  
Permit/ID Number: 4420007  
Violations Cited: S.C. Code Ann. Regs. 61-58.5.P(2)(b)

Summary: Santuck-Hebron Water Company, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Union County, South Carolina. On April 10, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS exceeded the maximum contaminant level (MCL) for total trihalomethanes.

Action: The Individual/Entity is required to submit a corrective action plan with a schedule to address the MCL violation by December 1, 2023. The Department has

assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None.

33) Order Type and Number: Consent Order 23-012-DW  
Order Date: May 26, 2023  
Individual/Entity: **African Theological Arch Ministry**  
Facility: Oyotunji African Village  
Location: 56 Bryant Lane  
Seabrook, SC 29940  
Mailing Address: Same  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: 0750042  
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1) & 61-30.G(2)(a)

Summary: African Theological Arch Ministry (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Beaufort County, South Carolina. On April 14, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli; and the Individual/Entity failed to pay the annual Safe Drinking Water Act fee for fiscal year 2023.

Action: The Individual/Entity is required to submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by June 25, 2023; and pay the annual Safe Drinking Water Act fee for fiscal year 2023, which totals two hundred forty dollars and sixty-three cents (\$240.63) by June 25, 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 address maintenance deficiencies and a professional well driller disinfected the well and distribution system. The annual Safe Drinking Water Act fee for fiscal year 2023 has been paid.

34) Order Type and Number: Consent Order 23-013-DW  
Order Date: May 26, 2023  
Individual/Entity: **Town of Eastover**  
Facility: Town of Eastover  
Location: 624 Main Street  
Eastover, SC 29044  
Mailing Address: P.O. Box 58  
Eastover, SC 29044

County: Richland  
Previous Orders: 22-028-DW  
Permit/ID Number: 4010002  
Violations Cited: S.C. Code Ann. Regs. 61-58.7 & 61-58.8.B

Summary: The Town of Eastover (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Richland County, South Carolina. The Department conducted an inspection on February 10, 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 casing, sanitary seal, and wellhead piping at Well 1 and Well 2 were in disrepair; there were exposed wires on the ground at Well 1; an electrical outlet at Well 2 was broken and the conduit was cracked and was not sealed at both ends; there was a water leak from the blow-off after the chlorine injection point at Well 1; there were no fill lines for the chemical solution tanks at Plant 1 and Plant 2, and the lime pump at Plant 2 was not plugged in; lime dust had accumulated in the well houses at Well 1 and Well 2; the pH levels were not consistently maintained within the recommended ranges; a storage tank that was no longer operational was not properly disconnected from the rest of the system; fire flow testing conducted in 2022 indicated that eighteen (18) fire hydrants failed to meet fire flow requirements; fire flow testing conducted in 2023 did not include the residual pressure; system valves were not being exercised and used properly to isolate line breaks; complete hydrant maintenance records were not provided for Department review; unaccounted water loss was indicated in the monthly water audit calculations; a current inspection report for the manway and vent screen at the Anderson Street Tank could not be provided for Department review; the valve pit at the Anderson Street Tank had a hole in the concrete with standing water in the pit; the pressure gauge at the Anderson Street Tank was broken off from the piping at the tank; written procedures for the operation and maintenance of the PWS were not updated and were not being implemented; and a completed emergency preparedness plan was not available for Department review.

Action: The Individual/Entity is required to correct the deficiencies and submit a completed procedures manual and emergency plan to the Department by October 1, 2023. The Department has assessed a total civil penalty in the amount of seven thousand dollars (\$7,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by October 1, 2023, and pay a stipulated penalty in the amount of three thousand dollars (\$3,000.00) should any requirement of the Order not be met.

Update: None.

### **Water Pollution Enforcement**

35) Order Type and Number: Consent Order 23-018-W  
Order Date: May 12, 2023  
Individual/Entity: **SK Builders Inc.**  
Facility: Pine Lake Estates Lots 1-30  
Location: Located off Eastside Drive  
Anderson County, SC  
Mailing Address: 955 W Wade Hampton Blvd Ste 7

Greer, SC 29650

County: Anderson  
Previous Orders: 19-064-W (\$7,125.00)  
Permit/ID Number: N/A  
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-90 (a); S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.26 (b)(14)(x).

Summary: SK Builders Inc. (Individual/Entity) is responsible for land disturbing activity associated with construction located in Anderson County, South Carolina. On March 17, 2022, a Notice of Non-Compliance was issued as a result of land disturbing activity initiated without NPDES permit coverage for storm water discharges. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to apply for and obtain proper permit coverage from the Department prior to initiating land disturbing activity and discharged sediment into the environment, including waters of the State, in a manner other than in compliance with a permit issued by the Department.

Action: The Individual/Entity is required to: submit to the Department a notarized document confirming appropriate inspections are being performed on Site by May 29, 2023; submit an administratively complete permit package to obtain coverage under the State NPDES General Permit for Stormwater Discharges from Construction Activities by August 12, 2023; submit a report signed by a Professional Engineer stating the Site is in compliance with the approved SWPPP within thirty (30) days of the issuance of Permit coverage; submit a Notice of Termination (NOT) within thirty (30) days of completion of permanent stabilization of the Site. The Department has assessed a total civil penalty in the amount of sixteen thousand one hundred twenty-five dollars (\$16,125.00). The Individual/Entity shall pay a civil penalty in the amount of sixteen thousand one hundred twenty-five dollars (**\$16,125.00**) due June 12, 2023.

Update: The Individual/Entity submitted the required confirmation of inspection performance and has paid the civil penalty.

36) Order Type and Number: Consent Order 23-019-W  
Order Date: May 13, 2023  
Individual/Entity: **Advanced Environmental Options, Inc.**  
Facility: Advanced Environmental Options  
Location: 25 Stan Perkins Road  
Spartanburg, SC 29307  
Mailing Address: Same  
County: Spartanburg  
Previous Orders: None  
Permit/ID Number: SCR004953  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-90(A)(1)

Summary: Advanced Environmental Options, Inc. (Individual/Entity) is responsible for land disturbing activity at its waste storage and transportation facility in Spartanburg County, South Carolina. The Individual/Entity was notified of unsatisfactory site conditions observed during Stormwater Compliance Evaluations via notification issued December 6, 2020. The Individual/Entity has violated the Pollution Control Act as



follows: it allowed discharge of organic or inorganic matter into the environment other than in compliance with a permit issued by the Department.

Action: The Individual/Entity is required to: submit a Sampling and Analysis Plan (SAP) by August 11, 2023, and submit a report of the assessment and findings of the SAP within thirty (30) days of its completion to include a schedule for completing any required maintenance identified in the SAP. The Department has assessed a total civil penalty in the amount of ten thousand dollars (\$10,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) and pay a suspended penalty in the amount of eight thousand dollars (\$8,000.00) should any requirement of the Order not be met.

Update: The Individual/Entity has submitted a draft Sampling and Analysis Plan (SAP) for Department review and has paid the civil penalty.

37) Order Type and Number: Consent Order 23-020-W  
Order Date: May 19, 2023  
Individual/Entity: **Lenora's Santee Resort**  
Facility: Lenora's Santee Resort WWTF  
Location: Along I-95 at Exit #102  
Summerton, SC 29148  
Mailing Address: 1531 Tolly Ganly Circle  
Orangeburg, SC 29118  
County: Clarendon  
Previous Orders: 18-028-W (\$2,000.00)  
Permit/ID Number: ND0067652  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) and Water Pollution Control Permits Regulation S.C. Code Ann. Regs. 61-9.505.41(a), (e)(1)(2) and (3), and (l)(4)

Summary: Lenora's Santee Resort (Individual/Entity) owns and is responsible for a wastewater treatment facility (WWTF) located in Clarendon County, South Carolina. On January 11, 2023, the Department issued a Notice of Violation for unsatisfactory site conditions observed during inspections. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation, as follows: failed to provide an alternative power source to operate the WWTF, failed to operate and maintain the WWTF as efficiently as possible, failed to develop and maintain an Operations & Maintenance (O&M) manual, failed to provide for daily inspections by a certified operator of the appropriate grade, and failed to submit discharge monitoring reports (DMRs) at intervals specified in the Permit.

Action: The Individual/Entity is required to: submit DMRs via e-Permitting, submit notarized documentation certifying that an O&M manual has been developed and implemented, and notarized documentation that the digester has been pumped by June 18, 2023; and, submit a construction permit application for an alternative power source or notarized documentation that a plan of operation has been developed and implemented by July 18, 2023, addressing the event of reduction, loss or failure of primary source of power. The Department has assessed a total civil penalty in the amount of four thousand twenty-five dollars (\$4,025.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, twenty-five dollars (**\$4,025.00**) by June 19, 2023.

Update: The Individual/Entity has paid the civil penalty, implemented an O&M Manual, and cleaned the digester.

38) Order Type and Number: Consent Order 23-021-W  
Order Date: May 19, 2023  
Individual/Entity: **Welby's Construction Material LLC**  
Facility: Hattaras Bluff Mine  
Location: Dorchester, SC 29412  
Mailing Address: 105 Wappoo Creek Drive  
County: Dorchester  
Previous Orders: None  
Permit/ID Number: SCG731551  
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), and NPDES SCG731551

Summary: Welby's Construction Material LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of its mineral mine dewatering facility (MDWF) in Dorchester County, South Carolina. On January 24, 2023, a Notice of Alleged Violation (NOAV) was issued as a result of Total Suspended Solids (TSS) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with limitations of NPDES Permit SCG731551 for TSS.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by June 19, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the MDWF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by June 19, 2023.

Update: The Individual/Entity has paid the civil penalty in full. Department staff is in contact with the Individual/Entity to facilitate submittal of the required corrective action completion date notification.

39) Order Type and Number: Consent Order 23-022-W  
Order Date: May 26, 2023  
Individual/Entity: **Berkeley County Water & Sanitation**  
Facility: Berkeley County Solid Waste Management  
Location: 2277 Highway 52  
Moncks Corner, SC 29461  
Mailing Address: 212 Oakley Plantation Drive  
Moncks Corner, SC 29461  
County: Berkeley  
Previous Orders: None  
Permit/ID Number: SCR003642

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: Berkeley County Water & Sanitation (Individual/Entity) owns and is responsible for a landfill operation of the Berkeley County Solid Waste Management Facility located in Berkeley County, South Carolina. The Individual/Entity reported violations of ammonia-nitrogen (ammonia) 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 ammonia.

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 June 26, 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 dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by June 26, 2023.

Update: The Individual/Entity has paid the civil penalty and submitted a written notification of its corrective action completion date.

40) Order Type and Number: Consent Order 23-023-W  
Order Date: May 26, 2023  
Individual/Entity: **Blue Granite Water Company**  
Facility: Highland Forest SD WWTF  
Location: 419 Highland Forest Drive  
Greenwood, SC 29646  
Mailing Address: 130 S Main Street, Suite 800  
Greenville, SC 29601  
County: Greenwood  
Previous Orders: None  
Permit/ID Number: SC0034444  
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: Blue Granite Water Company (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Greenwood County, South Carolina. The Individual/Entity reported violations of biochemical oxygen demand (BOD) 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 BOD.

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 June 26, 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 three thousand, five hundred dollars (\$3,500.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, five hundred dollars (**\$3,500.00**) by June 26, 2023.

Update: The Individual/Entity has paid the civil penalty and successfully completed a compliance confirmation period.

41) Order Type and Number: Consent Order 23-024-W  
Order Date: May 26, 2023  
Individual/Entity: **Cherokee Plantation WWTF**  
Facility: Cherokee Plantation WWTF  
Location: 5109 Combahee Road  
Yemassee, SC 29945  
Mailing Address: Same  
County: Colleton  
Previous Orders: None  
Permit/ID Number: ND0080659  
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 State Land Application Permit ND0080659

Summary: Cherokee Plantation Owners LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Colleton County, South Carolina. On January 10, 2023, a Notice of Violation (NOV) was issued 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 Permits Regulations as follows: failed to submit an 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 operating the WWTF in accordance with the most recent NPDES permit until a new permit becomes effective and submit an administratively complete application for renewal of its NPDES Permit by June 10, 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 June 25, 2023.

Update: The Individual/Entity has submitted an administratively complete application for permit renewal and has paid the civil penalty.

### **BUREAU OF AIR QUALITY**

42) Order Type and Number: Consent Order 23-006-A  
Order Date: May 12, 2023  
Individual/Entity: **China Jushi USA Corporation**  
Facility: China Jushi USA Corporation  
Location: 2971 Shop Road

Columbia SC 29209

Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit/ID Number: 1900-0284  
Violations Cited: U.S. EPA regulations at 40 CFR Part 60, *Standards of Performance for New Stationary Sources*, and S.C. Code Ann. Regs. 61-62.60, *South Carolina Designated Facility Plan And New Source Performance Standards*, Subpart A – *General Provisions*; U.S. EPA regulations at 40 CFR Part 60, *Standards of Performance for New Stationary Sources*, and S.C. Code Ann. Regs. 61-62.60, *South Carolina Designated Facility Plan And New Source Performance Standards*, Subpart CC – *Standards of Performance for Glass Manufacturing Plants*; U.S. EPA regulations at 40 CFR Part 63 and S.C. Code Ann. Regs. 61-62.63, *National Emission Standards For Hazardous Air Pollutants For Stationary Source Categories*, Subpart ZZZZ – *National Emission Standards For Hazardous Air Pollutants For Stationary Reciprocating Internal Combustion Engines*; S.C. Code Ann. Regs. 61-62.5, *Air Pollution Control Standards, Standard No. 4 – Emissions From Process Industries*; S.C. Code Ann. Regs. 61-62.5, *Air Pollution Control Standards, Standard No. 5.2 – Control of Oxides of Nitrogen*; and S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*.

Summary: China Jushi USA Corporation (Individual/Entity) manufactures textile glass fibers at its facility located in Richland County South Carolina. The Department conducted inspections on January 15, 2020; August 16, 18, 24, and 25, 2022; and September 1, 2, and 22, 2022. The Individual/Entity violated U.S. EPA Regulations and the S.C. Air Pollution Control Regulations, as follows: exceeded its PM emission limit of 0.1 g of PM/kg of glass produced for 219 days during the following months: July 2019, November 2019, March 2020, April 2020, May 2020, June 2020, July 2020, August 2020, October 2020, November 2020, December 2020, January 2021, February 2021, March 2021, April 2021, May 2021, June 2021, July 2021, November 2021, January 2022, March 2022, April 2022, May 2022, June 2022, and July 2022; failed to perform an initial source test on MC1 for PM emissions and opacity on or before the due date; failed to maintain all records of the hours of operation for its emergency generators and make them readily available to the Department upon request; exceeded its opacity limit of 20% on August 16, 18, 24, and 25, 2022, and September 1, 2, and 22, 2022; exceeded its monthly NO<sub>x</sub> limit during the following months: July 2019, November 2019, June 2020, July 2020, October 2020, December 2020, February 2021, and January 2022; failed to maintain on-site and provide to the Department upon request during an inspection, the tune-up plan for the combustion sources associated with the glass furnace and forming processes on-site; failed to maintain on-site and provide to the Department upon request during an inspection, documentation to demonstrate that equipment including two boilers and a welding process is exempt from permitting requirements; failed to perform an initial source test on EU1 for PM (filterable), PM<sub>10</sub> (filterable and condensable), and PM<sub>2.5</sub> (filterable and condensable) emissions on or before the due date; failed to perform initial source tests on EU2 and EU3 for PM (filterable), PM<sub>10</sub> (filterable and condensable), PM<sub>2.5</sub> (filterable and condensable), SO<sub>2</sub>, NO<sub>x</sub>, fluorides, and HF emissions on or before the due date; failed to perform initial source test to verify CO and NO<sub>x</sub> emission factors from the curing ovens associated with EU4 are not more than 0.0392 lb/MMBtu for CO and no more than 0.0922 lb/MMBtu for NO<sub>x</sub> on or before the due date; failed to perform an initial source test on MC1 for CO and VOC emissions on or before the due date; failed to perform an initial source test on MC1 for phenol and acetaldehyde on or before the due date; failed to perform an initial source test on MC1 for

fugitive emissions of CO, NO<sub>x</sub>, and SO<sub>2</sub> on or before the due date; failed to construct as specified in the permit application and associated construction permit(s) or submit to the Department a complete description of modifications that are at variance with the construction permit, and failed to obtain a construction permit or permission from the Department prior to constructing or altering a source of air contaminants (construction of binvents in place of fabric filters designated for EU1); failed to conduct additional correlation curve testing and revise the correlation equation within 60 days of an event requiring additional correlation curve testing, as required by PS-11; failed to operate and maintain the CEMS for SO<sub>2</sub>, NO<sub>x</sub>, CO, and PM emissions; failed to provide all records necessary to determine VOC emissions; failed to provide all records necessary to determine HAP emissions; failed to maintain all records necessary to determine facility-wide PM, PM<sub>2.5</sub>, and PM<sub>10</sub> SO<sub>2</sub>, CO, NO<sub>x</sub>, and HF emissions; failed to minimize fugitive emissions to the maximum extent possible in accordance with the Construction Permit, including a failure to perform proper maintenance of the emissions control system and ensure replacement of worn and damaged parts; and, failed to document that air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions following a process upset resulting in discharges of air contaminants greater than those described for normal operation in the permit application.

Action: The Individual/Entity is required to: ensure compliance with emissions limits, monitoring requirements, source test requirements, operational requirements, and recordkeeping requirements pursuant to the Construction Permit and applicable regulations; by July 11, 2023, conduct three additional test runs for the PM CEMS. The resulting new data along with the previous data must be used to calculate a revised correlation equation. The revised correlation equation must be submitted to the Department by August 10, 2023. The Department has assessed a total civil penalty in the amount of four hundred, ten thousand dollars (\$410,000.00), payable in six total payments by November 1, 2023.

Update: The first three payments have been paid to the Department. Due to circumstances beyond the Individual/Entity's control, the PM CEMS correlation testing previously scheduled in June had to be rescheduled for Thursday July 6, 2023. The updated correlation curve will be due 30 days after completion of the testing.

43)	<u>Order Type and Number:</u>	Administrative Order 23-007-A
	<u>Order Date:</u>	May 12, 2023
	<u>Individual/Entity:</u>	<b>Corley Construction, LLC D.B.A. Fairfield Road Recycling</b>
	<u>Facility:</u>	Corley Construction, LLC D.B.A. Fairfield Road Recycling
	<u>Location:</u>	7462 Fairfield Road Columbia SC 29203
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	1900-0286
	<u>Violations Cited:</u>	U.S. EPA regulations at 40 CFR Part 60 and S.C. Code Ann. Regs. 61-62.60, <i>Standards of Performance for New Stationary Sources</i> , Subpart CCCC, <i>Standards of Performance for Commercial and Industrial Solid Waste Incineration Units</i> ; S.C. Code Ann. Regs 61-62.5,

Standard No. 3, *Waste Combustion and Reduction*; and S.C. Code Ann. Regs. 61-62.1, Section II, *Definitions and General Requirements*.

Summary: Fairfield Road Recycling (Individual/Entity) operates an air curtain incinerator (“ACI”) in Richland County South Carolina. The Department conducted an inspection on September 23, 2021. The Individual/Entity has violated U.S. EPA Regulations and the S.C. Air Pollution Control Regulations, as follows: failed to conduct the annual test for opacity within 12 calendar months of the previous test; failed to limit opacity from the ACI in accordance with its permitted limits during the September 23, 2021, annual performance test; failed to ensure that the burn pit was refractory lined; failed to ensure that the air curtain was operating properly or at its designed air flow prior to burning; failed to submit a written report of the final source test results within 30 days of completion of the test conducted on September 23, 2021; failed to notify the Regional Office prior to startup of the ACI on each calendar day the unit was in operation during the week of August 1 through August 5, 2022; and failed to submit a timely semiannual report.

Action: The Individual/Entity is required to: comply with any Department-issued construction and/or operating permits, including but not limited to, all operating, testing, monitoring, record keeping, reporting, and notification requirements; and comply with all Subpart CCCC and Standard 3 requirements. The Department has assessed a total civil penalty in the amount of twenty thousand, five hundred dollars (\$20,500.00). The Individual/Entity shall pay a penalty in the amount twenty thousand, five hundred dollars (\$20,500.00) by June 11, 2023.

Update: None.

44) <u>Order Type and Number</u> :	Consent Order 23-005-A
<u>Order Date</u> :	May 12, 2023
<u>Individual/Entity</u> :	<b>Terry R Lee Contracting Company Inc.</b>
<u>Facility</u> :	Terry R Lee Contracting Company Inc.
<u>Location</u> :	Parcel #041-00-4-022 Jasper County SC
<u>Mailing Address</u> :	8806 Speedway Boulevard Hardeeville SC, 29927
<u>County</u> :	Jasper
<u>Previous Orders</u> :	None
<u>Permit/ID Number</u> :	None
<u>Violations Cited</u> :	S.C. Code Ann. Regs. 61-62.2 (Supp. 2022), <i>Prohibition of Open Burning</i>

Summary: Terry R Lee Contracting (Individual/Entity) operates a contracting company located in Jasper County, South Carolina. On May 6, 2021, a Department inspector conducted an investigation in response to a complaint of open burning with twelve actively burning land clearing debris piles. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: burned more than two 30’x30’ piles of land clearing debris generated on site in a six-acre area simultaneously while prevailing winds were not away from the nearby residential area.

Action: The Individual/Entity is required to cease all open burning except as in accordance with the Regulations. The Department has assessed a total civil penalty in the

amount of nine thousand dollars (\$9,000.00). The Individual/Entity shall pay a civil in the amount of nine thousand dollars (**\$9,000.00**).

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

## **BUREAU OF ENVIRONMENTAL HEALTH SERVICES**

### **On-Site Wastewater Enforcement**

45) Order Type and Number: Administrative Order 23-21-OSWW  
Order Date: April 27, 2023  
Individual/Entity: **Donovan King, dba King and Son  
Masonry Construction, Inc.**  
Facility: Donovan King, dba King and Son Masonry  
Construction, Inc.  
Location: 262 Olbon Road  
Westminster, SC 29693  
Mailing Address: Same  
County: Oconee  
Previous Orders: 22-015-OSWW  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Donovan King, d.b.a. King and Son Masonry Construction, Inc. (Individual/Entity) installed OSWW systems on property located in Oconee County, South Carolina. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to schedule final inspections and failed to submit required documents within the time frame specified.

Action: The Individual/Entity is required to cease and desist installing OSWW systems without scheduling final inspections with the Department. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

Update: On June 30, 2023, the Individual/Entity was referred to OGC for the order to be enforced by the courts.

46) Order Type and Number: Administrative Order 23-039-OSWW  
Order Date: April 27, 2023  
Individual/Entity: **Rita Panapa**  
Facility: Rita Panapa  
Location: 593 Dawn Drive  
Lexington, SC 29170  
Mailing Address: Same  
County: Lexington  
Previous Orders: None



Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Rita Panapa (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on March 22, 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.

47) Order Type and Number: Administrative Order 23-040-OSWW  
Order Date: April 27, 2023  
Individual/Entity: **Tonia Mills**  
Facility: Tonia Mills  
Location: 15112 Newberry Road  
Blair, SC 29015  
Mailing Address: Same  
County: Fairfield  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Tonia Mills (Individual/Entity) owns property located in Fairfield County, South Carolina. The Department conducted an investigation on March 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 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.

48) Order Type and Number: Administrative Order 23-042-OSWW  
Order Date: April 27, 2023  
Individual/Entity: **Bettina Collins and the Anna Collins Estate**  
Facility: Bettina Collins and the Anna Collins Estate  
Location: 1320 Hemlock Road  
Scranton, SC 29591  
Mailing Address: Same  
County: Florence  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Bettina Collins and the Anna Collins Estate (Individual/Entity) owns property located in Florence County, South Carolina. The Department conducted an investigation on March 27, 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: On June 22, 2023, the Department issued a Legal Demand Letter.

49) Order Type and Number: Administrative Order 23-043-OSWW  
Order Date: April 27, 2023  
Individual/Entity: **Joann Charette Ellis and Albert Barry Nelson**  
Facility: Joann Charette Ellis and Albert Barry Nelson  
Location: 4136 Indian Mound Road  
Laurens, SC 29360  
Mailing Address: Same  
County: Laurens  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Joann Charette Ellis and Albert Barry Nelson (Individual/Entity) owns property located in Laurens County, South Carolina. The Department conducted an

investigation on March 14, 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.

50)	<u>Order Type and Number:</u>	Administrative Order 23-047-OSWW
	<u>Order Date:</u>	May 5, 2023
	<u>Individual/Entity:</u>	<b>Raymond Smith and Donna Elaine Smith</b>
	<u>Facility:</u>	Raymond Smith and Donna Elaine Smith
	<u>Location:</u>	5 Peyton Lane Simpsonville, SC
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Greenville
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Raymond Smith and Donna Elaine Smith (Individual/Entity) owns property located in Greenville County, South Carolina. The Department conducted an investigation on March 21, 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.

51)	<u>Order Type and Number:</u>	Administrative Order 23-044-OSWW
	<u>Order Date:</u>	May 8, 2023

<u>Individual/Entity:</u>	<b>Lisa A. Hunter and Robert Marc Phillips</b>
<u>Facility:</u>	Lisa A. Hunter and Robert Marc Phillips
<u>Location:</u>	2130 Neil Road Lancaster, SC 29720
<u>Mailing Address:</u>	Same
<u>County:</u>	Lancaster
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Lisa A. Hunter and Robert Marc Phillips (Individual/Entity) owns property located in Lancaster County, South Carolina. The Department conducted an investigation on March 9, 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.

52) <u>Order Type and Number:</u>	Administrative Order 23-048-OSWW
<u>Order Date:</u>	May 8, 2023
<u>Individual/Entity:</u>	<b>Wanda Ann Bessant, et al</b>
<u>Facility:</u>	Wanda Ann Bessant, et al
<u>Location:</u>	5361 Hampton Road Conway, SC 29527
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Wanda Ann Bessant, et al (Individual/Entity) owns property located in Horry County, South Carolina. The Department conducted an investigation on February 22, 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.

53) Order Type and Number: Consent Order 23-030-OSWW  
Order Date: May 2, 2023  
Individual/Entity: **Braden McNeil**  
Facility: Braden McNeil  
Location: 169 McNeil Farm Road  
Abbeville, SC 29620  
Mailing Address: Same  
County: Greenwood  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Braden McNeil (Individual/Entity) advertised they would install OSWW systems in Greenwood County, South Carolina without a Department issued Permit to Construct. The Department conducted an investigation on February 8, 2023, and observed the ads on a social media site. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: agreed to install OSWW systems without applying for and receiving a permit to construct or upgrade the OSWW system before installing the OSWW system.

Action: The Individual/Entity is required to cease and desist installing OSWW systems until they have obtained a Department issued Permit to Construct. 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.

54) Order Type and Number: Consent Order 23-038-OSWW  
Order Date: May 8, 2023  
Individual/Entity: **Theodore Moore, doing business as (dba) C&T Backhoe & Dozer Services, Inc.**  
Facility: Theodore Moore, dba C&T Backhoe & Dozer Services, Inc.  
Location: 111 Diversified Way  
Greenville, SC 29609  
Mailing Address: 149 Thrift Avenue  
Seneca, SC 29678  
County: Greenville  
Previous Orders: None

Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Theodore Moore, dba C&T Backhoe & Dozer Services, Inc. (Individual/Entity) installed an OSWW system on property located in Greenville County, South Carolina. The Department conducted an investigation on February 8, 2023, and observed that the OSWW system was not installed according to the Permit to Construct and the regulation. The Individual/Entity has violated the South Carolina Onsite Wastewater (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 that are not in accordance with S.C. Regulation 61-56 and not properly permitted by the Department. The Department has assessed a total civil penalty in the amount of one thousand five hundred dollars (\$1,500.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand five hundred dollars (**\$1,500.00**).

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

### **BUREAU OF OCEAN & COASTAL RESOURCE MANAGEMENT**

55) Order Type and Number: Consent Order AF-0000292  
Order Date: December 16, 2022  
Individual/Entity: **Mark & Anne Tiberio**  
Location: 1247 Debordieu Boulevard  
Georgetown, SC 29440  
Mailing Address: 512 Hermitage Court  
Charlotte, NC 28207  
County: Georgetown  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: S.C. Code Ann. §48-39-130(A) and (C) and S.C. Code Ann. Regs. 30-2(B); S.C. Code Ann. §48-39-130(D)(1)(a) and S.C. Code Ann. Regs. 30-15(H)(2); S.C. Code Ann. Regs. 30-15(H)(3)(c); and S.C. Code Ann. Regs. 30-15(H)(3)(h).

Summary: Mark and Anne Tiberio (Individual/Entity) are the current owners of certain property abutting the Atlantic Ocean located in Georgetown County, South Carolina. The Department conducted an inspection on September 23, 2020, and a Notice of Alleged Violation/Admission Letter was issued on December 11, 2020. The Individual/Entity has violated the S.C. Coastal Tidelands and Wetlands Act (Act) and Coastal Division Regulations (Regulations) as follows: installed sandbags seaward of the setback line and in the beach/dune system critical area at the Site without authorization from the Department.

Action: The Individual/Entity is required to provide the Department with a financially binding commitment to cover the cost of the removal of the sandbags by January 30, 2023, and adhere to all requirements of the Final Agency Decision regarding

the Coastal Carolina University research study or remove the sandbags from the beach/dune system. The Department has assessed a total civil penalty in the amount of two thousand five hundred dollars (\$2,500.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, five hundred dollars (**\$2,500.00**) by January 15, 2023.

Update: The Individual/Entity has provided the Department with a financially binding commitment in the form of a letter of credit and paid the civil penalty.

56) <u>Order Type and Number:</u>	Consent Order AF-0000278
<u>Order Date:</u>	May 4, 2023
<u>Individual/Entity:</u>	<b>Daniel W. Whitton</b>
<u>Location:</u>	146 Waters Edge Way Wando, SC 29492
<u>Mailing Address:</u>	211 Silver Creek Drive Huger, SC 29450
<u>County:</u>	Berkeley
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	N/A
<u>Violations Cited:</u>	S.C. Code Ann. §48-39-130(A) and S.C. Code Ann. Regs. 30-2(B)

Summary: Daniel W. Whitton (Individual/Entity) is the current owner of certain property abutting the Wando River located in Berkeley County, South Carolina. The Department conducted an inspection on January 28, 2020, and a Notice of Alleged Violation/Admission Letter was issued on November 30, 2020. The Individual/Entity has violated the S.C. Coastal Tidelands and Wetlands Act (Act) and Coastal Division Regulations (Regulations) as follows: constructed a dock structure in the tidelands and coastal waters critical areas at the Site without a Department permit.

Action: The Individual/Entity is required to ensure that all components of the dock structure, including the alignment and configuration, are compliant within 120 days of issuance of any new permit. If Department authorization is not obtained, the unauthorized dock structure is required to be removed. 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**) if the specific terms of the Order are not met.

Update: None.

\* 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


July 13, 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 May 1, 2023, through May 31, 2023.
- III. FACTS:** For the period of May 1, 2023, through May 31, 2023, Public Health reports 1 Administrative Order and 51 Consent Orders totaling \$45,950 in assessed civil penalties.

Permit Type	Administrative Orders	Consent Orders	Assessed Civil Penalties
Retail Food Establishments	1	51	\$45,950

Submitted By:

  
Bentley P. White  
Policy Director  
Public Health



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

July 13, 2023

**ADMINISTRATIVE ORDERS (1)**

1. **Order Type and Number:** Administrative Order 22-322-FOOD  
**Order Date:** May 1, 2023  
**Individual/Entity:** **Luis Carillo Hernandez**  
**Facility:** Luis Carillo Hernandez  
**Location:** 918 Cedar Lane, Greenville, SC 29611  
**County:** Greenville  
**Previous Orders:** None  
**Permit Number:** Operating Without a Permit

**Summary:** The Department conducted investigations on December 8, 2022, and December 13, 2022. 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 two thousand dollars (\$2,000.00), which the Individual/Entity is required to pay.

**CONSENT ORDERS (51)**

1. **Order Type and Number:** Consent Order 23-85-FOOD  
**Order Date:** May 1, 2023  
**Individual/Entity:** **Amber Buffet**  
**Facility:** Amber Buffet  
**Location:** 2275 Dave Lyle Boulevard, Rock Hill, SC 29730  
**County:** York  
**Previous Orders:** None  
**Permit Number:** 46-206-04300

**Summary:** The Department conducted an inspection on March 20, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

2. **Order Type and Number:** Consent Order 23-79-FOOD  
**Order Date:** May 1, 2023  
**Individual/Entity:** **Taqueria Guanajuato**  
**Facility:** Taqueria Guanajuato

Location: 3901 Dick Pond Road, Myrtle Beach, SC 29588  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14666

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

3. Order Type and Number: Consent Order 23-83-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Papa Gio's of Irmo**  
Facility: Papa Gio's of Irmo  
Location: 7210-Q Broad River Road, Irmo, SC 29063  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-07875

Summary: The Department conducted an inspection on March 17, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

4. Order Type and Number: Consent Order 23-95-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **China Garden**  
Facility: China Garden  
Location: 481 By-Pass 72 NW, Suite 101, Greenwood, SC 29649  
County: Greenwood  
Previous Orders: None  
Permit Number: 24-206-02013

Summary: The Department conducted an inspection on March 21, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

5. Order Type and Number: Consent Order 23-91-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **China**  
Facility: China  
Location: 4369 Highway 24, Anderson, SC 29625  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-03590

Summary: The Department conducted inspections on January 30, 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; 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 eight hundred dollars (\$800.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

6. Order Type and Number: Consent Order 23-69-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Kobe Express**  
Facility: Kobe Express  
Location: 1610 Highway 17 South, Suite F, Surfside Beach, SC 29575  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12521

Summary: The Department conducted inspections on May 9, 2022, October 12, 2022, and February 14, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

7. Order Type and Number: Consent Order 23-70-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Graham's Landing**  
Facility: Graham's Landing  
Location: 5225 Highway 17 Business, Murrells Inlet, SC 29576  
County: Georgetown  
Previous Orders: None  
Permit Number: 22-206-06192

Summary: The Department conducted inspections on December 7, 2021, July 25, 2022, 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 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 one thousand six hundred dollars (\$1,600.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

8. Order Type and Number: Consent Order 23-72-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Bob Evans Restaurant #249**  
Facility: Bob Evans Restaurant #249  
Location: 3384 Waccamaw Boulevard, Myrtle Beach, SC 29526  
County: Horry  
Previous Orders: 22-221-FOOD (\$800.00)  
Permit Number: 26-206-00988

Summary: The Department conducted an inspection on January 30, 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 one thousand dollars (\$1,000.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (22-221-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.

9. Order Type and Number: Consent Order 23-73-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Crooked Hammock Brewery**  
Facility: Crooked Hammock Brewery  
Location: 4924 Highway 17 South, Unit B, North Myrtle Beach, SC 29582  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14286

Summary: The Department conducted inspections on March 4, 2022, August 23, 2022, September 1, 2022, and January 3, 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 provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

10. Order Type and Number: Consent Order 23-67-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Scores Sports Bar**  
Facility: Scores Sports Bar  
Location: 3562 Highway 17 Bypass South, Myrtle Beach, SC 29588  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-08459

Summary: The Department conducted inspections on February 7, 2023, February 17, 2023, and February 27, 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 that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

11. Order Type and Number: Consent Order 23-99-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Chimichanga Llama**  
Facility: Chimichanga Llama  
Location: 14 South Ocean Boulevard, Surfside Beach, SC 29575  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14611

Summary: The Department conducted inspections on November 7, 2022, November 17, 2022, and March 15, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to cook, cool, and reheat for hot holding to a temperature of at least 165°F (74°C) for fifteen seconds, all parts of time/temperature control for safety foods.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

12. Order Type and Number: Consent Order 23-100-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Marco's Pizza #8610**  
Facility: Marco's Pizza #8610  
Location: 965 Wood Duck Drive, Unit 105, Myrtle Beach, SC 29577  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14827

Summary: The Department conducted inspections on February 27, 2023, March 9, 2023, and March 17, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

13. Order Type and Number: Consent Order 23-102-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Lucky Panda**  
Facility: Lucky Panda  
Location: 1399 South Commons Drive, Unit A2, Myrtle Beach, SC 29588  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12716

Summary: The Department conducted inspections on April 28, 2022, October 19, 2022, and March 10, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

14. Order Type and Number: Consent Order 23-101-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Lobster House Seafood**  
Facility: Lobster House Seafood  
Location: 5301 South Kings Highway, Myrtle Beach, SC 29575  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-13657

Summary: The Department conducted inspections on September 19, 2022, September 28, 2022, and March 1, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

15. Order Type and Number: Consent Order 23-77-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Lombardo's Restaurant**  
Facility: Lombardo's Restaurant  
Location: 7604 North Kings Highway, Myrtle Beach, SC 29572  
County: Horry  
Previous Orders: 22-232-FOOD (\$2,000.00)  
Permit Number: 26-206-13480

Summary: The Department conducted inspections on September 12, 2022, September 22, 2022, and January 24, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clearly and individually identify with the common name of the material, on all working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (22-232-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.

16. Order Type and Number: Consent Order 23-66-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Surfside Jenny's**  
Facility: Surfside Jenny's  
Location: 1013 Glens Bay Road, Surfside Beach, SC 29575  
County: Horry  
Previous Orders: 22-302-FOOD (\$400.00)  
Permit Number: 26-206-08782

Summary: The Department conducted inspections on April 27, 2022, October 10, 2022, February 7, 2023, and February 24, 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; and failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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 five hundred dollars (\$1,500.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (22-302-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing 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 by failing to ensure that physical facilities were maintained in good repair.

17. Order Type and Number: Consent Order 23-68-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Asian Bistro**  
Facility: Asian Bistro  
Location: 4620 Dickpond Road, Unit J, Myrtle Beach, SC 29588  
County: Horry  
Previous Orders: 23-05-FOOD (\$1,250.00)  
Permit Number: 26-206-13855

Summary: The Department conducted inspections on October 24, 2022, December 21, 2022, and February 15, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that food was safe, unadulterated, and honestly presented.

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), which the Individual/Entity is required to pay. The Department has entered into a payment plan with the Individual/Entity for payment of the civil penalty.

Previous Orders: The previous Consent Order (23-05-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that each handwashing sink or group of two (2) adjacent handwashing sinks was provided with a supply of hand cleaning, liquid, powder or bar soap; by failing to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks; by failing to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and by failing to inform consumers of the significantly increased risk of consuming raw animal foods by way of a disclosure and reminder (using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means).

18. Order Type and Number: Consent Order 23-39-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Capital City Club**  
Facility: Capital City Club  
Location: 1201 Main Street, Columbia, SC 29201  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-03068



Summary: The Department conducted inspections on January 11, 2023, January 20, 2023, January 30, 2023, February 9, 2023, and February 17, 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 one thousand two hundred dollars (\$1,200.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

19. Order Type and Number: Consent Order 23-103-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Mary's Grill House**  
Facility: Mary's Grill House  
Location: 2383 Pickens Highway, West Union, SC 29696  
County: Oconee  
Previous Orders: None  
Permit Number: 37-206-01376

Summary: The Department conducted an inspection on April 6, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

20. Order Type and Number: Consent Order 23-81-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Harbor Inn**  
Facility: Harbor Inn  
Location: 321 Haywood Road, Greenville, SC 29607  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-12358

Summary: The Department conducted inspections on March 2, 2023, February 9, 2023, and February 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; and failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

21. Order Type and Number: Consent Order 23-11-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Alazan Mexican Grill**  
Facility: Alazan Mexican Grill  
Location: 12020 N. Radio Station Road, Seneca, SC 29678  
County: Oconee  
Previous Orders: None  
Permit Number: 37-206-01398

Summary: The Department conducted inspections on June 8, 2022, June 16, 2022, and January 4, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; failed to use effective methods to cool cooked time/temperature control for safety foods; and 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 one thousand dollars (\$1,000.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

22. Order Type and Number: Consent Order 23-84-FOOD  
Order Date: May 1, 2023  
Individual/Entity: **Mynt Chophouse 75**  
Facility: Mynt Chophouse 75  
Location: 2732 Decker Boulevard, Columbia, SC 29206  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-08660

Summary: The Department conducted an inspection on March 13, 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), which the Individual/Entity is required to pay. The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

23. Order Type and Number: Consent Order 23-65-FOOD  
Order Date: May 2, 2023  
Individual/Entity: **Kenneth Herzog**  
Facility: Paisano of Surfside  
Location: 720 Highway 17 Business North, Unit C, Surfside Beach, SC 29575  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14069

Summary: The Department conducted inspections on October 7, 2022, February 6, 2023, February 16, 2023, and February 24, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to remove dead or trapped birds, insects, rodents, and other pests from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of 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), which the Individual/Entity is required to pay. The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

24. Order Type and Number: Consent Order 22-36-FOOD  
Order Date: May 2, 2023  
Individual/Entity: **Paris and Potter Management Corporation**  
Facility: KFC of Surfside  
Location: 504 Highway 17 North, Surfside Beach, SC 29575  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10192

Summary: The Department conducted inspections on August 2, 2022, November 29, 2022, December 8, 2022, February 1, 2023, February 23, 2023, and March 3, 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 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

25. Order Type and Number: Consent Order 23-28-FOOD  
Order Date: May 2, 2023  
Individual/Entity: **Jonathan Bazinet**  
Facility: Sam Kendall's  
Location: 1043 Broad Street, Camden, SC 29020  
County: Kershaw  
Previous Orders: None  
Permit Number: 28-206-00521

Summary: The Department conducted inspections on November 3, 2022, January 11, 2023, January 20, 2023, and January 27, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that nonfood-contact surfaces of equipment that are exposed to splash, spillage or other food soiling or that require frequent cleaning, shall be constructed of a corrosion-resistant, nonabsorbent, smooth material; failed to ensure that materials for indoor floor, wall, and ceilings surfaces under conditions of normal use shall be smooth, durable, and easily cleanable for areas where retail food establishment operations are conducted; failed to ensure that physical facilities were maintained in good repair; failed to clean the physical facilities as often as necessary to keep them clean; and failed to meet the lighting intensity as measured by foot candles throughout specific areas of the facility.

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 six hundred dollars (\$1,600.00), which the Individual/Entity is required to pay. The Individual/Entity has paid the civil penalty in full.

26. Order Type and Number: Consent Order 23-93-FOOD  
Order Date: May 3, 2023  
Individual/Entity: **Tarboro Maruti LLC**  
Facility: Tarboro Maruti LLC  
Location: 5294 Cotton Hill Road, Tillman, SC 29943  
County: Beaufort  
Previous Orders: None  
Permit Number: 27-211-00284

Summary: The Department conducted inspections on February 23, 2022, February 13, 2023, February 23, 2023, and March 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to provide a test kit or other device that accurately measures the concentration of MG/L of sanitizing solutions.

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 six hundred dollars (\$1,600.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

27. Order Type and Number: Consent Order 23-86-FOOD  
Order Date: May 3, 2023  
Individual/Entity: **Mikey's Social Club**  
Facility: Mikey's Social Club  
Location: 1922 Charleston Highway, Orangeburg, SC 29115  
County: Orangeburg  
Previous Orders: None  
Permit Number: 38-206-02089

Summary: The Department conducted inspections on August 31, 2022, September 8, 2022, March 2, 2022, and March 8, 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 eight hundred dollars (\$800.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

28. Order Type and Number: Consent Order 23-90-FOOD  
Order Date: May 3, 2023  
Individual/Entity: **Nacho's Tacos**  
Facility: Nacho's Tacos

Location: 440 Percival Road, Columbia, SC 29206  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-08153

Summary: The Department conducted inspections on January 6, 2023, January 13, 2023, and February 27, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

29. Order Type and Number: Consent Order 23-94-FOOD  
Order Date: May 3, 2023  
Individual/Entity: **Waffle House #1752**  
Facility: Waffle House #1752  
Location: 1108 Bypass 25 NE, Greenwood, SC 29649  
County: Greenwood  
Previous Orders: None  
Permit Number: 24-206-01792

Summary: The Department conducted an inspection on March 20, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

30. Order Type and Number: Consent Order 23-106-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **Hyundai Oriental Grocery**  
Facility: Hyundai Oriental Grocery  
Location: 1807 Decker Boulevard, Unit 1, Columbia, SC 29206  
County: Richland  
Previous Orders: None  
Permit Number: 40-211-00670

Summary: The Department conducted inspections on January 31, 2023, March 30, 2023, and April 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; 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 eight hundred dollars (\$800.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

31. Order Type and Number: Consent Order 23-44-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **Ellore Truck Stop**  
Facility: Ellore Truck Stop  
Location: 6642 Old Highway 6, Ellore, SC 29047  
County: Orangeburg  
Previous Orders: None  
Permit Number: 38-206-02493

Summary: The Department conducted inspections on February 18, 2022, June 7, 2022, and February 15, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

32. Order Type and Number: Consent Order 23-63-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **Wok N Roll**  
Facility: Wok N Roll  
Location: 1615 E Greenville Street, Anderson, SC 29621  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-03214

Summary: The Department conducted inspections on April 6, 2022, December 15, 2022, December 20, 2022, December 30, 2022, January 5, 2023, January 10, 2023, February 13, 2023, and February 21, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the handwashing sinks were accessible at all times; failed to keep equipment food contact surfaces and utensils clean to sight and touch; 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 that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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 four hundred dollars (\$3,400.00), which the Individual/Entity

is required to pay. The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

33. Order Type and Number: Consent Order 23-78-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **El Super de Myrtle Beach**  
Facility: El Super de Myrtle Beach  
Location: 4977 Socastee Boulevard, Myrtle Beach, SC 29588  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12550

Summary: The Department conducted inspections on January 5, 2022, December 8, 2022, and February 7, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the handwashing sinks were accessible at all times; and failed to keep equipment food contact surfaces and utensils clean to sight and touch.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

34. Order Type and Number: Consent Order 23-98-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **Surfside Charlies**  
Facility: Surfside Charlies  
Location: 800 Highway 17, Surfside Beach, SC 29575  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14614

Summary: The Department conducted inspections on May 31, 2022, October 24, 2022, and March 6, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

35. Order Type and Number: Consent Order 23-49-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **Piggly Wiggly #183 Deli/Bakery**  
Facility: Piggly Wiggly #183 Deli/Bakery  
Location: 122 Highway 17 North, Surfside Beach, SC 29575  
County: Horry  
Previous Orders: None

Permit Number: 26-206-12749

Summary: The Department conducted inspections on October 10, 2022, October 18, 2022, and February 7, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

36. Order Type and Number: Consent Order 23-75-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **Chicago Pizza**  
Facility: Chicago Pizza  
Location: 665 South Highway 17, Surfside Beach, SC 29577  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-13756

Summary: The Department conducted inspections on March 1, 2022, October 12, 2022, and February 14, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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), which the Individual/Entity is required to pay. The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

37. Order Type and Number: Consent Order 23-76-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **Hong Kong Chinese**  
Facility: Hong Kong Chinese  
Location: 2274 Highway 501 East, Conway, SC 29526  
County: Horry  
Previous Orders: 22-98-FOOD (\$800.00) & 22-293-FOOD (\$1,000.00)  
Permit Number: 26-206-13154

Summary: The Department conducted an inspection on February 22, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (22-98-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 ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

The previous Consent Order (22-293-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 ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

38. Order Type and Number: Consent Order 23-52-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **Tavern in Surfside**  
Facility: Tavern in Surfside  
Location: 8739 Highway 17 Bypass South, Surfside Beach, SC 29575  
County: Horry  
Previous Orders: 23-07-FOOD (\$2,400.00)  
Permit Number: 26-206-14317

Summary: The Department conducted inspections on December 13, 2022, December 22, 2022, and February 8, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods.

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), which the Individual/Entity is required to pay.

Previous Orders: The previous Consent Order (23-07-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.

39. Order Type and Number: Consent Order 23-31-FOOD  
Order Date: May 8, 2023  
Individual/Entity: **Hampton Restaurant**  
Facility: Hampton Restaurant  
Location: 704 Elm Street West, Hampton, SC 29924  
County: Hampton  
Previous Orders: None  
Permit Number: 25-206-01166

Summary: The Department conducted inspections on April 20, 2022, January 25, 2023, January 27, 2023, and February 2, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times.

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 six hundred dollars (\$1,600.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

40. Order Type and Number: Consent Order 23-97-FOOD  
Order Date: May 15, 2023  
Individual/Entity: **Ala Mario's Pizza**  
Facility: Ala Mario's Pizza  
Location: 2286 Highway 501 East, Conway, SC 29526  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14612

Summary: The Department conducted inspections on October 25, 2022, February 22, 2023, and March 2, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

41. Order Type and Number: Consent Order 23-32-FOOD  
Order Date: May 15, 2023  
Individual/Entity: **Tanners Money Saver**  
Facility: Tanners Money Saver  
Location: 209 Thurgood Marshall Highway, Kingstree, SC 29556  
County: Williamsburg  
Previous Orders: None  
Permit Number: 45-206-00521

Summary: The Department conducted inspections on April 8, 2022, September 2, 2022, and January 10, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

42. Order Type and Number: Consent Order 23-92-FOOD  
Order Date: May 15, 2023  
Individual/Entity: **Papas and Beer**  
Facility: Papas and Beer  
Location: 4505 N. Highway 81, Anderson, SC 29621  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-04431

Summary: The Department conducted inspections on November 15, 2022, January 3, 2023, and February 22, 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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

43. Order Type and Number: Consent Order 23-89-FOOD  
Order Date: May 15, 2023  
Individual/Entity: **El Jimador #5**  
Facility: El Jimador #5  
Location: 1072 Lake Murray Boulevard, Irmo, SC 29063  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-07338

Summary: The Department conducted inspections on August 3, 2022, March 6, 2023, and March 9, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure there was no bare hand contact with ready-to-eat foods; and failed to ensure that the handwashing sinks were accessible at all times.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

44. Order Type and Number: Consent Order 23-27-FOOD  
Order Date: May 15, 2023  
Individual/Entity: **Amit Sehgal**  
Facility: Popeyes of Myrtle Beach  
Location: 5910 South Kings Highway, Myrtle Beach, SC 29575  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14489

Summary: The Department conducted inspections on April 6, 2022, September 14, 2022, September 23, 2022, January 11, 2023, January 20, 2023, and January 30, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control; failed to ensure floors, floor coverings, walls, wall coverings, and ceilings were designed, constructed, and installed so they are smooth and easily cleanable; and failed to ensure that physical facilities were maintained in good repair.

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 six hundred dollars (\$1,600.00), which the Individual/Entity is required to pay. The Individual/Entity has paid the civil penalty in full.

45. Order Type and Number: Consent Order 23-43-FOOD  
Order Date: May 16, 2023  
Individual/Entity: **Rashmin Patel**  
Facility: AARAV United, LLC  
Location: 8640 Old State Road, Holly Hill, SC 29059  
County: Orangeburg  
Previous Orders: None  
Permit Number: 38-206-02823

Summary: The Department conducted inspections on June 13, 2022, February 2, 2023, February 13, 2023, and February 22, 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 four hundred dollars (\$400.00), which the Individual/Entity is required to pay.

46. Order Type and Number: Consent Order 23-121-FOOD  
Order Date: May 18, 2023  
Individual/Entity: **Applebee's #1133**  
Facility: Applebee's #1133  
Location: 4505 Devine Street, Columbia, SC 29205  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-09327

Summary: The Department conducted inspections on April 3, 2023, April 13, 2023, and April 21, 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; and failed to convey sewage to the

point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

47. Order Type and Number: Consent Order 23-59-FOOD  
Order Date: May 23, 2023  
Individual/Entity: **Flora Cruz Rosas**  
Facility: Flora Cruz Rosas  
Location: 111 Boiling Court, Taylors, SC 29687  
County: Greenville  
Previous Orders: None  
Permit Number: Operating Without a Permit

Summary: The Department conducted investigations on November 2, 2022, and March 1, 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 two thousand dollars (\$2,000.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

48. Order Type and Number: Consent Order 23-121-FOOD  
Order Date: May 23, 2023  
Individual/Entity: **Moctezumas Taqueria**  
Facility: Moctezumas Taqueria  
Location: 506 N. Beltline Boulevard, Columbia, SC 29205  
County: Richland  
Previous Orders: 23-41-FOOD (\$2,000.00)  
Permit Number: 40-206-07706

Summary: The Department conducted an inspection on April 17, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods; and 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 one thousand two hundred fifty dollars (\$1,250.00), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (23-41-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; by failing to properly cool cooked time/temperature control for safety foods; by failing to use effective methods to cool cooked time/temperature control for safety foods; by failing to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times; and by failing to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

49. Order Type and Number: Consent Order 23-105-FOOD  
Order Date: May 23, 2023  
Individual/Entity: **Deliteful Flavors**  
Facility: Deliteful Flavors  
Location: 104-A Shockley Ferry Road, Anderson, SC 29624  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-04684

Summary: The Department conducted an inspection on April 17, 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), which the Individual/Entity is required to pay.

50. Order Type and Number: Consent Order 23-34-FOOD  
Order Date: May 23, 2023  
Individual/Entity: **La Nopalera Mexican**  
Facility: La Nopalera Mexican  
Location: 1220 Ribaut Road, Beaufort, SC 29902  
County: Beaufort  
Previous Orders: None  
Permit Number: 07-206-01431

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 refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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), which the Individual/Entity is required to pay. The Individual/Entity has met all requirements of the Order. This Order has been closed.

51. Order Type and Number: Consent Order 23-71-FOOD  
Order Date: May 23, 2023  
Individual/Entity: **Smuggler's Den**  
Facility: Smuggler's Den  
Location: 296 Vesta Drive, Myrtle Beach, SC 29597  
County: Georgetown  
Previous Orders: None  
Permit Number: 22-206-06516

Summary: The Department conducted inspections on July 7, 2022, January 12, 2023, and January 20, 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), which the Individual/Entity is required to pay.

(x) ACTION/DECISION  
( ) INFORMATION

Date: July 13, 2023

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

From: Office of Ocean and Coastal Resource Management

**Re: Notice of Proposed Regulation Amending R.30-1, *Statement of Policy*; R.30-2, *Applying for a Permit*; R.30-11, *General Guidelines for All Critical Areas*; and R.30-13, *Specific Project Standards for Beaches and the Beach/Dune System*.**

## I. Introduction

The Office of Ocean and Coastal Resource Management (“OCRM”) proposes the attached Notice of Proposed Regulation amending R.30-1, *Statement of Policy*; R.30-2, *Applying for a Permit*; R.30-11, *General Guidelines for All Critical Areas*; and R.30-13, *Specific Project Standards for Beaches and the Beach/Dune System* for publication in the July 28, 2023, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Sections 48-39-10 *et seq.*, which instructs the Department to implement policies to promote the economic and social welfare of the citizens of the state while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

## II. Facts

1. The Department proposes amending R.30-1, R.30-2, R.30-11.D., and R.30-13, to provide a definition for beach preservation and clarify beach preservation standards and requirements for activities in any critical area along or adjacent to the beach. These proposed amendments also provide for a process to permit pilot projects within the beachfront critical areas.
2. In 2018, Act 173 amended the Beachfront Management Act to replace the state’s 40-year policy of retreat with a policy of beach preservation. However, Coastal Division regulations currently lack specific guidance to effectively implement the new policy.
3. In 2022, the Department convened the Beach Preservation Stakeholder Workgroup (“Workgroup”) to provide input and diverse perspectives on beach preservation in South Carolina. The Workgroup, composed of seventeen members representing a variety of backgrounds and constituencies, met in person seven (7) times between June and December 2022. Workgroup recommendations and notable findings are documented in a final report, published in January 2023 (available upon request). These recommendations and key findings were the primary basis for developing these proposed amendments. Specific meeting dates, agendas, the final report, and other information documenting the efforts of the Workgroup are publicly available on the Department website.
4. The Department had a Notice of Drafting published in the February 24, 2023, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received public comments from one (1) party by March 27, 2023, the close of the public comment period. Attachment C presents a summary of this public comment received and Department response.



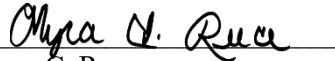
5. Appropriate Department staff conducted an internal review of the proposed amendments on June 26, 2023.

### III. Request for Approval

The Office of Ocean and Coastal Resource Management respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the July 28, 2023, *State Register*.

  
Elizabeth B. von Kolnitz

Bureau Chief, Ocean and Coastal Resource Management

  
Myra C. Reece

Director of Environmental Affairs

Attachments:

- A. Notice of Proposed Regulation
- B. Notice of Drafting published in the February 24, 2023, *State Register*
- C. Summary of Public Comment Received and Department Response

**ATTACHMENT A**

**STATE REGISTER NOTICE OF PROPOSED REGULATION  
FOR R.30-1, *Statement of Policy*; R.30-2, *Applying for a Permit*; R.30-11, *General Guidelines for All  
Critical Areas*; and R.30-13, *Specific Project Standards for Beaches and the Beach/Dune System***

**July 13, 2023**

Document No. \_\_\_\_\_

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CHAPTER 30**

Statutory Authority: 1976 Code Sections 48-39-10 et seq.

- 30-1. Statement of Policy.
- 30-2. Applying for a Permit.
- 30-11. General Guidelines for All Critical Areas.
- 30-13. Specific Project Standards for Beaches and the Beach/Dune System.

**Preamble:**

South Carolina’s beachfront policies and jurisdictional authorities are established under the South Carolina Beachfront Management Act (S.C. Code Sections 48-39-250 et seq.). Over the past three decades, these rules have guided where and how areas along the state’s beachfront can be developed. In 2018, Act 173 amended the Beachfront Management Act to replace the state’s 40-year policy of retreat with a policy of beach preservation. However, Coastal Division regulations currently lack specific guidance to effectively implement the new policy. In 2022, the Department of Health and Environmental Control (“Department”) convened the Beach Preservation Stakeholder Workgroup (“Workgroup”), which represented a wide range of backgrounds and constituencies, to provide input and diverse perspectives on beach preservation in South Carolina. The Workgroup’s recommendations and key findings were the primary basis for developing the proposed amendments to R.30-1, R.30-2, R.30-11.D, and R.30-13 to establish a regulatory definition for beach preservation, provide for a process and standards to permit pilot projects proposed within the beaches or beach/dune system critical areas, and provide for consistency in the application of standards for activities across beaches and beach/dune system critical areas. The proposed amendments will provide clarity for the regulated community, guidance for regulatory staff, and allow the Department to more effectively implement the state’s beach preservation policy. The proposed amendments also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

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

Section-by-Section Discussion of Proposed Amendments:

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
R.30-1.C(5)(a)-(c)	Technical Correction	Stylistic amendment to correct tabbed indentation.
R.30-1.C(6)	Revision	Amend language to reference the state’s current policy of beach preservation and to clarify reference to the Coastal Zone Management Act.

R.30-1.D(1)	Technical Correction	Amend to correct punctuation.
R.30-1.D(3)	Technical Correction	Amend to correct punctuation.
R.30-1.D(4)(a)	Technical Correction	Amend to correct punctuation.
R.30-1.D(4)(b)	Revision, Technical Correction	Amend language to reference the state's current policy of beach preservation, amend for stylistic clarity, and to correct punctuation and spelling.
R.30-1.D(4)(c)	Technical Correction	Amend to correct punctuation.
R.30-1.D(5)	Technical Correction	Amend for Code reference and stylistic clarity.
R.30-1.D(6)	Addition	Add new definition 6 to clarify beach preservation characteristics.
R.30-1.D(6)-(13)	Technical Correction	Renumber definitions 6 through 13 after addition of new beach preservation definition.
New R.30-1.D(8)	Technical Correction	Amend to correct spelling.
New R.30-1.D(11)(a)-(b)	Technical Correction	Amend for stylistic clarity.
New R.30-1.D(12)	Technical Correction	Amend to correct punctuation.
R.30-1.D(14)	Deletion	Delete definition of Coastal Zone Management Appellate Panel to conform with statute.
R.30-1.D(15)	Technical Correction	Amend to correct punctuation.
R.30-1.D(17)(a)-(c)	Technical Correction, Revision	Amend for stylistic clarity and to add clarifying article.
R.30-1.D(19), (19)(c)-(e)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(20)	Technical Correction, Revision	Amend for Code reference clarity and to correct punctuation.
R.30-1.D(21)	Technical Correction, Revision	Amend for Code reference and stylistic clarity, and to correct wording.
R.30-1.D(23)	Technical Correction	Amend to correct punctuation.
R.30-1.D(24)	Technical Correction	Amend to correct punctuation.
R.30-1.D(26)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(31)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(33)(c)-(d)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(35)	Technical Correction	Amend to correct punctuation.

R.30-1.D(44)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(45)	Technical Correction	Amend to correct capitalization and punctuation.
R.30-1.D(47)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(49)	Technical Correction	Amend for stylistic clarity.
R.30-1.D(52)	Technical Correction	Amend to correct capitalization.
R.30-1.D(54)	Technical Correction	Amend for stylistic clarity.
R.30-2.B(8)(a) and (b)	Reorganization, Technical Correction	Divide subsection into multiple items, amend to correct punctuation and capitalization, and amend for Code reference clarity.
R.30-2.B(8)(c)	Addition	Add a third item to the subsection to reference additional required information for pilot project permit applications.
R.30-11.D	Revision, Technical Correction	Amend language to clarify that activities in beaches critical area are subject to applicable laws and policies and to conform with the title of R.30-11.D, General Guidelines for Beaches and the Beach/Dune System. Amend for Code reference clarity.
R.30-11.D(1)	Revision	Amend to include the beaches critical area to conform with the title of R.30-11.D and to reference the state's current policy of beach preservation.
R.30-11.D(2)	Revision	Amend to include statutory reference regarding impacts to the beach from hardened erosion control structures, to reference the state's current policy of beach preservation, and to clarify activities that do not support beach preservation.
R.30-11.D(5)	Revision, Technical Correction	Amend to clarify that beaches critical areas are susceptible to impacts from construction activities. Amend to correct punctuation and for Code reference clarity.
R.30-11.D(6)	Revision, Technical Correction	Amend to clarify that destruction of beach or dune vegetation within the beaches critical area is also prohibited. Amend to correct punctuation.
R.30-13.B	Revision	Amend language to clarify that the Department applies requirements for new habitable structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13, Specific Project Standards for Beaches and the Beach/Dune System.
R.30-13.B(2)	Technical Correction	Amend for stylistic clarity.
R.30-13.B(4)	Technical Correction	Amend for Code reference clarity.
R.30-13.B(5)	Revision	Amend to clarify that the Department may authorize habitable structures seaward of the baseline under a special permit.
R.30-13.C	Revision	Amend language to clarify that the Department applies requirements for additions to habitable structures

		consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.C(1)	Technical Correction	Amend for stylistic clarity.
R.30-13.C(4)	Revision	Amend language to clarify that the Department applies requirements for additions to habitable structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.C(5)	Addition	Add new items to ensure that additions to habitable structures are not constructed on the primary oceanfront sand dune or on active beach and to clarify that the Department may authorize additions to habitable structures seaward of the baseline under a special permit.
R.30-13.D	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for repair and renovation of habitable structures consistently within the beaches and beach/dune system critical areas, to ensure that habitable structures are not constructed on active beach, and to conform with the title of R.30-13. Amend to correct punctuation.
R.30-13.E	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for replacement or rebuilding of habitable structures consistently within the beaches and beach/dune system critical areas, to conform with the title of R.30-13, and to clarify required notice and documentation to the Department. Amend to correct punctuation.
R.30-13.E(4)	Technical Correction	Amend to correct punctuation.
R.30-13.E(5)	Revision, Technical Revision	Amend to provide reference to implementing regulations associated with cited statutes and for Code reference clarity.
R.30-13.E(7)	Addition	Add new item to ensure that replacement habitable structures are not constructed on the primary oceanfront sand dune or on active beach.
R.30-13.F	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for landscaping, earthmoving, and fill for landscaping consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13. Amend to correct punctuation.
R.30-13.F(1)	Technical Correction	Amend to correct punctuation.
R.30-13.F(7)	Revision	Amend to ensure that landscaping, earthmoving, and fill for landscaping activities shall not occur on active beach and add clarifying article.
R.30-13.G	Revision	Amend language to clarify that the Department applies requirements for fences, lighting, trash receptables, sidewalks, and signs consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.G(2)	Technical Correction	Amend for stylistic clarity.

R.30-13.G(5)	Revision	Amend to add clarifying article.
R.30-13.D(6)	Revision	Amend to clarify that lighting within the beaches critical area shall be designed to shield the beach from illumination.
R.30-13.H	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for emergency vehicle access ways, small wooden decks, gazebos, and other structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13. Amend to correct punctuation.
R.30-13.H(1)(c)-(e)	Technical Correction, Revision	Amend to correct punctuation, for stylistic clarity, and to add clarifying article.
R.30-13.H(2)	Technical Correction	Amend to correct punctuation.
R.30-13.H(2)(a)	Revision	Amend criteria to allow wood-like material to be used for small wooden decks and to conform to statute, and amend language to improve sentence structure.
R.30-13.H(2)(b)-(f)	Technical Correction	Amend to correct punctuation. Amend for stylistic clarity, to improve sentence structure, and to add clarifying article.
R.30-13.I	Revision	Amend language to clarify that the Department applies requirements for construction and/or repair of drives and parking lots consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.I(7)	Technical Correction, Revision	Amend to correct punctuation and to add clarifying article.
R.30-13.I(8)	Revision, Technical Correction	Amend to clarify that no new driveways or parking lots shall be constructed seaward of the baseline without a special permit and to ensure that driveways and parking lots are not constructed on active beach. Amend for Code reference clarity.
R.30-13.J	Revision	Amend language to clarify that the Department applies requirements for the installation or repair of underground and overhead water, sewer, gas, electrical, telephone lines, and cable service lines consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.J(1)	Revision	Amend to ensure that service lines are not placed within active beach and provide an exception for subsea cables.
R.30-13.J(4)	Revision	Amend to add clarifying article.
R.30-13.K	Revision	Amend language to clarify that the Department applies requirements for drainage structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.K(1)	Technical Correction	Amend to correct spelling, capitalization, and punctuation.
R.30-13.K(4)	Revision	Amend language to clarify that requirements of local drainage plans also apply within the beaches critical areas.
R.30-13.K(5)(a)	Revision	Amend to add clarifying article.

R.30-13.L	Revision, Technical Correction	Amend language to clarify that the Department applies requirements for sand fences, minor beach renourishment, and dune revegetation consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13. Amend to add clarifying article and to correct punctuation.
R.30-13.L(1)(h)	Revision	Amend language to clarify that the Department evaluates impacts from sand fencing consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.L(2)	Revision	Amend to correct spelling.
R.30-13.L(2)(a)	Revision	Amend language to generally refer to the Department's recommendations for planting dune vegetation.
R.30-13.M	Revision	Amend language to clarify that sand that has drifted out of the beaches and/or beach/dune system critical areas may be returned to them, to clarify that the Department applies requirements for returning sand consistently within the beaches and beach/dune system critical areas, and to conform with the title of R.30-13.
R.30-13.M(1)	Revision	Amend to add clarifying article.
R.30-13.N(2)(c)-(d)	Technical Correction, Revision	Amend to add clarifying article and correct punctuation.
R.30-13.N(3)	Technical Correction	Amend to correct punctuation.
R.30-13.N(3)(a)	Revision	Amend language to clarify that the Department applies restrictions for erosion control structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.
R.30-13.N(3)(c)-(d)	Technical Correction	Amend to correct punctuation and for Code reference clarity.
R.30-13.N(3)(e)(i)-(iii)	Technical Correction	Amend for stylistic clarity.
R.30-13.O(1), (1)(a)-(c)	Revision, Technical Correction	Amend for code reference clarity. Amend criteria to allow wood-like material to be used for walkways over dunes and to conform to statute. Amend for stylistic clarity.
R.30-13.O(1)(f)-(h)	Technical Correction, Revision	Amend for stylistic clarity, to correct punctuation, to add clarifying article, and to correct wording.
R.30-13.O(2)(a)	Technical Correction	Amend to correct spelling.
R.30-13.P	Technical Correction, Revision	Amend to correct punctuation, for Code reference clarity, and to correct wording.
R.30-13.Q(1)	Technical Correction	Amend to correct punctuation and for Code reference clarity.
R.30-13.Q(2)(c)	Revision	Amend language to clarify that the Department applies requirements for lighting associated with golf courses consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13.

R.30-13.Q(2)(d)(iii)	Technical Correction	Amend to correct punctuation and to add clarifying article.
R.30-13.R(2)(b)	Technical Correction	Amend to correct punctuation.
R.30-13.S	Addition	Add section to include specific project standards for pilot projects within the beaches and beach/dune system critical areas.
R.30-13.S(1)	Addition	Add subsection to clarify the intended purpose of pilot projects, specify that new erosion control structures or devices will not be permitted as part of a pilot project, and reference supporting statutory language.
R.30-13.S(2)	Addition	Add subsection to list additional requirements for pilot project permit applications.
R.30-13.S(3)	Addition	Add subsection to list the standards which shall apply to permitted pilot projects.
R.30-13.S(4)	Addition	Add subsection to specify information the pilot project permittee must submit to the Department in a final report upon completion of the pilot project, and to clarify Departmental considerations of the study findings and the final report.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit comment(s) on the proposed amendments to Liz Hartje of the Office of Ocean and Coastal Resource Management; S.C. Department of Health and Environmental Control, 1362 McMillan Avenue Suite 400, Charleston, S.C. 29405; hartjeen@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on August 28, 2023, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its October 12, 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 main Bull Street 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>.

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 Department estimates minimal additional cost incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these proposed amendments. The Department will use existing staff and resources to implement these amendments.

**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:** R.30-1, Statement of Policy; R.30-2, Applying for a Permit; R.30-11, General Guidelines for All Critical Areas; and R.30-13, Specific Project Standards for Beaches and the Beach/Dune System

**Purpose:** These amendments are proposed to improve the Department’s implementation of the state’s policy of beach preservation, as adopted under the 2018 Beachfront Management Reform Act (Act 173 of 2018). Although the state has been utilizing beach preservation approaches, like beach nourishment, to manage the beaches and beach/dune system critical areas since the 1980s, Coastal Division regulations currently lack a definition for beach preservation. Establishing a regulatory definition for beach preservation will provide guidance for regulatory staff to ensure projects within South Carolina beaches and beach/dune system critical areas uphold the state’s policy of beach preservation. The proposed regulatory definition was developed by the Workgroup, convened by the Department in 2022.

As part of the beach preservation discussion, the Workgroup examined pilot projects proposed within the beaches or beach/dune system critical areas. Pursuant to S.C. Code Section 48-39-320(C), pilot projects may be allowed if it is reasonably anticipated that the use will be successful in addressing an erosional issue in a beach or dune area.

Pilot projects may have unknown risks, which could impact species and habitat, the economic benefits associated with the beaches and beach/dune system critical areas, and public use of these resources. Proposed amendments, developed in coordination with the Workgroup, specify requirements and standards for pilot projects proposed within the beaches or beach/dune system critical areas. These requirements and standards will provide clarity for those wanting to utilize or alter the beaches or beach/dune system critical areas as part of a pilot project, improve the Department’s ability to properly evaluate pilot projects, and ensure their use does not conflict with the state’s policy of beach preservation.

South Carolina’s beaches are experiencing an increase in the rate of shoreline change which has resulted in beaches critical area being located landward of the state’s beach/dune system critical area. The Workgroup reviewed the effects of this shoreline change on regulated activities that are allowed within these beachfront critical areas, including habitable structures and erosion control structures. Based on the Workgroup’s recommendations and additional Departmental review, the proposed amendments were developed to provide for consistency in the application of standards for activities across the beaches and beach/dune system critical areas and to support the policy of beach preservation.

**Legal Authority:** 1976 Code Sections 48-39-10 et seq.

**Plan for Implementation:** The amendments 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 amendments. Additionally, a copy of the regulation will be posted on the Department’s website, accessible at [www.scdhec.gov/regulations-table](http://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:**

The Department is charged with implementing the state’s policy of beach preservation, as established under the 2018 Beachfront Management Reform Act. Coastal Division regulations currently lack a regulatory definition for beach preservation, have insufficient requirements and standards associated with pilot

projects proposed within the beaches or beach/dune system critical areas, and need consistency and clarity in implementing activities across beachfront critical areas. The Department proposes amending these regulations to provide a beach preservation definition, define requirements and project standards for pilot projects within the state's beaches or beach/dune system critical areas, and to provide for consistency in the application of standards for activities across the beaches and beach/dune system critical areas.

The proposed amendments will provide additional guidance for regulatory staff ensuring future projects within the beaches and beach/dune system critical areas align with the state's policy of beach preservation. The proposed amendments also provide the regulated community with more clarity on the requirements for pilot projects and other activities proposed within the beaches or beach/dune system critical areas. Additionally, the proposed amendments ensure regulatory staff have sufficient information to evaluate pilot projects in these critical areas. The proposed amendments are reasonable and necessary to manage and preserve the long-term health and sustainability of the state's beaches and beach/dune system critical areas.

#### DETERMINATION OF COSTS AND BENEFITS:

The Department anticipates minimal additional costs to the state resulting from the administration and processing of these proposed amendments. Benefits to the state would include improved management of coastal resources by creating a regulatory definition for beach preservation, identifying requirements and project standards for pilot projects, and providing consistency for implementing activities across beachfront critical areas. The Department does not anticipate additional cost to the regulated community as a result of the proposed amendments associated with beach preservation and the beaches critical area. The proposed amendments associated with pilot projects within the beaches and beach/dune system critical areas, establishing a permitting pathway for these activities, will be subject to the administrative fee structure outlined in R.61-30.G(13), *Environmental Protection Fees*.

#### UNCERTAINTIES OF ESTIMATES:

None.

#### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of the proposed amendments seeks to benefit the environment by providing more clarity to the Department's statutory directives to manage the state's beaches and beach/dune critical areas in a manner that promotes the policy of beach preservation.

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

Not implementing these proposed amendments will result in continued challenges associated with the Department's ability to properly implement the policy of beach preservation. Further, there will continue to be a lack of guidance for those wishing to utilize or alter the beaches or beach/dune system critical areas through the use of a pilot project, and there will continue to be a lack of project standards necessary for regulatory staff to sufficiently evaluate pilot projects sited within these critical areas. Finally, there will be continued inconsistencies in the application of standards for activities across the beaches and beach/dune system critical areas.

#### **Statement of Rationale:**

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

The Department is charged with implementing the state’s policy of beach preservation, as established under the 2018 Beachfront Management Reform Act. Coastal Division regulations currently lack a regulatory definition for beach preservation, lack requirements and project standards associated with pilot projects proposed within the beaches or beach/dune system critical areas, and need consistency in the application of standards for activities across the beaches and beach/dune system critical areas.

The Department proposes amending these regulations to provide a beach preservation definition, identify requirements and project standards for pilot projects that would utilize or alter the state’s beaches or beach/dune system critical areas, and provide for consistent application of standards within the beaches and beach/dune system critical areas. Recommendations and key findings from the Beach Preservation Stakeholder Workgroup were the primary basis for developing these proposed amendments.

**Text:**

~~Indicates Matter Stricken~~  
Indicates New Matter

Chapter 30. Department of Health and Environmental Control – Coastal Division.

Statutory Authority: S.C. Code Section 48-39-10 et seq.

**R.30-1, Statement of Policy.**

**Amend R.30-1.C(5) and (6) to read:**

(5) There are three basic approaches to beachfront management:

- (a) armor the beach with hard erosion control devices;
- (b) renourish the beach with sand;
- (c) retreat from the beach.

(6) The 1977 Coastal Zone Management Act, as amended, rejects construction of new erosion control devices and adopts ~~retreat and renourishment as the basic~~ a state policy towards preserving and of beach preservation, including restoring restoration of the beaches of our state. The Department, as steward of the State's coastal resources, has the responsibility ~~under the new statute~~ to implement the ~~forty year retreat policy of beach preservation~~ by designating a baseline and setback line on all oceanfront properties of the State, developing a long-range comprehensive state plan for management of the beach ~~and~~ dune resources, and supporting the efforts of local governments in developing local long-range beach management plans. In addition, the Department shall require property owners to move new construction and reconstruction as far landward as possible, to limit the size of structures within the constraints of the Coastal Zone Management Act, and to seek innovative ways to ameliorate the effects of beach erosion.

**Amend R.30-1.D to read:**

D. Definitions:

(1) Abandoned Vessels/Structures - Any boat, barge, dock, pier, or other structure/vessel in the critical areas that is no longer functional for its primary, intended purpose and for which repair or salvage activity is not actively being pursued.

(2) Active Beach - the area seaward of the escarpment or the first line of stable natural vegetation, whichever first occurs, measured from the ocean landward.

(3) Administrative Law Judge - a judge appointed pursuant to S.C. Code Ann. Section 1-23-510 (1976) (as amended) who is assigned a particular matter by the Chief Administrative Law Judge, or if no administrative law judge has been assigned for a particular matter, the Chief Administrative Law Judge.

(4) Baselines:

(a) Within a standard erosion zone, the baseline is established at the location of the crest of the primary oceanfront sand dune in that zone. In a standard erosion zone in which the shoreline has been altered naturally or artificially by the construction of erosion control devices, groins, or other man-made alterations, the baselines must be established by the Department using the best scientific and historical data, as where the crest of the primary ocean front sand dune for that zone would be located if the shoreline had not been altered.

(b) Within an unstabilized inlet zone, the baseline must be determined by the Department as the most landward point of erosion at any time during the past forty (40) years, unless the best available scientific and historical data of the inlet and adjacent beaches indicate that the shoreline is unlikely to return to its former position. In collecting and utilizing the best scientific and historical data available for the implementation of the ~~retreat~~ policy of beach preservation, the Department, as part of the State Comprehensive Beach Management Plan provided for in this chapter, among other factors, must consider: historical inlet migration, inlet stability, channel and ebb tidal delta changes, the effects of sediment bypassing on shorelines adjacent to the inlets, and the effects of nearby beach restoration projects on inlet sediment budgets.

(c) Within a stabilized inlet zone, the baseline location must be determined in the same manner as provided for in a standard erosion zone. However, the actual location of the crest of the primary oceanfront sand dune of that erosion zone is the baseline of that zone, not the location if the inlet had remained unstabilized.

(5) Beach/Dune System - all land from the mean high-water mark of the Atlantic Ocean landward to the forty (40)-year setback line described in S.C. Code Section 48-39-280.

(6) Beach Preservation - maintaining the natural processes and functionality and benefits of the beaches and the beach/dune system critical areas that support storm protection, habitat, tourism, public access, recreation opportunities, and aesthetics.

(~~6~~) Best Management Practices - measures to reduce adverse environmental impacts.

(~~7~~) Boat - A vessel or watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, paddle, or other means, which is used to travel from place to place by water.

(~~8~~) Boat Storage Structure - any structure associated with a dock that is used for the purpose of storing a boat out of the water and may include, but is not limited to, boatlifts, davits, and any other type of floating vessel platform. A boat storage structure is not a fixed pierhead, walkway, ramp, or gangway.

(~~9~~) Boat Yard - a facility where boats are repaired.

(~~10~~) Bridge:

(a) Non-vehicular - bridges designed for use by pedestrians, golf carts or other maintenance vehicles, but not cars and trucks; are not docks; and can have a maximum clear width on the deck surface of six (6) feet.

(b) Vehicular - bridges with a clear width on the deck surface of over six (6) feet and designed to support traffic by cars and trucks.

(142) Coastal Island - an area of high ground above the critical area delineation that is separated from other high ground areas by coastal tidelands or waters. An island connected to the mainland or other island only by a causeway is also considered a coastal island. The purpose of this definition is to include all islands except those that are essentially mainland, i.e., those that already have publicly accessible bridges and/or causeways. The following islands shall not be deemed a coastal island subject to this section due to their large size and developed nature: Waites Island in Horry County; Pawleys Island in Georgetown County; Isle of Palms, Sullivans Island, Folly Island, Kiawah Island, Seabrook Island, Edisto Island, Johns Island, James Island, Woodville Island, Slann Island, and Wadmalaw Island in Charleston County; Daniel Island in Berkeley County; Edisto Beach in Colleton County; Harbor Island, Hunting Island, Fripp Island, Hilton Head Island, St. Helena Island, Port Royal Island, Ladies Island, Spring Island, and Parris Island in Beaufort County.

(123) Coastal Waters - the navigable waters of the United States subject to the ebb and flood of the tide and which are saline waters, shoreward to their mean high-water mark.

(134) Coastal Zone - all coastal waters and submerged lands seaward to the State's jurisdictional limits and all lands and waters in the counties of the State which contain any one or more of the critical areas. These counties are Beaufort, Berkeley, Charleston, Colleton, Dorchester, Horry, Jasper, and Georgetown.

~~(14) Coastal Zone Management Appellate Panel - the appellate body which conducts a quasi-judicial review of decisions from the Division pursuant to S.C. Code of Laws, Section 1-23-610 (1993 amend.) and 48-39-150(D) (1993 amend.).~~

(15) Critical Areas - any of the following: (1) coastal waters, (2) tidelands, (3) beach/dune systems, and (4) beaches.

(16) Department - the South Carolina Department of Health and Environmental Control (also referred to as SCDHEC).

(17) Destroyed Beyond Repair:

(a) Habitable Structures - destroyed beyond repair means more than sixty-six and two-thirds (66 2/3) percent of the replacement value of the habitable structure has been destroyed. See R.30-14(D)(3)(a).

(b) Pools - destroyed beyond repair means more than sixty-six and two-thirds (66 2/3) percent of the replacement value of the pool has been destroyed. See R.30-14(D)(3)(b).

(c) Seawalls and Bulkheads - damage to seawalls and bulkheads must be judged on the percentage of the structure remaining intact at the time of the damage assessment. Erosion control structures or devices must not be repaired or replaced if destroyed:

(i) more than eighty (80) percent above grade through June 30, 1995;

(ii) more than sixty-six and two-thirds (66 2/3) percent above grade from July 1, 1995, through June 30, 2005; or

(iii) more than fifty (50) percent above grade after June 30, 2005. See R.30-14(D)(3)(c).

(d) Revetments - must be judged on the extent of displacement of the stone, effort to return this stone to the pre-storm event configuration of the structure or device, and the ability of the revetment to retain backfill material at the time of the damage assessment. See R.30-14(D)(3)(d).

(18) Division - the Administrative Law Judge Division.

(19) Dock - All docks defined herein refer to structures that provide docking space for ten (10) boats or less.

(a) Boat Storage Dock - a floating structure that a vessel is parked on for purposes of out-of-water storage.

(b) Commercial Dock - a docking facility used for commercial purposes. A commercial dock is not necessarily a marina, a boat yard, or a dry storage facility.

(c) Community Dock - any docking facility that provides access for more than four (4) families, has effective docking space of no more than two hundred fifty (250) linear feet and is not a marina. Effective docking space means adequate length and water depth to dock a twenty (20)-foot boat.

(d) Joint use dock - any private dock intended for the use of two to four (2-4) families.

(e) Private Dock - any facility that provides access for one (1) family, and is not a marina.

(20) Emergency Orders - orders issued in response to an emergency as defined in S.C. Code Section 48-39-10(U), by the Department, or upon written notification to the Department by an appointed official of a county or municipality or of the state acting to protect the public health and safety. With regard to the beach/dune critical area, only the use of sandbags, sand scraping, renourishment, or a combination of them, in accordance with R.30-5 and R.30-15.H, is allowed pursuant to emergency orders.

(21) Emergency Repairs - repairs due to emergencies as defined in S.C. Code Section 48-39-10(U) to an existing bank, dike, fishing pier, or structure other than ocean front erosion control structures or devices which have been erected in accordance with federal and state laws or provided for by general law or acts passed by the General Assembly, if notice ~~is~~ given in writing to the Department within seventy-two (72) hours of the onset of the needed repair.

(22) Erosion Control Structures and Beach Renourishment:

(a) Seawall - a special type of retaining wall that is specifically designed to withstand wave forces.

(b) Bulkhead - a retaining wall designed to retain fill material, but not to withstand wave forces on an exposed shoreline.

(c) Revetment - a sloping structure built along an escarpment or in front of a bulkhead to protect the shoreline or bulkhead from erosion.

(d) Beach Renourishment - the artificial establishment and periodic renourishment of a beach with sand that is compatible with the beach in such a way as to create a dry sand beach at all stages of the tide and/or provide some level of storm protection.

(23) Feasible (feasibility) - As used within these rules and regulations (e.g., "unless no feasible alternative exists"), feasibility is determined by the Department with respect to individual project proposals. Feasibility in each case is based on the best available information, including, but not limited to, technical input from relevant agencies with expertise in the subject area, and consideration of factors of environmental, economic, social, legal, and technological suitability of the proposed activity and its alternatives. Use of this word includes, but is not limited to, the concept of reasonableness and likelihood of success in achieving the project goal or purpose. "Feasible alternatives" applies both to locations or sites and to methods of design or construction, and includes a "no action" alternative.

(24) GAPC (Geographic Areas of Particular Concern) - areas within South Carolina's coastal zone which have been identified in the State's Coastal Management Program as being of such importance as to merit special consideration during the Department review of permit applications. GAPC's consist of: (1) areas of unique natural resource value; (2) areas where activities, development, or facilities depend on proximity to coastal waters, in terms of use or access; and (3) areas of special historical, archeological, or cultural significance.

(25) Garage - a structure built and used for the purpose of parking and protecting vehicles. The structure may be open or enclosed. An open parking area under a habitable structure will not be counted when computing the square footage of a habitable structure.

(26) Groin - a structure designed to stabilize a beach by trapping littoral drift. Groins are usually perpendicular to the shore and extend from the shoreline into the water far enough to accomplish their purpose. Groins are narrow and vary in length from less than one hundred (100) feet to several hundred feet. Groin fields are a series of two (2) or more groins which, because of their proximity to each other, have overlapping areas of influence. Consequently, the entire groin field must be considered as one system in order to accurately analyze beach response. The following is a list of the existing groins and groin fields in South Carolina as of 1991.

#### **LIST OF EXISTING GROINS AND GROIN FIELDS IN SOUTH CAROLINA AS OF 1991**

##### **Garden City:**

1. Six (6) groins south of the intersection of Yucca Street and Waccamaw Drive.
2. Two (2) groins south of the intersection of Dolphin Street and Waccamaw Drive.

##### **Pawleys Island:**

3. Twenty-three (23) groins along an area south of the northern causeway.
4. One (1) groin at the north end of the Island.

##### **Isle of Palms:**

5. One (1) groin at the north end of the Island along Dewees Inlet.
6. Two (2) groins at 42nd and 44th Avenues.

##### **Sullivans Island:**

7. Six (6) groins adjacent to Breach Inlet.

##### **Folly Beach:**

8. Forty-seven (47) groins.

**Edisto Island:**

- 9. Thirty-two (32) groins from the State Park south to Mikell Street.
- 10. Two (2) groins at Louise and Bailey Streets, along the South Edisto River.

**Hunting Island:**

- 11. One (1) groin at the north end of the Island.

**Fripp Island:**

- 12. One (1) groin at the north end of the Island.
- 13. Five (5) groins along the southern end of the Island.

**Hilton Head Island:**

- 14. Seventeen (17) groins in an area adjacent to Port Royal Sound.
- 15. Two (2) groins at the north end of Forest Beach, north of Yucca Drive.
- 16. Three (3) groins at Braddock Point, northwest of Merganser Court.
- 17. One (1) groin at Land's End, adjacent to Braddock Cove.

(27) Habitable Structure - a structure suitable for human habitation including, but not limited to, single or multi-family residences, hotels, condominium buildings, and buildings for commercial purposes. Each building of a condominium regime is considered a separate habitable structure, but if a building is divided into apartments, then the entire building, not the individual apartment is considered a single habitable structure. Additionally, a habitable structure includes porches, gazebos, and other attached improvements.

(28) Inlet Erosion Zone - a segment of shoreline along or adjacent to tidal inlets which is directly influenced by the inlet and its associated shoals.

(a) Unstabilized Inlets - inlets that have not been stabilized by jetties, terminal groins, or other structures.

(b) Stabilized Inlets - inlets which are stabilized by jetties, terminal groins, or other structures.

(29) Jetty - a structure that extends into the water to direct and confine river or tidal flow into a channel and to prevent or reduce shoaling of the channel by littoral material. Jetties are constructed for the purpose of stabilizing navigation channels.

(30) Joint Public Notice - a permit application public notice issued jointly between the Department and the United States Army Corps of Engineers or other agency and processed independently by the Department.

(31) Living Shoreline - A shoreline stabilization approach utilized in intertidal wetland environments that maintains, restores, and/or enhances natural estuarine processes through the strategic placement of native vegetation and/or use of green infrastructure as described in R.30-12.Q. Living shorelines promote wetland resiliency and water quality, and enhance the diverse intertidal habitat.

(32) Major Development Activity - any construction activity that is not a Minor Development Activity.

(33) Marinas - a marina is any of the following:

- (a) locked harbor facility;



(b) any facility which provides fueling, pump-out, maintenance or repair services (regardless of length);

(c) any facility which has effective docking space of greater than two hundred fifty (250) linear feet or provides moorage for more than ten (10) boats;

(d) any water area with a structure which is used for docking or otherwise mooring vessels and constructed to provide temporary or permanent docking space for more than ten (10) boats, such as a mooring field; or

(e) a dry stack facility.

(34) Master Plan - a document or a map prepared by a developer or a city as a policy guide to decisions about the physical development of the project or community.

(35) Minor Development Activity - the construction, maintenance, repair, or alteration of any private pier or erosion control structure, the construction of which does not involve dredging.

(36) Nonwater-dependent - a facility which cannot demonstrate that dependence on, use of, or access to coastal waters is essential to the functioning of its primary activity.

(37) Normal Maintenance and Repair - work performed on any structure within the critical area as part of a routine and ongoing program to maintain the integrity of the structure provided that the structure is still generally intact and functional in its present condition and the work only extends to the original dimensions of the structure. See R.30-5(D).

(38) OCRM - the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management.

(39) Offshore Breakwater - a structure which is designed to protect an area from wave action, is generally built parallel to the shore, may or may not be submerged, and may be built singly or in series. Breakwaters may interfere with natural wave action and wave induced currents.

(40) Party - each person or agency named or admitted as a party or properly seeking and entitled to be admitted as a party, including a license or permit applicant.

(41) Planned Development - a development plan which has received local approval for a specified number of dwelling and other units. The siting and size of structures and amenities are specified or restricted within the approval. This term specifically references multi-family or commercial projects not otherwise referenced by the terms master plan or planned unit development.

(42) Planned Unit Development - a residential, commercial, or industrial development, or all three, designed as a unit and approved in writing by local government.

(43) Pool - a structure designed and used for swimming and wading.

(44) Primary Oceanfront Sand Dunes - those dunes that constitute the front row of dunes adjacent to the Atlantic Ocean. For the purposes of establishing the jurisdictional baseline, the dune must have a minimum height of thirty-six (36) inches, as measured vertically from the seaward toe to the crest of the dune. The dune must also form a nearly continuous dune ridge for five hundred (500) shore parallel feet and may exhibit minimal breaks such as those resulting from pedestrian or emergency vehicle access points. This

dune typically exhibits the presence of stable, native vegetation, and is not scarped, eroded, or overtopped by the highest predicted astronomical tides. However, this dune may be inundated by storm surge which normally accompanies major coastal storm events.

(45) Public Interest - As used within these ~~R~~rules and ~~R~~regulations, public interest refers to the beneficial and adverse impacts and effects of a project upon members of the general public, especially residents of South Carolina who are not the owners and/or developers of the project. To the extent that, in the opinion of the Department, the value of such public benefits is greater than the public costs embodied in adverse environmental, economic, and fiscal effects, a proposed project may be credited with net public benefits.

(46) Setback Area - the area located between the setback line and the baseline.

(47) Setback Line - the line landward of the baseline that is established at a distance which is forty (40) times the average annual erosion rate as determined by historical and other scientific means and adopted by the Department in the State Comprehensive Beach Management Plan. However, all setback lines shall be established no less than twenty (20) feet landward of the baseline, even in cases where the shoreline has been stable or has experienced net accretion over the past forty (40) years.

(48) Significant Dune - A dune located completely seaward of the setback line, which because of its size and/or location is necessary to protect the beach/dune system of which it is a part.

(49) Special Geographic Circumstances - physical characteristics and land uses of surrounding uplands and waters may warrant additional consideration toward dock sizes. Special Geographic Circumstances identified by OCRM include: tidal ranges of greater than six (6) feet; lots with greater than five hundred (500) feet of water frontage; and no potential access via dockage from the opposite side of the creek. At the discretion of Department staff, one or more of these circumstances may be applied to dock applications, which may allow up to an additional fifty (50) percent (~~50%~~) to what is allowed in R.30-12.A(2)(c).

(50) Standard Erosion Zone - a segment of shoreline which is subject to essentially the same set of coastal processes, has a fairly constant range of profiles and sediment characteristics, and is not directly influenced by tidal inlets or associated inlet shoals.

(51) Tidelands - all areas which are at or below mean high tide and coastal wetlands, mudflats, and similar areas that are contiguous or adjacent to coastal waters and are an integral part of the estuarine systems involved. Coastal wetlands include marshes, mudflats, and shallows and means those areas periodically inundated by saline waters whether or not the saline waters reach the area naturally or through artificial water courses and those areas that are normally characterized by the prevalence of saline water vegetation capable of growth and reproduction. Provided, however, nothing in this definition shall apply to wetland areas that are not an integral part of an estuarine system. Further, until such time as the exact geographic extent of this definition can be scientifically determined, the Department shall have the authority to designate its approximate geographic extent.

(52) Transmittal Form - the official form prepared by the agency with subject matter jurisdiction that is filed with the ~~d~~Division notifying it of a request by any person for a contested case hearing.

(53) Water-dependent - a facility which can demonstrate that dependence on, use of, or access to coastal waters is essential to the functioning of its primary activity.

(54) Waterfront property - For purposes of these regulations, waterfront property will generally be defined as upland sites where a straight-line extension of both, generally shore perpendicular, upland property lines reaches a navigable watercourse within one thousand (1000) feet of the marsh critical line.

Waterfront property may also be identified via an approved dock master plan where designated corridors differing from upland property line extensions are delineated.

### **R.30-2, Applying for a Permit.**

#### **Amend R.30-2.B(8) to read:**

(8) When considered appropriate by the Department, additional information may be required.

\_\_\_\_ (a) For major development activities this additional information may include, but is not limited to, a ~~s~~Stormwater Management Plan, approved freshwater wetland delineation, and cultural resource and endangered species survey.

\_\_\_\_ (b) The plat or copy of a plat submitted for those activities subject to the Beach Management Act (S.C. Code Sections 48-39-270 through 350) shall show the location of the baseline and setback line, applicable to the subject property. The lines shall be derived from information available from the Department. The lines shall be part of the plat and sealed by a South Carolina Registered Land Surveyor and may not be placed on the application by anyone other than a South Carolina Registered Land Surveyor or a member of the Department staff.

\_\_\_\_ (c) For pilot project permit applications, additional required information is set forth in R.30-13.S.

### **R.30-11, General Guidelines for All Critical Areas.**

#### **Amend R.30-11.D to read:**

D. General Guidelines for Beaches and the Beach/Dune System: In addition to the provisions of the South Carolina Coastal Management Act of 1977, the policies of the South Carolina Coastal Management Program, and applicable rules and regulations, the Department shall base its decisions on activities in the beaches and beach/dune system critical areas on the findings and policies specified in S.C. Code Section 48-39-250 and Section 48-39-260 of the 1977 Coastal Zone Management Act, as amended, and the following:

(1) The Department shall discourage new construction in the beaches and beach/dune system critical areas and encourage ~~those who have erected structures within the system to retreat~~ beach preservation to maintain the natural processes and functionality and benefits of the beaches and the beach/dune system critical areas.

(2) According to S.C. Code Section 48-39-250, the use of armoring in the form of hard erosion control devices to protect erosion-threatened structures adjacent to the beach has not proven effective and contributes to the deterioration and loss of the dry sand beach. The Department shall promote soft-solutions to erosion within the context of a policy of ~~retreat of development from the shore~~ beach preservation and prevent the strengthening and enlargement of existing erosion control structures. Seawalls, bulkheads, and revetments do not support beach preservation.

(3) The Department shall promote public access to the beaches of this state.

(4) The Department shall consider state and local comprehensive plans. No permit shall be issued which is inconsistent with the state plan, and all permits issued shall be consistent with local plans to the maximum extent practicable.

(5) The Department shall be guided by the prohibitions against construction contained in S.C. Code Section 48-39-290 and Section 48-39-300 which are based upon the conclusion that ill-planned development, whether habitable structures, recreational amenities, erosion control devices, or other manmade structures, will now and in the future adversely impact the fragile beaches and beach/dune system critical areas. These structures interfere with the natural system and impact the highest and best uses of the system. In order to protect the highest and best uses of the beaches and beach/dune system critical areas, the Department, in its management capacity, shall encourage minimal development therein.

(6) The destruction of beach or dune vegetation ~~seaward of the setback line~~ within the beaches and/or beach/dune system critical areas is prohibited unless there is no feasible alternative. When there is destruction of vegetation permitted seaward of the setback line, mitigation, in the form of planting new vegetation to rectify the destruction, is required as a permit condition. In no event shall any part of a building be constructed on a primary oceanfront sand dune.

**Amend R.30-13, Specific Project Standards for Beaches and the Beach/Dune System, to read:**

A. Normal Maintenance and Repair of Habitable Structures: Normal maintenance and repair of habitable structures is allowed without notice to the Department. See R.30-5(A)(10) and R.30-1(D)(33).

B. Construction of New Habitable Structures: If any part of a new habitable structure is constructed ~~seaward of the setback line~~ within the beaches and/or beach/dune system critical areas, the owner shall certify to the Department that construction meets the following requirements:

(1) The structure is located as far landward on the property as practicable.

(2) That portion(s) of the habitable structure seaward of the setback line is no larger than five thousand (5,000) square feet of heated space.

(3) A drawing has been submitted to the Department showing a footprint of the structure on the property, a cross section of the structure, and the structure's relation to property lines and setback lines which affect the property.

(4) No erosion control structure or device is incorporated as an integral part of the habitable structure pursuant to S.C. Code Section 48-39-290.

(5) No part of the building is being constructed on the primary oceanfront sand dune ~~or seaward of the baseline~~ or on the active beach. The Department may grant a special permit to construct a habitable structure seaward of the baseline pursuant to R.30-15.

(6) When required, all mitigation meets the standards of the Mitigation Policy adopted as part of the State Beachfront Management Plan.

C. Additions to Habitable Structures: Additions located wholly or partially ~~in the setback area~~ within the beaches and/or beach/dune system critical areas are only allowed provided the following requirements are met:

(1) The additions together with the existing structure do not exceed five thousand (5,000) square feet of heated space seaward of the setback line.

(2) Additions to habitable structures comply with the conditions of new habitable structures as set forth in R.30-13(B).

(3) The additions must be located no farther seaward than the existing structure, i.e. must be landward or upward of the existing structure. The linear footage of the structure, parallel to the coast, cannot be increased.

(4) Additions constructed totally landward of the ~~setback area~~ beaches and beach/dune system critical areas do not require any notice to the Department.

(5) No part of the building is being constructed on the primary oceanfront sand dune or on active beach. The Department may grant a special permit to make additions to a habitable structure seaward of the baseline pursuant to R.30-15.

D. Repair and Renovation of Habitable Structures: Repair and renovation of a habitable structure located wholly or partially ~~in the setback area~~ within the beaches and/or beach/dune system critical areas, damaged but not destroyed beyond repair, due to natural or man-made causes, is allowed after notice and written documentation to the Department, provided no construction is on active beach.

E. Replacement or Rebuilding of Habitable Structures: A habitable structure located wholly or partially ~~in the setback area~~ within the beaches and/or beach/dune system critical areas, which has been destroyed beyond repair due to natural causes, may be replaced or rebuilt provided all of the following requirements are met and after notice and written documentation to the Department:

(1) The total square footage of the replaced structure seaward of the setback line does not exceed the total square footage of the original structure seaward of the setback line.

(2) The linear footage of the replaced structure parallel to the coast does not exceed the original linear footage parallel to the coast.

(3) The replaced structure is no farther seaward than the original structure.

(4) Where possible, the replaced structure is moved landward of the setback line or, if not possible, then as far landward as practicable, considering local zoning and parking regulations.

(5) The reconstruction is not seaward of the baseline unless permitted elsewhere in S.C. Code Section 48-39-250 through 48-39-360 and the implementing regulations.

(6) Replacement of a habitable structure destroyed beyond repair due to man-made causes is allowed provided the rebuilt structure is no larger than the original structure it replaces and is constructed as far landward as possible, but the new structure must not be farther seaward than the original structure.

(7) No part of the building is constructed on the primary oceanfront sand dune or on active beach.

F. Landscaping, Earthmoving, and Fill for Landscaping: ~~Seaward of the setback line~~ Within the beaches and/or beach/dune system critical areas, the installation of materials and associated amenities, moving of earth and placing of fill to accomplish these installations are allowed provided all of the following requirements are met:

(1) A comprehensive landscaping plan is submitted to and approved in writing by the Department;

(2) The construction of a retaining wall which extends below existing grade will not be allowed;

(3) No sand from the beach shall be used as backfill;

(4) No native plant material growing on the frontal dunes may be disturbed unless it can be demonstrated that the condition of the dune will be improved;

(5) Only native salt tolerant plant species may be planted on dunes and shall be approved by the Department staff;

(6) Adequate measures shall be taken to contain fill and irrigation runoff;

(7) Construction shall not alter or impact existing primary oceanfront sand dunes and shall not occur on active beach; and

(8) All work shall be in compliance with applicable local ordinances.

G. Fences, Lighting, Trash Receptacles, Sidewalks, and Signs. ~~Seaward of the setback line~~ Within the beaches and/or beach/dune system critical areas, the placement, maintenance and repair, and replacement of fences, lighting, trash receptacles, sidewalks, and signs are allowed provided all of the following requirements are met:

(1) Construction shall not alter or impact existing sand dunes, dune vegetation, or the beach;

(2) New sidewalks may not exceed six (6) feet in width. New residential or private sidewalks must be constructed of wood. Existing concrete sidewalks attendant to public streets may be replaced within their original footprint;

(3) Trash receptacles (not dumpsters) may be attached to access ways or placed on the beach when the local government determines there is a need for such receptacles;

(4) Signs are limited to only those attached to attendant structures or mail receptacles or informational signs deemed necessary by federal, state, or local government for public health and safety. Advertisements are not allowed except on the walls or roofs of commercial structures;

(5) No fence may be used as a retaining wall; and

(6) Any additional lighting ~~seaward of the setback line~~ within the beaches and/or beach dune system critical areas shall be designed to shield the beach from illumination.

H. Emergency Vehicle Access Ways, Small Wooden Decks, Gazebos, and Other Structures Which Enhance Beach Access. ~~Seaward of the setback line~~ Within the beaches and/or beach/dune system critical areas, the placement, maintenance and repair, and replacement of emergency vehicle access ways, decks, gazebos, and other structures which enhance beach access are allowed provided all of the following requirements are met:

(1) Emergency vehicle access ways shall:

(a) Be constructed at sites which preclude alteration of existing sand dunes and dune vegetation to the maximum extent practicable;

(b) Be constructed above the existing grade except for points of entry and exit;

(c) Be constructed of wood or other approved material;

(d) Be located at least one-half (1/2) mile from any other vehicle access to the beach unless, after review by the Department, this provision is determined to be unreasonable due to site-specific circumstances concerning health and safety needs;

(e) Be approved by the local government with jurisdiction; and

(f) Provide for pedestrian access use.

(2) Small wooden decks are allowed provided the following criteria are met:

(a) These structures must be constructed of wood or other Department-approved wood-like material;

(b) Roofs will be allowed;

(c) These structures must not exceed one hundred forty-four (144) square feet inclusive of an associated walkway (this square footage is not included in the five thousand (5,000) square-foot limitation on habitable structures);

(d) ~~Be limited to no more than~~ Only one of these structures per lot are permitted unless a limit of one would cause an unnecessary hardship as determined by the Department;

(e) These structures may not be constructed on the active beach or over primary oceanfront sand dunes, and if they ever become situated on the active beach they must be removed;

(f) These structures may be attached to the habitable structure provided they are not made an integral part of the habitable structure; and

(g) These structures may not be enclosed or screened.

I. The Construction and/or Repair of Drives and Parking Lots. Within the ~~setback area~~ beaches and/or beach/dune system critical areas, the construction and/or repair of drives and parking lots is allowed provided all of the following requirements are met:

(1) On front row lots, new driveways and/or parking lots shall not extend seaward of habitable structures;

(2) Existing drives and/or parking lots may only be expanded on the landward side;

(3) No sand from the beach may be used during construction and/or repair;

(4) No alteration of the primary oceanfront sand dune or its dune vegetation is allowed;

(5) At the Department's discretion, a Stormwater Management Plan may be required;

(6) The work shall comply with applicable local ordinances;

(7) Best Management Practices (BMP's) such as hay bales, silt fences, mulches, or other appropriate measures shall be used as necessary during the construction phase to prevent sedimentation reaching adjacent waters and wetlands. Upon project completion the disturbed areas shall be stabilized as soon as possible with grass or other appropriate vegetative cover; and

(8) No new driveway or parking lot ~~may~~ shall be constructed seaward of the baseline unless a special permit as provided in S.C. Code Section 48-39-290(D) is obtained. In no circumstance shall a new driveway or parking lot be constructed on active beach.

J. Installation or Repair of Underground and Overhead Water, Sewer, Gas, Electrical, Telephone Lines and Cable Service Lines. Within the ~~setback area~~ beaches and/or beach/dune system critical areas, the placement, maintenance, repair, and replacement of service lines are allowed provided the following requirements are met:

(1) All service lines, with the exception of subsea cables pursuant to R.30-15.F, shall be located as far landward as possible on each individual lot, and shall not be placed within active beach;

(2) Lines, junction boxes, poles, and accessory features will be relocated landward as far as possible in the event there is a need for replacement;

(3) Dunes allowed to be altered during construction shall be reconfigured and revegetated to preconstruction conditions;

(4) All work shall be in compliance with applicable local ordinances; and

(5) A comprehensive plan for new or replacement utilities shall be approved in writing by the Department.

K. Drainage Structures. Within the ~~setback area~~ beaches and/or beach/dune system critical areas the placement, maintenance and repair, and replacement of drainage structures are allowed provided the following requirements are met:

(1) For new construction, the structures shall be part of the Department-~~approved storm water~~ Stormwater Management Plan or drainage plan which must be submitted either prior to or at the time the permit application is submitted.

(2) The replacement of drainage structures shall not involve an increase in the size of the existing structures, unless this change is approved by the Department as a part of the Stormwater Management Plan or drainage plan.

(3) Any disturbance to the dunes and dune vegetation shall be restored to pre-project conditions as soon as possible, and the restoration shall be approved by the Department staff.

(4) The drainage structure shall comply with the local drainage plan for the area ~~seaward of the setback line~~ within the beaches and/or beach/dune system critical areas.

(5) New drainage structures may be placed on the beach only if:

(a) Existing structures are eliminated; and

(b) No feasible alternative exists.

(6) All work shall be in compliance with applicable local ordinances.

(7) Areas disturbed during construction shall be revegetated to the Department's satisfaction.



L. Sand Fences, Minor Beach Renourishment, and Dune Revegetation. In an effort to provide beachfront property owners with passive, low-cost dune stabilization methods, the placement, maintenance and repair, and replacement of sand fencing, dune revegetation, and minor renourishment may be allowed ~~seaward of the setback line~~ within the beaches and/or beach/dune system critical areas under the following conditions (Note: These steps may not be viewed as being undertaken for erosion control but rather as dune enhancement and stabilization measures. Since a broad beach and a healthy dune provide a storm buffer, these methods should aid the natural processes affecting the beaches and beach/dune system.)

(1) Sand fencing requirements:

(a) The fence material shall be biodegradable.

(b) The fences shall be installed according to plans established by the Department staff.

(c) The fences shall be installed in a manner so as not to impede turtle nesting. The Department may require sand fences be moved or removed entirely if the fences are found to impact turtle nesting activities or, in the Department's opinion, have the potential to impact turtle nesting activities.

(d) The fence shall be placed above the highest up rush of the waves as determined by the Department staff.

(e) The fencing shall not impede public access.

(f) The fence shall be installed with the understanding that this is a temporary measure.

(g) If fence material is damaged, debris shall be removed expeditiously from the beach area by the owner.

(h) If the Department determines that the fence has a detrimental impact to the beaches and/or beach/dune system, it shall be removed by the owner as directed by the Department.

(2) Revegetation requirements: Property owners are encouraged to plant vegetation as a means of stabilizing oceanfront dunes. The roots of plant material tend to bind sand to dunes, while plant foliage serves to trap wind-blown sand. Suggested plant varieties include, but are not limited to, American beach grass (*Ammophila breviligulata*), bitter panicum (*Panicum amarum*), and sea oats (*Uniola paniculata*).

(a) Vegetation may be planted any time during the year and shall be planted, irrigated and fertilized according to nursery instructions or the Department's ~~"How to Build a Dune"~~ booklet recommendations.

(b) The Department staff shall inspect the site first and determine that there is a need for vegetative stabilization.

(3) Minor renourishment is allowed in an attempt to build and maintain healthy dunes. Minor renourishment requirements are:

(a) Sand shall be compatible in size and grain color, shall be from an upland source, and its use approved in writing by the Department staff.

(b) Minor renourishment shall be performed between November 1 and May 15.

(c) The Department staff shall inspect the site and establish that there is a need for the project.

(d) All projects shall be in compliance with applicable local ordinances.

M. Returning Sand to the Beaches and Beach/Dune System. ~~Seaward of the setback line~~ Within the beaches and/or beach/dune system critical areas, sand that has drifted out of ~~this~~ these critical areas may be returned to ~~it~~ them if the following requirements are met:

(1) A description of the proposed work shall be submitted to and approved in writing by the Department prior to any initiation of work; and

(2) Work is pursuant to R.30-13(L)(3).

N. Erosion Control.

(1) Jetties and offshore breakwaters interfere with the natural transport of sediment and therefore require special permits. They shall only be permitted after thorough analysis of the project demonstrates that there will be no negative effect on adjacent areas. The following standards shall apply:

(a) A bond may be required to ensure that necessary remedial steps are taken to alleviate any adverse effects on adjacent areas caused by the installation of these structures. These remedial steps may include redesign and reconfiguration of the structures or even complete removal.

(b) A monitoring plan to assess post-project impact on adjacent areas must be approved by the Department prior to the issuance of a permit.

(c) Construction activities shall be scheduled so as not to interfere with nesting and brood-rearing activities of sea birds, sea turtles, or other wildlife species.

(d) Where feasible, jetties shall be designed to provide public recreational fishing opportunities.

(e) The applicant must have written approval from the local government which has jurisdiction in the area where the project is proposed.

(2) Protection of Beaches and Artificial Beach Nourishment: The following requirements apply to the Department's consideration of projects for the renourishment of beaches:

(a) Careful study shall be given to the type (grain size and quality) of material most suitable for nourishment of a particular beach area;

(b) Borrow areas and sand for artificial nourishment shall be carefully selected to minimize adverse effects. Where possible, artificial beach nourishment shall be performed in concert with inlet stabilization or navigation projects;

(c) Dredging in the borrow areas shall not be in conflict with spawning seasons or migratory movements of significant estuarine or marine species. Nourishment of beach areas shall be scheduled so as not to interfere with nesting and brood-rearing activities of sea birds, sea turtles, or other wildlife species; and

(d) All policies concerning dredging and filling cited at R.30-12(G) shall be applied to beach nourishment proposals;

(3) Erosion Control Structures or Devices.

(a) No new erosion control structures or devices are allowed ~~seaward of the setback line~~ within the beaches and/or beach/dune system critical areas except to protect a public highway which existed as such on June 25, 1990.

(b) No erosion control structures or devices may be incorporated as an integral part of a habitable structure.

(c) Erosion control structures or devices must not be enlarged, strengthened, or rebuilt but may be maintained in their present condition if not destroyed more than the percentage allowed in S.C. Code Section 48-39-290(B)(2)(b)(i), (ii), and (iii). Repairs must be made with materials similar to those of the structure or device being repaired.

(d) Erosion control structures or devices determined to be destroyed more than the percentage allowed in S.C. Code Section 48-39-290(B)(2)(b)(i), (ii), and (iii) must be removed at the owner's expense. Nothing in this section requires the removal of an erosion control structure or device which existed on July 1, 1988, that protected a public highway.

(e) Erosion control structures or devices which existed on June 25, 1990, must not be repaired or replaced if destroyed:

(i) more than eighty (80) percent above grade through June 30, 1995;

(ii) more than sixty-six and two-thirds (66 2/3) percent above grade from July 1, 1995, through June 30, 2005.

(iii) more than fifty (50) percent above grade after June 30, 2005. [See R.30-14(D)(3)(c) and (d) for damage assessment.]

O. Sand Dune Management.

(1) Walkways over dunes, as provided in S.C. Code Section 48-39-130(D), shall meet the following requirements:

(a) All components must be constructed of wood or other Department-approved wood-like material;

(b) Have a maximum width of six (6) feet;

(c) Conform with the contour of the dunes with a two (2)-foot vertical clearance between the surface of the dune and top of the walkway;

(d) Displace no sand in a critical area;

(e) Be constructed with as little environmental damage as possible;

(f) Not be located within fifty (50) feet of another walkway on the same parcel of property;

(g) Be limited to no more than one (1) of these structures per lot unless a limit of one (1) would cause an unnecessary hardship as determined by the Department; and

(h) Be shore perpendicular, except as necessary for ~~handicapped~~ disability access.

(2) Projects to protect, restore, or build dunes shall conform to the following standards:

(a) The use of natural beach vegetation to trap wind-blown sand is encouraged. Where pedestrian traffic has destroyed natural vegetation, the use of temporary sand fencing or its equivalent may be permitted.

(b) The construction of a dune by using beach sand and mechanical equipment shall be permitted only for restoration after unusual damage, such as that caused by a hurricane.

(c) Artificial dunes shall not be constructed seaward of the normal spring high-tide line.

(d) Any artificially constructed dunes shall be aligned to the greatest extent possible with existing dune ridges and shall be of the same general configuration as adjacent dunes.

P. Nonwater-dependent Structures. Nonwater-dependent structures, including, but not limited, to residences, restaurants, motel/hotel facilities, other commercial activities, and parking facilities, have been constructed in the past within the beach/dune system. The siting of new nonwater-dependent structures seaward of the baseline is prohibited unless a special permit is obtained pursuant to S.C. Code Section 48-39-290(D) and R.30-15(F) ~~herein~~.

Q. Golf Courses.

(1) Golf Courses are allowed seaward of the baseline because they can adjust to a changing shoreline more readily than other types of land uses. The use of sandbags is allowed as temporary protection for golf courses located seaward of the baseline if the golf course existed prior to May 24, 1991, and if the emergency condition conforms with the definition of emergency in S.C. Code Section 48-39-10(U), and in accordance with R.30-15.H(1). Sand scraping or renourishment may be used as temporary protection for golf courses in accordance with R.30-15.H(4) and (5).

(2) Specific standards which shall apply are as follows:

(a) Leveling or damaging of dunes or dune fields is prohibited.

(b) Golf courses should be located as far landward as practicable to minimize encroachment into the setback area.

(c) Any lighting ~~seaward of the setback line~~ within the beaches and/or beach/dune system critical areas must be low intensity and adequately shielded to prevent impact on sea turtle nesting.

(d) Measures must be taken to protect the integrity of the primary oceanfront sand dune from foot traffic. These measures may include:

(i) courses designed in a manner that will minimize adverse effects on the sand dunes;

(ii) physical barriers such as sand fencing placed at the landward trough of the dune;

(iii) certain types of vegetation that would discourage pedestrian traffic; and/or;

(iv) any other measures the Department may deem necessary.

R. Fishing Piers:

(1) New fishing piers are allowed seaward of the baseline in order to provide public access to our coastal resources.

(2) Specific standards which shall apply to the construction of new piers or the alteration of existing piers are as follows:

(a) New piers must be dedicated to public use. A reasonable fee may be charged to the public but the general public may not be excluded from use.

(b) No restaurant, arcade, or other nonwater-dependent structure shall be placed on the pier seaward of the baseline or over the active beach.

(c) The height of the pier stringers and spacing of the piles must be able to accommodate vehicular traffic associated with emergency operations and renourishment projects.

S. Pilot Projects.

(1) Any person wishing to utilize or alter the beaches or beach/dune system critical areas as part of a pilot project qualifying under S.C. Code Section 48-39-320(C) must receive a pilot project permit from the Department. Pilot projects are intended to study the efficacy of any new technology, methodology or structure that has not previously been tested, is not regulated elsewhere under South Carolina statute or regulation, and is reasonably anticipated to be successful in addressing an erosional issue in the beaches or beach/dune system critical areas. According to S.C. Code Section 48-39-250, the use of armoring in the form of hard erosion control devices to protect erosion-threatened structures adjacent to the beach has not proven effective and contributes to the deterioration and loss of the dry sand beach. The installation of new erosion control structures or devices as part of a pilot project will not be permitted.

(2) Because pilot projects may have unknown risks, in addition to the requirements of R.30-2, the applicant for a pilot project must provide the following information, and any other information that the Department determines necessary, before a pilot project permit application is considered complete:

(a) Detailed study design and purpose that includes, but is not limited to:

(i) Documentation of the erosional issue at the study area;

(ii) Study methodology, including how the project is expected to address the erosional issue;

(iii) Location of the study including anticipated boundary of potential impacts;

(iv) Established control site(s);

(v) List of materials and specifications to be deployed or installed;

(vi) Timeline of the project, including end date of the study;

(vii) Anticipated outcomes;

\_\_\_\_\_ (viii) Previous findings of any existing or similar technology that has been implemented in other areas/states; and

\_\_\_\_\_ (ix) Strategy for removal and restoration, if required, after a storm event, at the conclusion of the study, and/or if the Department requires its termination pursuant to R.30-13.S(3)(g).

\_\_\_\_\_ (b) Monitoring plans. Applications for pilot projects must be accompanied by a detailed monitoring plan. The monitoring plan must be approved by the Department prior to permit issuance and shall become a condition of the permit. Monitoring shall be required for the life of the pilot project. Monitoring plans must include, but are not limited to, photographs, data, and information necessary to measure and evaluate pre- and post-site conditions at pilot and control sites and adjacent areas.

\_\_\_\_\_ (c) Applications must include information that demonstrates coordination with federal, state, and local entities. This coordination in no way affects or limits the ability of these entities to comment on the entire permit application before the Department. The applicant must have written acknowledgement from the local government which has jurisdiction in the area where the project is proposed.

\_\_\_\_\_ (3) The following standards, along with any special conditions that may be appropriate, shall apply to pilot projects:

\_\_\_\_\_ (a) Any construction activities associated with the pilot project shall be scheduled so as not to interfere with nesting and brood-rearing activities of shorebirds, sea turtles, or other wildlife species;

\_\_\_\_\_ (b) No part of the project can be constructed upon the primary oceanfront sand dune and construction activities shall not adversely impact the primary oceanfront sand dune;

\_\_\_\_\_ (c) Installation of seawalls, bulkheads, or revetments is not allowed as part of a pilot project;

\_\_\_\_\_ (d) No non-native or invasive species shall be allowed as part of a pilot project. Only native beach vegetation may be used as part of a pilot project and must be approved by the Department. Approval may require the applicant to submit a certified letter from the supplier of the source material.

\_\_\_\_\_ (e) Pilot projects shall avoid adverse effects to flora, fauna, and physical and aesthetic resources to the maximum extent practicable;

\_\_\_\_\_ (f) Modifications to the project design, materials, or other aspects of the pilot project must be submitted, evaluated, and approved by the Department prior to implementation. The Department may require a formal permit amendment and public notice depending on the scope of the proposed modifications.

\_\_\_\_\_ (g) The Department may require the termination of the pilot project and/or the removal of pilot project materials, and/or require restoration of impacted critical areas, for reasons that include, but are not limited to:

\_\_\_\_\_ (i) deployed materials are no longer generally intact and functional;

\_\_\_\_\_ (ii) deployed materials have resulted in marine debris;

\_\_\_\_\_ (iii) the pilot project impedes navigation or public use of state lands and waters;

\_\_\_\_\_ (iv) the pilot project timeline has concluded;

(v) the pilot project has resulted in material harm to flora, fauna, or physical or aesthetic resources; or if

(vi) an adjacent or downdrift community or property owner demonstrates to the Department that the pilot project caused or is causing an adverse impact.

(h) The applicant for a pilot project shall provide a financially binding commitment, such as a performance bond or letter of credit that is reasonably estimated to cover the cost of removal of the project, and/or restoration of the affected beach and/or beach dune system as approved by the Department. The financially binding commitment shall authorize the Department to utilize these financial commitments in the event that the permittee is required to remove the project and/or restore the affected area and fails to do so.

(4) Upon completion of the pilot project, the permittee must submit a detailed final report to the Department.

(a) The final report must be submitted within ninety (90) calendar days of the project end date and include, but is not limited to, photographs, data, analysis, and information pertaining to the following:

(i) pre- and post-site conditions at pilot and control sites and adjacent areas;

(ii) impacts of the project to flora, fauna, or physical or aesthetic resources;

(iii) impacts to adjacent and downdrift properties;

(iv) the pilot project's effects on the erosional issue in the beaches and/or beach/dune system critical areas; and

(v) any other information the Department determines is necessary to evaluate the success of the pilot project.

(b) The Department will review the final report and shall render a final determination regarding the success of the pilot project in addressing an erosional issue in a beach and/or beach/dune system critical area. The Department's determination of success will include an assessment of both the beneficial effects and adverse impacts of the project. If the Department determines that the pilot project is successful, the Department may authorize the use of the studied technology, methodology, or structure at the study site or additional locations through a critical area permit or emergency order. If the Department determines that the pilot project is unsuccessful, it must be removed within thirty (30) calendar days of the final decision.

## ATTACHMENT B

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 30

Statutory Authority: 1976 Code Sections 48-39-10 et seq.

#### **Notice of Drafting:**

The Department of Health and Environmental Control (“Department”) proposes amending R.30-1, Statement of Policy; R.30-2, Applying for a Permit; R.30-11, General Guidelines for All Critical Areas; R.30-13, Specific Project Standards for Beaches and the Beach/Dune System; and R.30-15, Activities Allowed Seaward of Baseline, the Department’s Coastal Division regulations. Interested persons may submit comment(s) on the proposed amendments to Liz Hartje of the Office of Ocean and Coastal Resource Management; S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, S.C. 29405; hartjeen@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 27, 2023, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to R.30-1 through 30-21, Coastal Division Regulations, the Department seeks to implement the policies of the S.C. Coastal Zone Management Act (S.C. Code Sections 48-39-10 et seq.) to promote the economic and social welfare of the citizens of this state while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources. The Department proposes amending R.30-1, R.30-2, R.30-11.D., R.30-13, and R.30-15, to provide a definition for beach preservation and clarify beach preservation approaches, standards, and requirements for activities in any critical area along or adjacent to the beach.

South Carolina’s beachfront policies and jurisdictional authorities are established under the South Carolina Beachfront Management Act (S.C. Code Sections 48-39-250 et seq.). Over the past three decades, these rules have guided where and how areas along the state’s beachfront can be developed. In 2018, this Act was amended to replace the state’s 40-year policy of retreat with a policy of beach preservation. In 2022, the Department convened the Beach Preservation Stakeholder Workgroup, which represented a wide range of backgrounds and constituencies, to provide input and diverse perspectives on beach preservation in South Carolina. The proposed amendments are based on final recommendations and key findings of the workgroup and associated public engagement and input. The proposed amendments will provide clarity and guidance for regulatory staff and the regulated community and allow the Department to effectively implement the policy of beach preservation.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

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



ATTACHMENT C

SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES

**R.30-1, *Statement of Policy*; R.30-2, *Applying for a Permit*; R.30-11, *General Guidelines for All Critical Areas*; and R.30-13, *Specific Project Standards for Beaches and the Beach/Dune System***

**As of the March 27, 2023, close of the Notice of Drafting comment period:**

Name	Section
Michael S. Traynham	R.30-1
<p><b>Comment:</b> “Specifically, we would suggest that the definition of “water-dependent” is currently too restrictive of necessary hazard reduction infrastructure projects – at least as that definition is currently interpreted and applied by DHEC.”</p> <p>“We would suggest that the definition of “water-dependent” in R.30-1 be opened as part of the NOD/drafting process to provide for a narrow, reasonable amendment which includes such flood mitigation projects.”</p> <p><b>Department Response:</b> Not adopted. The proposed regulatory amendments are based primarily on recommendations, key findings, and feedback associated with the beaches and beach/dune system critical areas provided by the Beach Preservation Stakeholder Workgroup. The current regulatory definition of water-dependent extends beyond these beachfront critical areas and would require additional stakeholder engagement and/or internal evaluation that exceeds the scope of these proposed amendments. Broadening the regulatory definition of water-dependent will be considered in future regulatory promulgation efforts.</p>	