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## **South Carolina Board of Health and Environmental Control**

**August 10, 2017**

Call to Order – 10:00 a.m., Board Room (#3420)  
South Carolina Department of Health and Environmental Control, 2600 Bull Street,  
Columbia, S.C.

1. Minutes of the June 8 meeting and July 13 meeting
2. Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
3. Administrative Orders and Consent Orders issued by Environmental Affairs
4. Public Hearing for Notice of Final Regulation amending Regulation 61-62, Air Pollution Regulations and Standards, State Register Document No. 4750, Legislative Review is not required
5. Request for Approval for Placement of Acryl Fentanyl into Schedule I of the S.C. Controlled Substances Act

Executive Session (if needed)

Adjournment

Note: The next scheduled meeting is September 7.

SUMMARY SHEET  
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

August 10, 2017

( ) ACTION/DECISION

(X) INFORMATION

**I. TITLE:** Health Regulation Administrative and Consent Orders.

**II. SUBJECT:** Health Regulation Administrative Orders, Consent Orders, and Emergency Suspension Orders for the period of May 1, 2017, through June 30, 2017.

**III. FACTS:** For the period of May 1, 2017, through June 30, 2017, Health Regulation reports thirteen (13) Consent Orders, two (2) Emergency Suspension Orders, and one (1) License Suspension with a total of fifteen thousand fifty dollars (\$15,050) in assessed monetary penalties.

| Health Regulation Bureau | Health Care Facility, Provider or Equipment | Administrative Orders | Consent Orders | Emergency Suspension Orders | License Suspensions | Assessed Penalties |
|--------------------------|---|-----------------------|----------------|-----------------------------|---------------------|--------------------|
| Radiological Health      | Podiatric X-Ray Facility                    | 0                     | 4              | 0                           | 0                   | \$12,000           |
| EMS & Trauma             | Paramedic                                   | 0                     | 1              | 1                           | 0                   | \$0                |
|                          | Ambulance Services Provider                 | 0                     | 3              | 0                           | 1                   | \$2,550            |
|                          | EMT   | 0                     | 5              | 1                           | 0                   | \$500              |
| <b>TOTAL</b>             |   | <b>0</b>              | <b>13</b>      | <b>2</b>                    | <b>1</b>            | <b>\$15,050</b>    |

Approved By:

  
 \_\_\_\_\_  
 Shelly Bezanson Kelly  
 Director of Health Regulation

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

August 10, 2017

**Bureau of Radiological Health**

| Facility Type              | Total # of Registered Providers in South Carolina |
|----------------------------|---|
| Podiatric X-Ray Facilities | 64  |

- 1. Foot Institute St. Julian Place (Podiatric Facility) – Columbia, SC**  
**Foot Institute West Columbia (Podiatric Facility) – West Columbia, SC**  
**Foot Institute North Charleston (Podiatric Facility) – North Charleston, SC**  
**Foot Institute Florence (Podiatric Facility) – Florence, SC**

Investigation: The Foot Institute applied to the Department for registration to provide x-ray services for four (4) separate facilities referenced above. During June and July 2015, the Department conducted initial inspections of the Foot Institute facilities and found multiple violations of Regulation 61-64, *X-Rays (Title B)*. The Department did not receive a final notice of corrective action for the alleged violations from the Foot Institute within the required sixty (60) days. Subsequently, representatives of the Department and the Foot Institute met on December 14, 2016, for an enforcement conference after several failed attempts to receive notice of corrective action from the Foot Institute.

Violations: Based upon the above-referenced inspections, the Department finds the Foot Institute in violation of R.61-64 for the following: failing to implement a sufficient radiation program and failing to use ALARA principles by not establishing a personnel monitoring program; failing to monitor individuals' occupational doses; failing to obtain employees' previous occupational dose records; failing to post recent measurements; failing to perform equipment performance tests on its x-ray units; failing to provide operating procedures; failing to conduct facility specific operator training for physicians; failing to provide patient shielding; failing to maintain an x-ray log; failing to post adequate signage; and failing to post pregnancy signage.

Enforcement Action: The Foot Institute agreed to the imposition of a three thousand dollar (\$3,000) civil penalty for each facility by four (4) separate Consent Orders. The Consent Orders required the Foot Institute to make payment of one thousand five hundred dollars (\$1,500) of each assessed monetary penalty within thirty (30) days of execution of the Consent Orders. The remaining one thousand five hundred dollars (\$1,500) of each assessed penalty will be stayed upon a twenty-four (24) month period of substantial compliance with R.61-64 and the terms of the Consent Orders. The Consent Orders further require the Foot Institute to submit copies of their personnel monitoring reports to the Department for the next twelve (12) months to ensure a sufficient radiation program is in place at each facility. Finally, the Consent Orders require the Foot Institute to submit a copy of their invoices for each facility documenting they are maintaining a 0.5 mm lead shield for the patient and 0.3 mm lead equivalent shield for the operator(s) to ensure that patients and operators are adequately shielded during x-ray procedures. The assessed monetary penalties for each facility have been received from the Foot Institute.

Prior Sanctions: None.

**Bureau of EMS & Trauma**

| <b>EMS Provider Type</b>          | <b>Total # of Providers in South Carolina</b> |
|-----------------------------------|---|
| EMT                               | 5,882   |
| Advanced EMT                      | 382   |
| Paramedic                         | 3,666   |
| Athletic Trainers                 | 922   |
| Ambulance Services Provider       | 258   |
| First Responder Services Provider | 2   |

**2. Steven J. Starr (Paramedic)**

Investigation: On January 23, 2017, the Department received notification regarding an incident involving alleged inappropriate actions by Mr. Starr. The Department initiated an investigation and made the following findings. On January 20, 2017, Mr. Starr and his EMT partner were dispatched by Dorchester County Dispatch to an emergency call for a patient who sustained a fall. Mr. Starr's EMT partner notified dispatch that they were in route to the patient. After informing dispatch that they were responding to the call, Mr. Starr drove the ambulance to a restaurant, exited the ambulance and picked up food he ordered. Mr. Starr then returned to the ambulance and departed to the fall patient. A supervisor for Dorchester County EMS arrived on scene prior to Mr. Starr, cared for the patient, and cancelled Mr. Starr's ambulance prior to its arrival.

Violations: As a result of its investigation, the Department found Mr. Starr committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(14) and Section 1100(B)(14) of Regulation 61-7, by creating a substantial possibility that serious physical harm or death could result from his actions or inactions. The hour following a traumatic injury is paramount for emergency medical treatment to prevent death or serious physical disability. Therefore, Mr. Starr's unreasonable delay in responding to the patient created a substantial possibility of death or serious physical harm.

Enforcement Action: Pursuant to the terms of the Consent Order executed May 31, 2017, Mr. Starr agreed to a one (1) year suspension of his Paramedic certificate. Mr. Starr's suspension shall be held in abeyance for one (1) year following execution of the Consent Order. Mr. Starr agreed to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within six (6) months of execution of the Consent Order and submit proof of completion to the Department. Should Mr. Starr fail to comply with the abovementioned requirements, the Department may call in all or a portion of the agreed upon suspension and/or take other enforcement action in accordance with the EMS Act and Regulation 61-7.

Prior Sanctions: None.

**3. Brad Benjamin (EMT)**

Investigation: On May 4, 2017, the Department was notified of Mr. Benjamin's arrest in Horry County. Upon notification, the Department initiated an investigation into the matter. The Department discovered

that Mr. Benjamin was arrested on April 24, 2017, and charged with assault and battery of a high and aggravated nature.

Violations: The charges against Mr. Benjamin, specifically, assault and battery of a high and aggravated nature, is a felony involving moral turpitude and gross immorality. The Department found that Mr. Benjamin's arrest demonstrated a capacity for inappropriate and criminal behavior towards individuals placed within his trust. The Department determines that a clear and present danger would exist to the public health, safety, and welfare if Mr. Benjamin's EMT certificate was not immediately suspended pending further investigation.

Enforcement Action: Mr. Benjamin's EMT certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed May 9, 2017. The Department will continue to monitor Mr. Benjamin's criminal matters.

Prior Sanctions: None.

#### **4. Springlake Medical Transport, LLC (Ambulance Services Provider)**

Investigation: On April 25, 2016, the Department and Springlake Medical Transport, LLC ("Springlake") met to discuss Springlake failing to timely submit electronic patient care reports ("ePCRs"). As a result of this meeting, Springlake provided the Department with a plan of action to correct this issue. Subsequently, the Department met with Springlake again on January 23, 2017, to discuss Springlake's failure to submit ePCRs within seventy-two (72) hours of completion of the call. Specifically, from June 30, 2016, to December 31, 2016, Springlake failed to submit one hundred fifty-nine (159) ePCRs into the Prehospital Medical Information System ("PreMIS") within seventy-two (72) hours of completion of the call.

Violations: As a result of its investigation, the Department found Springlake violated Section 1301.C of Regulation 61-7, by failing to submit one hundred fifty-nine (159) ePCRs into PreMIS within seventy-two (72) hours of completion of the various calls from June 30, 2016, to December 31, 2016.

Enforcement Action: Pursuant to the Consent Order executed May 5, 2017, Springlake agreed to a one thousand five hundred dollar (\$1,500) assessed monetary penalty, which shall be due within one hundred eighty (180) days of execution of the Consent Order. Springlake further agreed to a six (6) month suspension if the Department finds Springlake in violation of the EMS Act, Regulation 61-7, or the terms of the Consent Order within six (6) months following execution of the Consent Order.

Prior Sanctions: None.

#### **5. Stacy W. Widener (EMT)**

Investigation: On May 2, 2016, the Department received a complaint regarding alleged actions of Mr. Widener on April 23, 2016, while employed with Palmetto Ambulance. Based upon the investigation, the Department found that on April 23, 2016, Mr. Widener and his partner responded to a nursing home for a call regarding a patient suffering from decreased blood sugar. Upon arrival, after speaking with staff, Mr. Widener entered the patient's room and observed the nursing home staff administering a nebulized breathing treatment to the patient. Mr. Widener then left the patient's room without talking to the patient or the patient's responsible party and without knowing the certification or licensure level of the nursing home staff providing care to the patient. Mr. Widener then advised the nursing home staff that they needed to call 911 to get an advanced life support ambulance to continue treatment and transport the patient to the emergency room. Mr. Widener and his partner then departed the nursing home.

Violations: As a result of its investigation, the Department found Mr. Widener committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(8) and Section 1100(B)(8) of Regulation 61-7, by initiating care of a patient then discontinuing care and abandoning a patient without the consent of the patient or the patient’s responsible party and without providing for further administration of care by an equal or higher medical authority. Specifically, Mr. Widener responded to the call, consulted with nursing home staff, observed the patient, then discontinued care and abandoned the patient without consent and without arranging for the further administration of care by an EMT or higher medical authority.

Enforcement Action: Pursuant to the Consent Order executed May 4, 2017, Mr. Widener agreed to a six (6) month suspension of his EMT certificate. The suspension will be held in abeyance for six (6) months. Should Mr. Widener fail to comply with the EMS Act, Regulation 61-7, or the terms of the Consent Order, the Department may call in all or a portion of the agreed upon suspension. Additionally, Mr. Widener agreed to take a twenty-four (24) hour EMT refresher course within six (6) months following execution of the Consent Order and provide proof of successful completion to the Department.

Prior Sanctions: None.

## **6. William D. Rochester (EMT)**

Investigation: On September 7, 2016, the Department received notification that Mr. Rochester performed skills that were above the level for which he was certified. Mr. Rochester is employed by Greenville Health System d/b/a Oconee Memorial Hospital EMS (“Oconee”). At the time of the incident, Mr. Rochester was enrolled in a paramedic course. On August 27, 2016, Mr. Rochester was assigned by Oconee to work a medical standby at a scheduled special event with a registered nurse (“RN”). Near the end of the event, Oconee dispatch called for response for a patient suffering an allergic reaction. After realizing that the advanced life support (“ALS”) unit that was dispatched to the call was coming from a lengthy distance and that his basic life support (“BLS”) was closer to the call, Mr. Rochester contacted dispatch and advised that his unit would respond first to the scene. Upon arrival, Mr. Rochester determined the patient was suffering from a potential life threatening allergic reaction. Mr. Rochester administered epinephrine via an intramuscular (“IM”) injection. A certified EMT may only administer epinephrine by use of an auto-injector. The RN then initiated an intravenous (“IV”) line on the patient and Mr. Rochester utilized the IV line to administer Benadryl to the patient. A certified EMT cannot administer Benadryl. Thereafter, during the transfer, Mr. Rochester gave the transporting paramedic a verbal patient report on the care the patient received prior to arrival of the transporting ambulance. Information obtained during this verbal report was included in the transporting paramedic’s electronic patient care report (“ePCR”); however, Mr. Rochester failed to complete and submit the ePCR for his treatment of the patient prior to turning patient care over to the transporting ALS ambulance.

Violations: As a result of its investigation, the Department found Ms. Rochester committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(12) and Section 1100(B)(12) of Regulation 61-7, by performing skills above the level for which he was certified. Specifically, Mr. Rochester administered epinephrine via an IM injection and administered Benadryl via an IV injection. Mr. Rochester further committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(17) and Section 1100(B)(17) of Regulation 61-7, by violating Section 1301(B) which requires the primary care attendant to document all patient contact, care, and transport within the ePCR and to complete such documentation within twenty-four (24) hours of the conclusion of the call. Specifically, Mr. Rochester failed to complete the required ePCR for a call in which he was the primary care attendant.

Enforcement Action: Pursuant to the terms of the Consent Order executed May 3, 2017, Mr. Rochester agreed to a one (1) year suspension of his EMT certificate. Mr. Rochester’s suspension shall be held in abeyance for one (1) year following execution of the Consent Order. Mr. Rochester agreed to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal

Leadership course within six (6) months of execution of the Consent Order and submit proof of completion to the Department. Should Mr. Rochester fail to comply with the abovementioned requirements, the Department may call in all or a portion of the agreed upon suspension and/or take other enforcement action in accordance with the EMS Act and Regulation 61-7.

Prior Sanctions: None.

#### **7. Zackery R. Stout (Paramedic)**

Investigation: On January 20, 2017, the Department was notified of Mr. Stout's arrest in Horry County. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Stout was arrested on August 26, 2016, and charged with domestic violence in the second degree, and harassment in the first degree. Mr. Stout was also arrested on January 12, 2017, and charged with assault and battery in the second degree. Mr. Stout was arrested again on February 9, 2017, and charged with simple possession of marijuana. Mr. Stout subsequently pled guilty to the marijuana offense on February 23, 2017.

Violations: The charges against Mr. Stout, specifically, second degree domestic violence, first degree harassment, second degree assault and battery, and simple possession of marijuana, are criminal offenses involving moral turpitude, gross immorality, and drugs. The Department found that Mr. Stout's arrests demonstrated a capacity for inappropriate and criminal behavior towards individuals placed within his trust.

Enforcement Action: Mr. Stout's Paramedic certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed April 19, 2017.

Prior Sanctions: None.

#### **8. Pro Ambulance Service (Ambulance Services Provider)**

Investigation: On November 24, 2016, a Department inspector witnessed a Pro Ambulance Service ("Pro Ambulance") unit pulling into the parking lot of a medical facility. The ambulance appeared to only have one (1) person on board. Upon investigation, the Department determined the ambulance was being operated by an uncertified driver with no certified EMT on board. Moreover, the ambulance had no visible indication that it was "out of service."

Violations: As a result of its investigation, the Department found Pro Ambulance violated Section 406.A of Regulation 61-7 by failing to meet minimum ambulance staffing requirements. Specifically, the ambulance was being operated by an uncertified individual and no certified EMTs were aboard the on-duty ambulance.

Enforcement Action: Pursuant to the terms of the Consent Order executed June 23, 2017, Pro Ambulance agreed to a three hundred dollar (\$300) assessed monetary penalty, due within thirty (30) days of execution of the Consent Order.

Prior Sanctions: None.

#### **9. Mark W. Povelaitis (EMT)**

Investigation: On January 16, 2017, the Department received notification that Mr. Povelaitis allegedly performed skills that were above the level for which he was certified. Specifically, on January 15, 2017, while working for Mobile Care Ambulance Service ("Mobile Care"), Mr. Povelaitis and his EMT partner

were dispatched to transport a patient, how recently gave birth, from one hospital to another hospital that provides a higher level of care. At the time, the patient was being administered magnesium sulfate through an intravenous (“IV”) line. EMTs are not certified to transport a patient that is receiving medication through an IV line with the exception of normal saline. Mr. Povelaitis and his EMT partner transported the patient to the receiving hospital. Furthermore, according to Mobile Care’s protocols, which are signed and approved by its medical control physician, any patient receiving medication other than normal saline through an IV line must be placed on a cardiac monitor. Mr. Povelaitis and his EMT partner transported the patient without placing her on a cardiac monitor.

Violations: As a result of its investigation, the Department found Mr. Povelaitis committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(12) and Section 1100(B)(12) of Regulation 61-7, by performing skills above the level for which he was certified. Mr. Povelaitis further committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(6) and Section 1100(B)(6) of Regulation 61-7, by disregarding an appropriate order by a physician concerning emergency treatment and transportation.

Enforcement Action: Pursuant to the terms of the Consent Order executed June 2, 2017, Mr. Povelaitis agreed to a one (1) year suspension of his EMT certificate. Mr. Povelaitis’s suspension shall be held in abeyance for one (1) year following execution of the Consent Order. Mr. Povelaitis agreed to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within one (1) year of execution of the Consent Order and submit proof of completion to the Department. Should Mr. Povelaitis fail to comply with the abovementioned requirements, the Department may call in all or a portion of the agreed upon suspension and/or take other enforcement action in accordance with the EMS Act and Regulation 61-7.

Prior Sanctions: None.

#### **10. Guy S. Harris (EMT)**

Investigation: Mr. Harris was the EMT partner of Mr. Povelaitis on January 15, 2017. Therefore, the facts of this investigation are the same as those outlined above for Mr. Povelaitis.

Violations: As a result of its investigation, the Department found Mr. Harris committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(12) and Section 1100(B)(12) of Regulation 61-7, by performing skills above the level for which he was certified. Mr. Harris further committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(6) and Section 1100(B)(6) of Regulation 61-7, by disregarding an appropriate order by a physician concerning emergency treatment and transportation.

Enforcement Action: Pursuant to the terms of the Consent Order executed June 1, 2017, Mr. Harris agreed to a one (1) year suspension of his EMT certificate. Mr. Harris’s suspension shall be held in abeyance for one (1) year following execution of the Consent Order. Mr. Harris agreed to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within one (1) year of execution of the Consent Order and submit proof of completion to the Department. Should Mr. Harris fail to comply with the abovementioned requirements, the Department may call in all or a portion of the agreed upon suspension and/or take other enforcement action in accordance with the EMS Act and Regulation 61-7.

Prior Sanctions: None.

#### **11. Ontime Transport LLC (Ambulance Services Provider)**



Investigation: On January 9, 2017, Ontime Transport LLC (“Ontime”) notified the Department that one of its employees had worked as an EMT with an expired EMT certificate. As a result of its investigation, the Department determined the employee performed patient care within the scope of an EMT on eleven (11) ambulance runs while working for Ontime from December 16, 2016, to January 9, 2017, a time period in which he was uncertified as a South Carolina EMT. Further, on March 2, 2017, Ontime notified the Department that it had an employee who failed to enter electronic patient care reports (“ePCRs”) on thirty-eight (38) ambulance runs. As a result of its investigation, the Department determined that Ontime failed to create and submit ePCRs into PreMIS for thirty-eight (38) patient contacts from December 1, 2016, to February 21, 2017.

Violations: As a result of its investigation, the Department found Ontime violated S.C. Code Section 44-61-90 and Section 1301.A of Regulation 61-7, by failing to maintain ePCRs and by failing to create and submit ePCRs into PreMIS for thirty-eight (38) patient contacts from December 1, 2016, to February 21, 2017. Additionally, Ontime violated S.C Code Section 44-61-70(B)(1) by allowing an uncertified person to perform patient care within the scope of an EMT.

Enforcement Action: Pursuant to the Consent Order executed June 26, 2017, Ontime agreed to a seven hundred fifty dollar (\$750) assessed monetary penalty, which shall be due within one hundred twenty (120) days of execution of the Consent Order.

Prior Sanctions: None.

## **12. Fredrick M. Hilton, Jr. (EMT)**

Investigation: Mr. Hilton was the uncertified EMT employed by Ontime. Therefore, the facts of this investigation are the same as those outlined above for Ontime.

Violations: As a result of its investigation, the Department found Mr. Hilton committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(17) and Section 1100(B)(17) of Regulation 61-7, by violating Section 1301.B of R.61-7, which requires the primary care attendant to document all patient contact, care, and transport decisions within the ePCR and to complete such documentation within twenty-four (24) hours of conclusion of the call. Specifically, from December 1, 2016, to February 21, 2017, Mr. Hilton failed to document and complete ePCRs for thirty-eight (38) calls that he was the primary care attendant.

Enforcement Action: Pursuant to the Consent Order executed June 24, 2017, Mr. Hilton agreed to a five hundred dollar (\$500) assessed monetary penalty. The assessed monetary penalty will be held in abeyance for twelve (12) months. Should Mr. Hilton fail to comply with the EMS Act, Regulation 61-7, or the terms of the Consent Order, the Department may call in all or a portion of the agreed upon monetary penalty.

Prior Sanctions: None.

## **13. American Pride Medical Transport, LLC (Ambulance Services Provider)**

Summary: On December 20, 2016, American Pride Medical Transport, LLC (“American Pride”) and the Department executed a Consent Order resulting from several regulatory violations involving American Pride’s ambulances. Pursuant to the Consent Order, American Pride agreed to the assessment of a five thousand dollar (\$5000) monetary penalty due to the Department within one hundred eighty (180) days of execution of the Consent Order. Additionally, pursuant to the Consent Order, American Pride agreed to a six (6) month suspension if it violated the Consent Order during the year following execution. On June 20, 2017, one hundred eighty-two (182) days after execution of the Consent Order, American Pride notified the Department that it would not be able to pay the agreed upon monetary penalty.

Violations: American Pride violated the Consent Order by failing to make payment of the agreed upon five thousand dollar (\$5000) monetary penalty.

Enforcement Action: American Pride's EMS provider license was suspended for six (6) months upon delivery of a certified letter on June 28, 2017. American Pride may not perform the functions associated with its provider license until it has complied with the statutory requirements and other conditions imposed by the Department

Prior Sanctions: In addition to the sanctions associated with the December 2016 Consent Order, on March 1, 2016, American Pride was assessed a six hundred dollar (\$600) monetary penalty via Consent Order for several regulatory violations involving American Pride's ambulances.

SUMMARY SHEET  
 BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
 August 10, 2017

\_\_\_\_\_ ACTION/DECISION

X  INFORMATION

1. **TITLE:** Administrative and Consent Orders issued by Environmental Affairs.
2. **SUBJECT:** Administrative and Consent Orders issued by Environmental Quality Control (EQC) and Ocean and Coastal Resource Management (OCRM) during the period May 1, 2017 – June 30, 2017.
3. **FACTS:** For the period of May 1, 2017, through June 30, 2017, Environmental Affairs issued one hundred forty (140) Consent Orders with total assessed civil penalties in the amount of \$405,018.00. Also, two (2) Administrative Orders were issued during the reporting period with total assessed civil penalties in the amount of \$2,650.00. Also, twelve (12) Consent Agreements were issued during the reporting period.

| Bureau and Program Area              | Administrative Orders | Assessed Penalties | Consent Agreements | Consent Orders | Assessed Penalties  |
|--------------------------------------|-----------------------|--------------------|--------------------|----------------|---------------------|
| <b>Land and Waste Management</b>     |                       |                    |                    |                |                     |
| UST Program                          | 0                     | 0                  | 0                  | 9              | \$8,700.00          |
| Aboveground Tanks                    | 0                     | 0                  | 0                  | 0              | 0                   |
| Solid Waste                          | 0                     | 0                  | 0                  | 1              | \$1,000.00          |
| Hazardous Waste                      | 0                     | 0                  | 0                  | 7              | \$78,900.00         |
| Infectious Waste                     | 1                     | \$1,650.00         | 0                  | 9              | \$22,440.00         |
| Mining                               | 0                     | 0                  | 0                  | 1              | \$1,000.00          |
| <b>SUBTOTAL</b>                      | <b>1</b>              | <b>\$1,650.00</b>  | <b>0</b>           | <b>27</b>      | <b>\$112,040.00</b> |
| <b>Water</b>                         |                       |                    |                    |                |                     |
| Recreational Water                   | 0                     | 0                  | 0                  | 11             | \$3,570.00          |
| Drinking Water                       | 0                     | 0                  | 0                  | 5              | 0                   |
| Water Pollution                      | 0                     | 0                  | 0                  | 6              | \$42,720.00         |
| Dam Safety                           | 0                     | 0                  | 12                 | 1              | 0                   |
| <b>SUBTOTAL</b>                      | <b>0</b>              | <b>0</b>           | <b>12</b>          | <b>23</b>      | <b>\$46,290.00</b>  |
| <b>Air Quality</b>                   |                       |                    |                    |                |                     |
| <b>SUBTOTAL</b>                      | <b>0</b>              | <b>0</b>           | <b>0</b>           | <b>9</b>       | <b>\$179,100.00</b> |
| <b>Environmental Health Services</b> |                       |                    |                    |                |                     |
| <b>SUBTOTAL</b>                      | <b>1</b>              | <b>\$1,000.00</b>  | <b>0</b>           | <b>80</b>      | <b>\$65,588.00</b>  |
| <b>OCRM</b>                          |                       |                    |                    |                |                     |
| <b>SUBTOTAL</b>                      | <b>0</b>              | <b>0</b>           | <b>0</b>           | <b>1</b>       | <b>\$2,000.00</b>   |
| <b>TOTAL</b>                         | <b>2</b>              | <b>\$2,650.00</b>  | <b>12</b>          | <b>140</b>     | <b>\$405,018.00</b> |

Submitted by:

*Myra A. Ruce*

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Myra C. Reece  
Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
August 10, 2017**

**BUREAU OF LAND AND WASTE MANAGEMENT**

**Underground Storage Tank Enforcement**

- 1)     Order Type and Number:                     Consent Order 16-0088-UST  
       Order Date:                                 May 25, 2017  
       Individual/Entity:                         **Vinubhai Patel**  
       Facility:                                     Circle B  
       Location:                                    1104 South Main Street  
   Darlington, SC  
       Mailing Address:                         1102 South Main Street  
   Darlington, SC 29532  
       County:                                     Darlington  
       \*Previous Orders:                         None  
       Permit/ID Number:                        02742  
       Violations Cited:                        The State Underground Petroleum  
       Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et*  
       *seq.* (2002 and Supp. 2014); and South Carolina Underground Storage Tank Control  
       Regulation, 7 S.C. Code Ann. Regs. 61-92.280.34(c), 280.41(b)(1)(ii), and 280.44(a)  
       (2012).

Summary: Vinubhai Patel (Individual/Entity) owns and operates underground storage tanks (USTs) located in Darlington, South Carolina. On March 15, 2016, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there were no line tightness and no line leak detector test results available for the kerosene UST. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to provide records to the Department upon request; failed to conduct an annual line tightness test on pressurized line or have monthly monitoring; and, failed to conduct annual test of automatic line leak detectors and/or sump sensors.

Action: The Individual/Entity is required to: submit current line tightness and line leak detector test results for the kerosene UST and pay a **suspended penalty** in the amount of seven hundred five dollars (**\$705.00**) should any requirement of the Order not be met.

- 2)     Order Type and Number:                     Consent Order 16-0211-UST  
       Order Date:                                 May 25, 2017

Individual/Entity: **Stop 'N' Save, Inc.**  
Facility: El Cheapo 6  
Location: 2031 Bull Street  
Columbia, SC  
Mailing Address: 1715 Leesburg Road  
Columbia, SC 29209-2217  
County: Richland  
Previous Orders: None  
Permit/ID Number: 16240  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et seq.* (2002 and Supp. 2014); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.20(c)(1)(ii) (2012).

Summary: Stop 'N' Save, Inc. (Individual/Entity) owns and operates underground storage tanks (USTs) located in Columbia, South Carolina. On July 20, 2016, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was no overfill prevention device on the regular unleaded tank #1. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**). The civil penalty has been paid.

3) Order Type and Number: Consent Order 16-0370-UST  
Order Date: May 25, 2017  
Individual/Entity: **Caleb Boyd**  
Facility: Caleb's Country Corner  
Location: 1312 Vox Highway  
Johnsonville, SC  
Mailing Address: Same  
County: Florence  
Previous Orders: None  
Permit/ID Number: 12268  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et seq.* (2002 and Supp. 2014); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.30(a), 280.34(c), and 280.52 (2012).

Summary: Caleb Boyd (Individual/Entity) owns and operates underground storage tanks (USTs) located in Johnsonville, South Carolina. On August 23, 2016, the Department conducted a routine inspection and issued a Notice of Alleged Violation because the spill bucket on regular unleaded tank #2 was cracked. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to ensure that releases due to spilling or overfilling do not occur; failed to provide records to the Department upon request; and, failed to investigate and confirm a suspected release within a reasonable time.

Action: The Individual/Entity is required to: submit hydrostatic test results as proof that the spill bucket on regular unleaded tank #2 has been replaced; submit soil sampling results from the spill bucket area on regular tank #2; and, pay a civil penalty in the amount of one thousand, seven hundred dollars **(\$1,700.00)**.

4) Order Type and Number: Consent Order 17-0052-UST  
Order Date: May 25, 2017  
Individual/Entity: **Speedway, LLC**  
Facility: Speedway 2849  
Location: 10148 Two Notch Road  
Columbia, SC  
Mailing Address: 500 Speedway Drive  
Enon, OH 45323-1056  
County: Richland  
Previous Orders: None  
Permit/ID Number: 11457  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et seq.* (2002 and Supp. 2014); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.20(c)(1)(ii) (2012).

Summary: Speedway, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) located in Columbia, South Carolina. On February 16, 2017, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was a stick in the drop tube shutoff valve on the regular unleaded tank #2. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**. The civil penalty has been paid.

5) Order Type and Number: Consent Order 17-0057-UST  
Order Date: May 25, 2017  
Individual/Entity: **Ismat Ardab d.b.a. Discount Tobacco and Beverage**  
Facility: Discount Tobacco and Beverage  
Location: 10890 Two Notch Road  
Pontiac, SC 29045  
Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit/ID Number: 19395  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et seq.* (2002 and Supp. 2014); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.20(c)(1)(ii) (2012).

Summary: Ismat Ardab d.ba. Discount Tobacco and Beverage (Individual/Entity) owns and operates underground storage tanks (USTs) located in Columbia, South Carolina. On February 24, 2017, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was a stick in the drop tube shutoff valve on the premium tank. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**). The civil penalty has been paid.

6) Order Type and Number: Consent Order 17-0069-UST  
Order Date: May 25, 2017  
Individual/Entity: **Speaks Oil Company, Inc.**  
Facility: Speaks 102  
Location: 2458 Main Street  
Elgin, SC  
Mailing Address: P.O. Box 68  
Camden, SC 29020-0068  
County: Kershaw  
Previous Orders: None  
Permit/ID Number: 10647  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et seq.* (2002 and Supp. 2014); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.20(c)(1)(ii) (2012).

Summary: Speaks Oil Company, Inc. (Individual/Entity) owns and operates underground storage tanks (USTs) located in Elgin, South Carolina. On March 3, 2017, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was a stick in the drop tube shutoff valve on the regular unleaded tank #2. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**). The civil penalty has been paid.

7) Order Type and Number: Consent Order 17-0075-UST  
Order Date: May 25, 2017  
Individual/Entity: **Quad Holdings LLC**  
Facility: Quad Holdings LLC - Edmund Highway  
Location: 7801 Edmund Highway  
Pelion, SC  
Mailing Address: 2423 Plantation Center Drive, Suite B  
Matthews, NC 28105-6203  
County: Lexington  
Previous Orders: None  
Permit/ID Number: 17000

Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et seq.* (2002 and Supp. 2014); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.20(c)(1)(ii) (2012).

Summary: Quad Holdings LLC (Individual/Entity) owns and operates underground storage tanks (USTs) located in Pelion, South Carolina. On March 9, 2017, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was no overfill prevention device on the premium tank. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity is required to pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

8) Order Type and Number: Consent Order 17-0009-UST  
Order Date: June 20, 2017  
Individual/Entity: **Dolly Corporation of Beaufort**  
Facility: Fast Stop  
Location: 401 West Main Street  
Spartanburg, SC 29301  
Mailing Address: Same  
County: Spartanburg  
Previous Orders: None  
Permit/ID Number: 08332  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et seq.* (2002 and Supp. 2014); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.20(c)(1)(ii) (2012).

Summary: Dolly Corporation of Beaufort (Individual/Entity) owns and operates underground storage tanks (USTs) located in Spartanburg, South Carolina. On December 20, 2016, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was no overfill prevention equipment on the premium #1 and diesel tanks. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to equip a permitted or upgraded site with overfill prevention equipment.

Action: The Individual/Entity is required to pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

9) Order Type and Number: Consent Order 17-0091-UST  
Order Date: June 20, 2017  
Individual/Entity: **Circle K Stores Inc.**  
Facility: Circle K 2720887  
Location: 2895 West 5th North Street  
Summerville, SC



Mailing Address: 2550 West Tyvola Road, Suite 200  
Charlotte, NC 28217  
County: Dorchester  
Previous Orders: None  
Permit/ID Number: 03028  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et seq.* (2002 and Supp. 2014); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.20(c)(1)(ii) (2012).

Summary: Circle K Stores Inc. (Individual/Entity) owns and operates underground storage tanks (USTs) located in Summerville, South Carolina. On April 14, 2017, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was a stick in the drop tube shutoff valve on the diesel tank. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity is required to pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

### **Solid Waste Enforcement**

10) Order Type and Number: Consent Order 17-07-SW  
Order Date: June 5, 2017  
Individual/Entity: **Sam McCoy**  
Facility: McCoy Tree Service  
Location: 1350 Oyster Lane  
North Myrtle Beach, SC 29582  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit/ID Number: None  
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002 & Supp. 2016) S.C. Code Ann. § 44-96-290(A) and Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation 61-107.19, Part IV.A.3. (2012)

Summary: Sam McCoy (Individual/Entity) owns and operates a tree service business located in North Myrtle Beach, South Carolina. On February 29, 2016, the Department conducted an inspection in response to a complaint regarding open dumping. The Individual/Entity has violated the South Carolina Solid Waste Management: Solid Waste Landfills and Structural Fill Regulations as follows: failed to obtain a permit from the Department prior to operating a Class II landfill and solid waste management facility.

Action: The Individual/Entity is required to: provide the Department with disposal receipts documenting the removal and disposal of all solid waste and recyclable material

placed on the ground; pay a civil penalty of one thousand dollars (**\$1,000.00**); and pay a stipulated penalty in the amount of five thousand, eight hundred seventy-six dollars (\$5,876.00) should any requirement of the Order not be met.

### **Hazardous Waste Enforcement**

- 11)    Order Type and Number:                      Consent Order 17-08-HW  
       Order Date:                                      May 12, 2017  
       Respondent:                                      **B&E Electroform Co. of S.C., Inc.**  
       Facility:    B&E Electroform Co. of S.C., Inc.  
       Location:    118 Pride Drive  
   Simpsonville, SC 29681  
  
       Mailing Address:                                Same  
       County:    Greenville  
       Previous Orders:                                 None  
       Permit/ID Number:                              SCR 055 246 276  
       Violations Cited:                                The South Carolina Hazardous Waste Management Act S.C. Code Ann. §44-56-130(2) *et seq.* (2002); The South Carolina Hazardous Waste Management Regulations, 6 and 7 S.C. Code Ann. Regs. 61-79.262.34(d)(4)/R.61-79.262.34(a)(2), R.61-79.262.32(b), R.61-79.262.34(c)(1)/R.61-79.265.173(a), R.61-79.262.34(d)(2)/R.61-79.265.174, R.61-79.262.34(d)(5)(iii), R.61-79.262.20(a)(1), R. 61-79.262.34(d)(5)(ii), R. 61-79.268.7(a)(8), and, R.61-79.262.13(b) (2012 and Supp. 2015).

Summary: B&E Electroform Co. of S.C., Inc. (Individual/Entity) operates a facility in Simpsonville, South Carolina. On April 25, 2016, the Department conducted an inspection of the facility. The Individual/Entity has violated the Hazardous Waste Management Regulations as follows: failed to mark containers for transport with the generator EPA identification number; failed to ensure that a container holding hazardous waste was closed during storage except when necessary to add or remove waste; failed to inspect areas where hazardous wastes are stored at least weekly; failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies; failed to prepare a manifest according to the instructions included in the Appendix of this part; failed to post the following information next to the telephone: name and telephone number of the emergency coordinator, the location of fire extinguishers and spill control materials, and the telephone number to the fire department; failed to retain onsite all notices, certifications, waste analysis data, and other documents produced pursuant to this part for at least three years from the date that the waste that is the subject of such documentation was last sent to onsite or offsite treatment, storage or disposal; and, failed to provide to the Department a revised or new Notification Form for a new hazardous waste produced within 30 days after such a waste is produced.

Action: The Individual/Entity is required to: ensure that hazardous waste containers are managed according to the regulations; ensure that manifests are managed in accordance with the regulations; ensure that employee training is managed in accordance with the regulations; ensure that the land disposal records are managed in accordance with the

regulations; ensure that hazardous waste notifications are managed in accordance with the regulations; and, pay a civil penalty in the amount of four thousand, five hundred dollars (**\$4,500.00**), in accordance with a promissory note.

12) Order Type and Number: Consent Order 17-09-HW  
Order Date: May 12, 2017  
Respondent: **Phibro-Tech, Inc.**  
Facility: Phibro-Tech, Inc.  
Location: 2395 Cains Mill Road  
Sumter, SC 29154-8952  
Mailing Address: 300 Frank W. Burr Boulevard, Suite 21  
Teaneck, NJ 07666-6712  
County: Sumter  
Previous Orders: None  
Permit/ID Number: SCD 070 371 885  
Violations Cited: The South Carolina Hazardous Waste Management Act S.C. Code Ann. §44-56-130(2) *et seq.* (2002); The South Carolina Hazardous Waste Management Regulations, 6 and 7 S.C. Code Ann. Regs. 61-79.262.34(d)(2)/R.61-79.265.173(a), 61-79.262.34(d)(2)/R.61-79.265.173(d), R.61-79.273.13(d)(1), R.61-79.273.14(e), R.61-79.273.15(c), R.61-79.262.20(a)(1), and, R.61-79.262.13(d) (2012 and Supp. 2015).

Summary: Phibro-Tech, Inc. (Individual/Entity) operated a facility in Elgin, South Carolina, and has been in post-closure care for corrective action since the facility's closure in 2009. On July 22, 2016, the Department conducted an inspection of the facility. The Individual/Entity has violated the Hazardous Waste Management Regulations as follows: failed to ensure that a container holding hazardous waste was closed during storage except when necessary to add or remove waste; failed to ensure that each container is appropriately labeled with an EPA hazardous waste number; failed to contain any lamp in containers or packages that are closed, structurally sound, and adequate to prevent breakage and compatible with the contents of the lamps; failed to mark or label clearly containers or packages in which such lamps are contained with the words, "Universal Waste - Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s);" failed to demonstrate the length of time that universal waste has been accumulated from the date it becomes a waste or is received; failed to prepare a manifest according to the instructions included in the Appendix to this part; and, failed to submit a revised or new Notification form whenever the information provided becomes outdated or inaccurate.

Action: The Individual/Entity is required to: ensure that hazardous waste containers are managed per the regulations; ensure that universal waste is managed in accordance with the regulations; ensure that hazardous waste manifests are completed in accordance with the regulations; ensure that hazardous waste notifications are managed in accordance with the regulations; and, pay a civil penalty in the amount of four thousand, six hundred fifty dollars (**\$4,650.00**).

13) Order Type and Number: Consent Order 17-10-HW  
Order Date: May 12, 2017

|                           |   |
|---------------------------|---|
| <u>Individual/Entity:</u> | <b>Palmetto Health Richland</b>   |
| <u>Facility:</u>          | Palmetto Health Richland  |
| <u>Location:</u>          | 5 Medical Park Drive<br>Columbia, SC 29203  |
| <u>Mailing Address:</u>   | Taylor @ Marion Street<br>Columbia, SC 29220  |
| <u>County:</u>            | Richland  |
| <u>Previous Orders:</u>   | 14-11-HW (\$5,750.00)   |
| <u>Permit/ID Number:</u>  | SCR 078 051 778   |
| <u>Violations Cited:</u>  | The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §44-56-10 <i>et seq.</i> (2002 & Supp. 2015), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2015). |

Summary: Palmetto Health Richland (Individual/Entity) provides healthcare services at its facility located at 5 Medical Park Drive, Columbia, South Carolina. The Department conducted an inspection in response to a complaint on September 7, 2016. The Individual/Entity has violated the Hazardous Waste Management Regulations as follows: failed to accurately determine if a waste is a hazardous waste; failed to keep containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste; failed to mark containers of hazardous waste with the words: "HAZARDOUS WASTE" or with other words that identify the contents of the containers; failed to file a revised or new notification Form when the generator status became inaccurate; failed to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failed to permanently and legibly mark each container containing hazardous waste with the following or equivalent statement: "Hazardous Waste – federal laws prohibit improper disposal;" failed to label each container with the appropriate EPA Hazardous Waste Number(s); failed to maintain aisle space to allow the unobstructed movement of personnel and emergency equipment; failed to prepare manifests according to the instructions included in Appendix to 262 for Manifest Forms; failed to notify the Department within thirty (30) days after acute hazardous waste was first produced at the facility; and, failed to certify large quantity generator status on the manifests for hazardous waste shipments.

Action: The Individual/Entity is required to: ensure that waste determinations and notification requirements are handled in accordance with the regulations; ensure that hazardous waste containers are managed in accordance with the regulations; ensure that aisle space is maintained in accordance the regulations; ensure that manifests are completed in accordance with the regulations; submit a personnel training program in accordance with the regulations; submit an updated DHEC Form 1965 to include the pharmaceutical P-listed, acute hazardous waste streams, the U-listed waste streams; submit an updated DHEC Form 2701 to include all the listed hazardous wastes; submit a written procedure/protocol for managing pharmaceutical P-listed and acute hazardous wastes at the facility; and, pay a civil penalty in the amount of twenty-eight thousand dollars (**\$28,000.00**).

|     |                               |                        |
|-----|-------------------------------|------------------------|
| 14) | <u>Order Type and Number:</u> | Consent Order 17-11-HW |
|     | <u>Order Date:</u>            | May 25, 2017           |

|                           |   |
|---------------------------|---|
| <u>Individual/Entity:</u> | <b>Kemet Electronics Corporation – Building 1</b>   |
| <u>Facility:</u>          | Kemet Electronics Corporation – Building 1  |
| <u>Location:</u>          | 2835 Kemet Way<br>Greenville, SC 29606  |
| <u>Mailing Address:</u>   | P.O. Box 5928<br>Greenville, SC 29606   |
| <u>County:</u>            | Greenville  |
| <u>Previous Orders:</u>   | None  |
| <u>Permit/ID Number:</u>  | SCD 000 003 558   |
| <u>Violations Cited:</u>  | The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §44-56-10 <i>et seq.</i> (2002 & Supp. 2015), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2015). |

Summary: Kemet Electronics Corporation – Building 1 (Individual/Entity) specializes in manufacturing ceramic and tantalum capacitors at its facility located at 2835 Kemet Way, in Greenville, South Carolina. The Department conducted an inspection on June 27, 2016. The Individual/Entity has violated the Hazardous Waste Management Regulations as follows: accumulated hazardous waste in excess of 55 gallons in satellite accumulation; failed to mark containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating; failed to accumulate hazardous waste in containers at or near the point of generation where the wastes initially accumulate under the control of the operator; failed to keep containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste; failed to mark containers of hazardous waste with the words: "HAZARDOUS WASTE" or with other words that identify the contents of the containers; failed to clean up any hazardous waste discharge that occurs during generation, processing or storage; failed to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failed to permanently and legibly mark each container containing hazardous waste with the following or equivalent statement: "Hazardous Waste – federal laws prohibit improper disposal;" failed to label each container with the appropriate EPA Hazardous Waste Number(s); failed to conduct weekly inspections; failed to maintain the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; failed to maintain a written job description for each position; failed to ensure that the containment system is free of cracks or gaps; and, failed to ensure that the foundation, structural support, and pressure controls are adequately designed and that the tank system has sufficient structural strength and compatibility with the waste being stored in the tank.

Action: The Individual/Entity is required to: ensure compliance with the South Carolina Hazardous Waste Management Act and Regulations; ensure that hazardous waste containers are managed in accordance with the regulations; ensure that hazardous waste discharges are managed in accordance with the regulations; ensure that any repairs or other remedial actions are documented in the inspection log and that personnel training documents are maintained in accordance with the regulations; ensure that hazardous waste is managed and stored in tanks in accordance with the regulations; obtain and submit to the Department for review and approval written assessments for the 4,000-gallon KO2 waste methanol hazardous

waste storage tank and the 1,450-gallon KO2 waste methanol hazardous waste surge tank; and, pay a civil penalty in the amount of twenty-three thousand dollars **(\$23,000.00)**.

- 15) Order Type and Number: Consent Order 17-12-HW  
Order Date: May 25, 2017  
Individual/Entity: **Oceana Rapid, LLC**  
Facility: Oceana Rapid, LLC  
Location: 1320 Hampton Avenue Extension  
Greenville, SC 29601  
Mailing Address: 25 East Court Street, Suite 201  
Greenville, SC 29601  
County: Greenville  
Previous Orders: None  
Permit/ID Number: SCR 000 783 597  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §44-56-10 *et seq.* (2002 & Supp. 2016), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2016).

Summary: Oceana Rapid, LLC (Individual/Entity) is a real estate investment company that purchased a 100,000-square foot industrial warehouse located at 1320 Hampton Avenue Extension, in Greenville, South Carolina. The Department conducted an inspection in response to a complaint on September 27, 2016. The Individual/Entity has violated the Hazardous Waste Management Regulations as follows: failed to accurately determine if a waste is a hazardous waste; failed to maintain and operate the facility to minimize the possibility of fire or any unplanned sudden or non-sudden release of hazardous; failed to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failed to permanently and legibly mark each container containing hazardous waste with the following or equivalent statement: "Hazardous Waste – federal laws prohibit improper disposal;" failed to label each container with the appropriate EPA Hazardous Waste Number(s); failed to transfer hazardous waste from a container that is not in good condition to a container that is in good condition; failed to conduct weekly inspections; and, failed to notify the Department within thirty (30) days after first producing a hazardous waste at the facility.

Action: The Individual/Entity is required to: ensure compliance with the South Carolina Hazardous Waste Management Act and Regulations; submit an updated DHEC Form 2701 to deactivate the EPA Identification Number; and, pay a civil penalty in the amount of two thousand dollars **(\$2,000.00)**.

- 16) Order Type and Number: Consent Order 17-13-HW  
Order Date: May 30, 2017  
Individual/Entity: **CB&I of Laurens, Inc.**  
Facility: CB&I of Laurens, Inc.  
Location: 366 Old Airport Road  
Laurens, SC 29360  
Mailing Address: P.O. Box 1199

Laurens, SC 29360  
County: Laurens  
Previous Orders: None  
Permit/ID Number: SCR 981 474 026  
Violations Cited: The South Carolina Hazardous Waste Management Act S.C. Code Ann. §44-56-130(2) *et seq.* (2002); The South Carolina Hazardous Waste Management Regulations, 6 and 7 S.C. Code Ann. Regs. 61-79.262.34(a)(2), R.61-79.262.34(c)(1)(i)/R.61-79.265.173(a), R.61-79.262.90, R.61-79.273.13(d)(1), R.61-79.262.34(a)(4)/R.61-79.265.37(a), and, R.61-79.262.34(a)(4)/R.61-79.265.52(d) (2012 and Supp. 2015).

Summary: CB&I Laurens, Inc. (Individual/Entity) operates a facility in Laurens, South Carolina. On June 9, 2016, the Department conducted an inspection of the facility. The Individual/Entity has violated the Hazardous Waste Management Regulations as follows: failed to ensure the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failed to ensure that a container holding hazardous waste was closed during storage except when necessary to add or remove waste; failed to clean up any hazardous waste discharge that occurs during generation or processing or storage and take such action as may be required so that the hazardous waste discharge no longer presents a hazard to human health and the environment; failed to contain waste lamps in containers or packages that are closed; failed to attempt the following arrangements as appropriate for the type of waste handled at the facility and potential need for the services of these organizations: arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes; where more than one police and fire department might respond to an emergency, designate a primary emergency authority; and, arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and types of injuries or illnesses which could result from fires, explosions, or releases at the facility; and, failed to have an updated contingency plan which lists the names, addresses, and phone numbers of all persons qualified to act as emergency coordinators.

Action: The Individual/Entity is required to: ensure that hazardous waste containers are managed according to the regulations; ensure that hazardous waste discharges are managed in accordance with the regulations; ensure that universal waste is managed in accordance with the regulations; ensure that arrangements with emergency services are made in accordance with the regulations; ensure that the contingency plan is managed in accordance with the regulations; and, pay a civil penalty in the amount of six thousand, seven hundred fifty dollars (**\$6,750.00**).

17) Order Type and Number: Consent Order 17-15-HW  
Order Date: June 27, 2017  
Individual/Entity: **Johnson Controls Battery Group, Inc.**  
Facility: Johnson Controls Battery Group, Inc.  
Location: 1800 Papermill Road  
Florence, SC 29506

Mailing Address: Same  
County: Florence  
Previous Orders: 16-04-HW (\$35,000.00);  
15-17-HW (\$15,000.00);  
14-07-HW (\$7,700.00)  
Permit/ID Number: SCR 000 771 451  
Violations Cited: The South Carolina Hazardous Waste Management Act S.C. Code Ann. §44-56-130(2) *et seq.* (2002); The South Carolina Hazardous Waste Management Regulations, 6 and 7 S.C. Code Ann. Regs. 61-79.262.34(c)(1)(i)/R.61-79.265.173(a), R.61-79.262.34(c)(1)(ii), R.61-79.262.90, and, R.61-79.262.34(a)(4)/R.61-79.265.31 (2012 and Supp. 2015).

Summary: Johnson Controls Battery Group, Inc. (Individual/Entity) operates a facility in Florence, South Carolina. On June 22, 2016, the Department conducted an inspection of the facility. The Individual/Entity violated the Hazardous Waste Management Regulations as follows: failed to ensure that a container holding hazardous waste was closed during storage except when necessary to add or remove waste; failed to mark a satellite accumulation container of hazardous waste with the words "Hazardous waste" or other words to identify the contents of the container; failed to clean up any hazardous waste discharge that occurs during generation or processing or storage and take such action as may be required so that the hazardous waste discharge no longer presents a hazard to human health and the environment; and, failed to operate and control the facility to minimize the possibility of an unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents into the air, soil or surface water which could threaten human health or the environment.

Action: The Individual/Entity is required to: document an operating procedure that describes how liquid leaks from the CX battery breaking process are managed, and upon the Department's approval, comply with the operating procedure; submit a plan for the inspection and repair of the CX floor, and upon the Department's approval, comply with the plan; and, pay a civil penalty in the amount of ten thousand dollars (**\$10,000.00**).

### **Infectious Waste Enforcement**

18) Order Type and Number: Administrative Order 17-15-IW  
Order Date: June 15, 2017  
Individual/Entity: **Kornegay and Moseley Funeral Home & Cremation Services, LLC**  
Facility: Kornegay and Moseley Funeral Home



Location: 4645 Hard Scrabble Road  
Columbia, SC 29229  
Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit/ID Number: SC40-1164G  
Violations Cited: The South Carolina Infectious Waste Management Act S.C. Code Ann. §44-93-10 *et seq.* (Rev. 2002 and Supp. 2014); The South Carolina Infectious Waste Management Regulations, 8 S.C. Code Ann. Regs. 61-30.D(1) and R.61-30.G(12)(b) (2012).

Summary: Kornegay and Moseley Funeral Home and Cremation Services, LLC (Individual/Entity) owns and operates a funeral home and cremation service business located in Columbia, South Carolina. On July 14, 2016, August 18, 2016, September 19, 2016, October 17, 2016, and January 27, 2017, the Department sent invoices for the Infectious Waste Generator Registration Fee for fiscal year 2017. The Individual/Entity has violated the South Carolina Infectious Waste Management Regulations as follows: failed to pay registration fees for an Infectious Waste Generator Facility.

Action: The Individual/Entity is required to: pay fiscal year 2017 Infectious Waste Generator Registration Fee and associated late fees in the amount of two hundred six dollars twenty-five cents (\$206.25); and pay a civil penalty in the amount of one thousand, six hundred fifty dollars (**\$1,650.00**).

19) Order Type and Number: Consent Order 17-16-IW  
Order Date: May 12, 2017  
Individual/Entity: **Laboratory Corporation of America**  
Facility: Laboratory Corporation of America  
Location: 2500 Elms Center Road  
North Charleston, SC 29406  
Mailing Address: 3825 Faber Place Drive  
North Charleston, SC 29405  
County: Charleston  
Previous Orders: None  
Permit/ID Number: SC10-1709G  
Violations Cited: The South Carolina Infectious Waste Management Act, §44-93-30 (2002), the South Carolina Infectious Waste Management Regulations, 8 S.C. Code Ann. Regs. 61-105 (2012), and the Environmental Protection Fees Regulations.

Summary: Laboratory Corporation of America (Individual/Entity) provides specimen collection services at a physician's office located in North Charleston, South Carolina. On July 18, 2016, the Department mailed an annual invoice for generator fees and follow up invoices were mailed on August 18, 2016, September 19, 2016, and October 17, 2016. The Individual/Entity has violated the Infectious Waste Management Regulations and the Environmental Protection Fees Regulations as follows: failed to pay the annual generator registration fee at the required time; failed to pay the fee of one hundred fifty dollars (\$150.00)

for generators of 50 pounds per month through 999 pounds per month; and, failed to pay delinquent fees and penalties remaining unpaid at the end of ninety (90) days.

Action: The Individual/Entity is required to: ensure compliance with the South Carolina Infectious Waste Management Act and Regulations; pay the annual generator registration fee and associated late penalties in the amount of two hundred six dollars and twenty-five cents (\$206.25); and, pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

20) Order Type and Number: Consent Order 17-17-IW  
Order Date: May 12, 2017  
Individual/Entity: **Laboratory Corporation of America**  
Facility: Laboratory Corporation of America  
Location: 1208 Johnnie Dodds Blvd., Suite 108  
Mount Pleasant, SC 29464  
Mailing Address: 3825 Faber Place Drive  
North Charleston, SC 29405  
County: Charleston  
Previous Orders: None  
Permit/ID Number: SC10-1384G  
Violations Cited: The South Carolina Infectious Waste Management Act, §44-93-30 (2002), the South Carolina Infectious Waste Management Regulations, 8 S.C. Code Ann. Regs. 61-105 (2012), and the Environmental Protection Fees Regulations.

Summary: Laboratory Corporation of America (Individual/Entity) provides specimen collection services at its facility located in Mount Pleasant, South Carolina. On July 18, 2016, the Department mailed an annual invoice for generator fees and follow up invoices were mailed on August 18, 2016, September 19, 2016, and October 17, 2016. The Individual/Entity has violated the Infectious Waste Management Regulations and the Environmental Protection Fees Regulations as follows: failed to pay the annual generator registration fee at the required time; failed to pay the fee of one hundred fifty dollars (\$150.00) for generators of 50 pounds per month through 999 pounds per month; and, failed to pay delinquent fees and penalties remaining unpaid at the end of ninety (90) days.

Action: The Individual/Entity is required to: ensure compliance with the South Carolina Infectious Waste Management Act and Regulations; pay the annual generator registration fee and associated late penalties in the amount of two hundred six dollars and twenty-five cents (\$206.25); and, pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

21) Order Type and Number: Consent Order 17-18-IW  
Order Date: May 12, 2017  
Individual/Entity: **Laboratory Corporation of America**  
Facility: Laboratory Corporation of America  
Location: 3825 Faber Place Drive  
North Charleston, SC 29405

Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: SC10-0274G  
Violations Cited: The South Carolina Infectious Waste Management Act, §44-93-30 (2002), the South Carolina Infectious Waste Management Regulations, 8 S.C. Code Ann. Regs. 61-105 (2012), and the Environmental Protection Fees Regulations.

Summary: Laboratory Corporation of America (Individual/Entity) provides specimen collection services at its facility located in North Charleston, South Carolina. On July 18, 2016, the Department mailed an annual invoice for generator fees and follow up invoices were mailed on August 18, 2016, September 19, 2016, and October 17, 2016. The Individual/Entity has violated the Infectious Waste Management Regulations and the Environmental Protection Fees Regulations as follows: failed to pay the annual generator registration fee at the required time; failed to pay the fee of six hundred dollars (\$600.00) for generators of 1000 pounds per month or more; and, failed to pay delinquent fees and penalties remaining unpaid at the end of ninety (90) days.

Action: The Individual/Entity is required to: ensure compliance with the South Carolina Infectious Waste Management Act and Regulations; pay the annual generator registration fee and associated late penalties in the amount of eight hundred twenty-five dollars (\$825.00); and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

22) Order Type and Number: Consent Order 17-19-IW  
Order Date: May 12, 2017  
Individual/Entity: **Laboratory Corporation of America**  
Facility: Laboratory Corporation of America  
Location: 1865 North Paris Avenue  
Port Royal, SC 29935  
Mailing Address: 3825 Faber Place Drive  
North Charleston, SC 29405  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: SC07-0102G  
Violations Cited: The South Carolina Infectious Waste Management Act, §44-93-30 (2002), the South Carolina Infectious Waste Management Regulations, 8 S.C. Code Ann. Regs. 61-105 (2012), and the Environmental Protection Fees Regulations.

Summary: Laboratory Corporation of America (Individual/Entity) provides specimen collection services at its facility located in Port Royal, South Carolina. On July 18, 2016, the Department mailed an annual invoice for generator fees and follow up invoices were mailed on August 18, 2016, September 19, 2016, and October 17, 2016. The Individual/Entity has violated the Infectious Waste Management Regulations and the Environmental Protection Fees Regulations as follows: failed to pay the annual generator registration fee at the required time; failed to pay the fee of one hundred fifty dollars (\$150.00) for generators of 50 pounds

per month through 999 pounds per month; and, failed to pay delinquent fees and penalties remaining unpaid at the end of ninety (90) days.

Action: The Individual/Entity is required to: ensure compliance with the South Carolina Infectious Waste Management Act and Regulations; pay the annual generator registration fee and associated late penalties in the amount of two hundred six dollars and twenty-five cents (\$206.25); and, pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

|     |                               |  |
|-----|-------------------------------|--|
| 23) | <u>Order Type and Number:</u> | Consent Order 17-20-IW   |
|     | <u>Order Date:</u>            | May 12, 2017   |
|     | <u>Individual/Entity:</u>     | <b>Montrose Manor</b>  |
|     | <u>Facility:</u>              | Montrose Manor   |
|     | <u>Location:</u>              | 80 Medical Center Drive<br>Woodruff, SC 29388  |
|     | <u>Mailing Address:</u>       | Same   |
|     | <u>County:</u>                | Spartanburg  |
|     | <u>Previous Orders:</u>       | None   |
|     | <u>Permit/ID Number:</u>      | SC42-2130G   |
|     | <u>Violations Cited:</u>      | The South Carolina Infectious Waste Management Act, §44-93-30 (2002) and the South Carolina Infectious Waste Management Regulations, 8 S.C. Code Ann. Regs. 61-105 (2012). |

Summary: Montrose Manor (Individual/Entity) offers independent living options at its facility located in Woodruff, South Carolina. On November 1, 2016, the Department conducted an inspection. The Individual/Entity has violated the Infectious Waste Management Regulations as follows: failed to notify the Department in writing within thirty (30) days when the method of waste treatment and the contact information for the coordinator changed; failed to treat infectious waste onsite or transport offsite for treatment at a permitted treatment facility; failed to obtain and record the accurate weight of waste within fifty (50) days of shipment; failed to segregate infectious waste from solid waste; failed to ensure that containers of infectious waste are sealed and closed tightly and securely when full by weight or volume; failed to ensure that infectious waste is contained in containers that are appropriate for the type and quantity of waste; failed to ensure that compaction of waste by any means shall be prevented; failed to store waste in a manner to prevent a release or discharge of the contents; failed to ensure a manifest was initiated; failed to prepare manifests to include: the Department identification number, the certification by the generator that the shipment does not contain hazardous waste or radioactive material or waste, the name of the transporter, the transporter's Department issued registration number, and the date the treatment facility accepted the shipment; failed to sign the manifest by hand or other legally defensible signature; and, failed to maintain all records and manifest copies, and records of treatment for a minimum of two (2) years.

Action: The Individual/Entity is required to: ensure compliance with the South Carolina Infectious Waste Management Act and Regulations; and, pay a civil penalty in the amount of ten thousand, nine hundred twenty dollars **(\$10,920.00)**.

24) Order Type and Number: Consent Order 17-13-IW  
Order Date: May 17, 2017  
Individual/Entity: **Lakeside Medical Response**  
Facility: Lakeside Medical Response  
Location: 3658 South Irby Street  
Florence, SC 29505  
Mailing Address: Same  
County: Florence  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: The South Carolina Infectious Waste Management Act, S.C. Code Ann. § 44-93-30 (2002) (Act); and the South Carolina Infectious Waste Management Regulation 61-105 (Supp. 2012).

Summary: Lakeside Medical Response (Individual/Entity), located in Florence, South Carolina, is an Emergency Medical Service (EMS) provider. On April 13, 2016, and May 26, 2016, the Department requested a completed Infectious Waste Generator Registration Form to be submitted to the Department. The Individual/Entity has violated the Act and the South Carolina Infectious Waste Management Regulation 61-105 as follows: failed to register with the Department in writing on a Department approved form as an infectious waste generator, prior to generating Infectious Waste.

Action: The Individual/Entity is required to: register with the Department in writing on the infectious Waste Generator Form; or, if exempt, submit in writing, preferably on letterhead, its company name, address, and contact person as well as the name, address, and contact person of the registered generator accepting responsibility for the proper disposal of the waste generated; and, pay a civil penalty in the amount of seven hundred twenty dollars (**\$720.00**).

25) Order Type and Number: Consent Order 17-22-IW  
Order Date: May 17, 2017  
Individual/Entity: **Laboratory Corporation of America**  
Facility: Laboratory Corporation of America  
Location: 9699 Ocean Highway  
Pawley's Island, SC 29585  
Mailing Address: 3825 Faber Place Drive  
North Charleston, SC 29414  
County: Georgetown  
Previous Orders: None  
Permit/ID Number: SC22-0208G  
Violations Cited: The South Carolina Infectious Waste Management Act S.C. Code Ann. §44-93-10 *et seq.* (Rev. 2002 and Supp. 2014); The South Carolina Infectious Waste Management Regulations, 8 S.C. Code Ann. Regs. 61-30.D(1) and R.61-30.G(12)(b) (2012).

Summary: Laboratory Corporation of America (Individual/Entity) operates a facility in Murrell's Inlet, South Carolina. On July 14, 2016, the Department mailed an invoice for

generator registration fees and subsequent invoices including late penalties were mailed on August 18, 2016, September 19, 2016, and October 17, 2017. The Individual/Entity has violated the Infectious Waste Management Regulations as follows: failed to pay delinquent fees and late payments remaining unpaid at the end of ninety (90) days from the date of issuance of its initial invoice; and, failed to pay the fee of one hundred fifty dollars (\$150.00) for generators of 50 pounds per month through 999 pounds per month.

Action: The Individual/Entity is required to: comply with the South Carolina Infectious Waste Management Act and Regulations; pay the annual generator registration fee and associated late payments in the amount of two hundred six dollars and twenty-five cents (\$206.25); and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

26) Order Type and Number: Consent Order 17-23-IW  
Order Date: May 17, 2017  
Individual/Entity: **Laboratory Corporation of America**  
Facility: Laboratory Corporation of America  
Location: 4017 Highway 17 South, Suite 201  
Murrells Inlet, SC 29576  
Mailing Address: 3825 Faber Place Drive  
North Charleston, SC 29414  
County: Georgetown  
Previous Orders: None  
Permit/ID Number: SC22-0095G  
Violations Cited: The South Carolina Infectious Waste Management Act S.C. Code Ann. §44-93-10 *et seq.* (Rev. 2002 and Supp. 2014); The South Carolina Infectious Waste Management Regulations, 8 S.C. Code Ann. Regs. 61-30.D(1) and R.61-30.G(12)(b) (2012).

Summary: Laboratory Corporation of America (Individual/Entity) operates a facility in Murrell's Inlet, South Carolina. On July 14, 2016, the Department mailed an invoice for generator registration fees and subsequent invoices including late penalties were mailed on August 18, 2016, September 19, 2016, and October 17, 2017. The Individual/Entity violated the Infectious Waste Management Regulations as follows: failed to pay delinquent fees and late payments remaining unpaid at the end of ninety (90) days from the date of issuance of its initial invoice; and, failed to pay the fee of one hundred fifty dollars (\$150.00) for generators of 50 pounds per month through 999 pounds per month.

Action: The Individual/Entity is required to: comply with the South Carolina Infectious Waste Management Act and Regulations; pay the annual generator registration fee and associated late payments in the amount of two hundred six dollars and twenty-five cents (\$206.25); and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

27) Order Type and Number: Consent Order 17-21-IW  
Order Date: May 25, 2017  
Individual/Entity: **Vitrologic, Inc. d.b.a. Specialty Sera**  
Facility: Vitrologic, Inc. d.b.a. Specialty Sera  
Location: 1704 Old Towne Road

Charleston, SC 29407  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: IWG000186  
Violations Cited: The South Carolina Infectious Waste Management Act, §44-93-30 (2002) and the South Carolina Infectious Waste Management Regulations, 8 S.C. Code Ann. Regs. 61-105 (2012).

Summary: Vitrologic, Inc. d.b.a. Specialty Sera (Individual/Entity) is a laboratory specializing in the collection of human biologicals for research and development at its facility located in Charleston, South Carolina. On December 15, 2016, the Department conducted an inspection. The Individual/Entity has violated the Infectious Waste Management Regulations as follows: stored infectious waste for more than fourteen days without refrigeration; failed to label containers of infectious waste offered for transport offsite with the date the container was placed in storage or sent offsite; failed to label containers of infectious waste offered for transport offsite with the Department issued number of the in-state generator; failed to place, store, and maintain before and during transport all other types of infectious in a rigid or semi-rigid, leak resistant container that is impervious to moisture; failed to store waste in a manner to prevent a release or discharge of the contents; failed to register with the Department in writing on a Department approved form; and, failed to notify the Department in writing of a physical location change for the site in which waste is generated within thirty (30) days of such change.

Action: The Individual/Entity is required to: ensure compliance with the South Carolina Infectious Waste Management Act and Regulations; and, pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**).

### **Mining Enforcement**

28) Order Type and Number: Consent Order 17-16-MSWM  
Order Date: May 17, 2017  
Individual/Entity: **Florence Dirt Works, LLC**  
Facility: Meadow Prong Road  
TMS #00133-01-015  
Location: Intersection of Meadow Prong Road and Fork Road  
Effingham, SC  
Mailing Address: 2110 West Cummings Road  
Effingham, SC 29541

County: Florence  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: South Carolina Mining Act (2008 and Supp. 2015).

Summary: Florence Dirt Works, LLC (Individual/Entity) operated a mine located in Effingham, South Carolina, without first obtaining a permit from the Department. The Individual/Entity has violated the South Carolina Mining Act as follows: failed to obtain a permit from the Department before beginning mining operations.

Action: The Individual/Entity is required to: cease and desist all mining activities at the Site until appropriate permits are obtained from the Department, or reclamation of the Site is completed; and, pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

## **BUREAU OF WATER**

### **Recreational Water Enforcement**

29) Order Type and Number: Consent Order 17-067-RW  
Order Date: May 22, 2017  
Individual/Entity: **Captain's Quarters Motor Inn, Inc.**  
Facility: Captain's Quarters Resort  
Location: 901 South Ocean Boulevard  
Myrtle Beach, SC 29577  
Mailing Address: 1144 Shine Avenue  
Myrtle Beach, SC 29577  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-1030B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Captain's Quarters Motor Inn, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On April 19, 2017, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the life ring was deteriorated; there was no shepherd's crook; there was no pool rules sign; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of three hundred forty dollars **(\$340.00)**.

30) Order Type and Number: Consent Order 17-068-RW  
Order Date: June 5, 2017



|                           |   |
|---------------------------|---|
| <u>Individual/Entity:</u> | <b>Fitness USA, Inc.</b>                    |
| <u>Facility:</u>          | Total Family Fitness                        |
| <u>Location:</u>          | 9801 North Highway 81<br>Piedmont, SC 29673 |
| <u>Mailing Address:</u>   | Same  |
| <u>County:</u>            | Anderson                                    |
| <u>Previous Orders:</u>   | None  |
| <u>Permit/ID Number:</u>  | 04-106-1                                    |
| <u>Violations Cited:</u>  | S.C. Code Ann. Regs. 61-51(J)               |

Summary: Fitness USA, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 23, 2016, and July 26, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; a ladder was missing a bumper; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring rope was too short; the pool rules sign was not legible and was not completely filled out; only one "Shallow Water - No Diving Allowed" sign was posted; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a **suspended penalty** in the amount of six hundred eighty dollars (**\$680.00**) should any requirement of the Order not be met.

|     |                               |  |
|-----|-------------------------------|--|
| 31) | <u>Order Type and Number:</u> | Consent Order 17-069-RW                              |
|     | <u>Order Date:</u>            | June 6, 2017   |
|     | <u>Individual/Entity:</u>     | <b>Om Shera of MB, LLC</b>                           |
|     | <u>Facility:</u>              | Sun-N-Sand Resort                                    |
|     | <u>Location:</u>              | 2701 South Ocean Boulevard<br>Myrtle Beach, SC 29577 |
|     | <u>Mailing Address:</u>       | Same   |
|     | <u>County:</u>                | Horry  |
|     | <u>Previous Orders:</u>       | 14-067-DW (\$800.00)<br>15-024-RW (\$1,020.00)       |
|     | <u>Permit/ID Number:</u>      | 26-C76-1, 26-C77-1, & 26-E12-1                       |
|     | <u>Violations Cited:</u>      | S.C. Code Ann. Regs. 61-51(J)                        |

Summary: Om Shera of MB, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of an outdoor pool, an indoor pool, and a spa. On June 7, 2016, July 1, 2016, and August 16, 2016, the pools and spa were inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool furniture was not at least four feet from the edge of the pool; there was algae and standing water on the pool deck; the chlorine and pH levels were not within the acceptable range of water quality standards; the main drain grates were not visible due to cloudy water; the main drain grates were not in place; the life

ring did not have a permanently attached rope; the pool rules sign was not completely filled out and was not legible; and the bound and numbered log book was not available for review.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a **suspended penalty** in the amount of twelve thousand, two hundred forty dollars (**\$12,240.00**) should any requirement of the Order not be met.

|     |                               |   |
|-----|-------------------------------|---|
| 32) | <u>Order Type and Number:</u> | Consent Order 17-070-RW                           |
|     | <u>Order Date:</u>            | June 7, 2017                                      |
|     | <u>Individual/Entity:</u>     | <b>Village Green Homeowners Association, Inc.</b> |
|     | <u>Facility:</u>              | Village Green Apartments                          |
|     | <u>Location:</u>              | 1108 Tiger Boulevard<br>Clemson, SC 29631         |
|     | <u>Mailing Address:</u>       | P.O. Box 8421<br>Seneca, SC 29678                 |
|     | <u>County:</u>                | Pickens   |
|     | <u>Previous Orders:</u>       | None  |
|     | <u>Permit/ID Number:</u>      | 39-013-1  |
|     | <u>Violations Cited:</u>      | S.C. Code Ann. Regs. 61-51(J)                     |

Summary: Village Green Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On April 17, 2017, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline with floats was not attached to the pool wall; a ladder was not tight and secure, and was missing the bumpers; a garden hose was used to fill the pool and there was no backflow prevention device in place; the water level was too low; there was no drinking water fountain; there was no foot rinse shower; the piping in the equipment room was leaking; the main drain grates were not visible; the emergency notification device was not operating; only one of the "No Lifeguard On Duty - Swim At Your Own Risk" signs was posted; the disinfection equipment was not operating; and the recirculation and filtration system was leaking.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of three hundred forty dollars (**\$340.00**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

|     |                               |  |
|-----|-------------------------------|--|
| 33) | <u>Order Type and Number:</u> | Consent Order 17-071-RW                          |
|     | <u>Order Date:</u>            | June 13, 2017                                    |
|     | <u>Individual/Entity:</u>     | <b>Fireside Lakes Homeowners Association</b>     |
|     | <u>Facility:</u>              | Fireside Lakes Condos                            |
|     | <u>Location:</u>              | 7841 Sandida Court<br>North Charleston, SC 29418 |
|     | <u>Mailing Address:</u>       | Same   |
|     | <u>County:</u>                | Charleston                                       |

Previous Orders: None  
Permit/ID Number: 10-284-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Fireside Lakes Homeowners Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 30, 2017, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the pool floor was dirty; there was algae on the pool walls; there was no drinking water fountain; there were chemicals stored in the pump room; the pool equipment room was not locked; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; there were chlorine sticks in the skimmer basket; and the recirculation and filtration system was not operating properly.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of three hundred forty dollars (**\$340.00**).

34) Order Type and Number: Consent Order 17-072-RW  
Order Date: June 15, 2017  
Individual/Entity: **URS Management VI, LLC**  
Facility: Plantation Flats  
Location: 2181 Dunlop Street  
North Charleston, SC 29418  
Mailing Address: Same  
County: Charleston  
Previous Orders: 16-071-RW (\$340.00)  
Permit/ID Number: 10-276-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: URS Management VI, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 31, 2017, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the pool equipment room was not locked; the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the bound and numbered log book was not available for review; and there were chlorine sticks in the skimmer basket.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

35) Order Type and Number: Consent Order 17-073-RW  
Order Date: June 25, 2017

|                           |   |
|---------------------------|---|
| <u>Individual/Entity:</u> | <b>Wave Rider Resort Homeowners Association, Inc.</b> |
| <u>Facility:</u>          | Wave Rider Motel                                      |
| <u>Location:</u>          | 1600 South Ocean Boulevard<br>Myrtle Beach, SC 29577  |
| <u>Mailing Address:</u>   | Same  |
| <u>County:</u>            | Horry   |
| <u>Previous Orders:</u>   | 16-121-RW (\$1,360.00)                                |
| <u>Permit/ID Number:</u>  | 26-243-1  |
| <u>Violations Cited:</u>  | S.C. Code Ann. Regs. 61-51(J)                         |

Summary: Wave Rider Resort Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 23, 2017, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: some of the depth marker tiles were broken; a ladder and handrail were not tight and secure; there was standing water on the pool deck; the pool furniture was not at least four feet from the edge of the pool; the deck was uneven with sharp edges; the chlorine level was not within the acceptable range of water quality standards; there was a crack on the pool floor near the main drain grate; there was no shepherd's crook; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; and the log book was not maintained a minimum of three times per week by the pool operator of record.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**). The civil penalty has been paid. On May 25, 2017, Department staff conducted a follow-up inspection of the pool and it was determined that all of the deficiencies had been addressed.

|                                   |  |
|-----------------------------------|--|
| 36) <u>Order Type and Number:</u> | Consent Order 17-074-RW                        |
| <u>Order Date:</u>                | June 25, 2017                                  |
| <u>Individual/Entity:</u>         | <b>Rivendell Homeowner's Association, Inc.</b> |
| <u>Facility:</u>                  | Rivendell                                      |
| <u>Location:</u>                  | 103 Shire Drive<br>Anderson, SC 29621          |
| <u>Mailing Address:</u>           | Same   |
| <u>County:</u>                    | Anderson                                       |
| <u>Previous Orders:</u>           | None   |
| <u>Permit/ID Number:</u>          | 04-1018B                                       |
| <u>Violations Cited:</u>          | S.C. Code Ann. Regs. 61-51(K)(1)(c)            |

Summary: Rivendell Homeowner's Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 6, 2017, the pool was inspected and a violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool was operating prior to receiving Department approval.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of two hundred fifty-five dollars **(\$255.00)**.

37) Order Type and Number: Consent Order 17-076-RW  
Order Date: June 25, 2017  
Individual/Entity: **Clemson Towers Homeowners Association, Inc.**  
Facility: Clemson Towers  
Location: 849 Tiger Boulevard  
Clemson, SC 29631  
Mailing Address: 209 Putter Point Court  
Chapin, SC 29036  
County: Pickens  
Previous Orders: None  
Permit/ID Number: 39-1007B  
Violations Cited: S.C. Code Ann. Regs. 61-51(C)(11)

Summary: Clemson Towers Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 31, 2017, the pool was inspected and a violation was issued for failure to provide a drinking water fountain within fifty feet of the pool. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was no drinking water fountain within fifty feet of the pool.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiency; and pay a civil penalty in the amount of three hundred forty dollars **(\$340.00)**. The civil penalty has been paid.

38) Order Type and Number: Consent Order 17-075-RW  
Order Date: June 26, 2017  
Individual/Entity: **Rupa, LLC**  
Facility: Homewood Suites Mt. Pleasant  
Location: 1998 Riviera Drive  
Mount Pleasant, SC 29646  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-1023B  
Violations Cited: S.C. Code Ann. Regs. 61-51(K)(1)(c)

Summary: Rupa, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 2, 2017, the pool was inspected and a violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool was operating prior to receiving Department approval.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of two hundred fifty-five dollars **(\$255.00)**.

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| 39) | <u>Order Type and Number:</u><br><u>Order Date:</u><br><u>Individual/Entity:</u><br><u>Facility:</u><br><u>Location:</u><br><br><u>Mailing Address:</u><br><u>County:</u><br><u>Previous Orders:</u><br><u>Permit/ID Number:</u><br><u>Violations Cited:</u> | Consent Order 17-077-RW<br>June 27, 2017<br><b>Greenville County</b><br>Lakeside Park<br>1500 Piedmont Highway<br>Piedmont, SC 29673<br>Same<br>Greenville<br>None<br>23-192-1<br>S.C. Code Ann. Regs. 61-51(J)(14)(d) |
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Summary: Greenville County (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 2017, the pool was inspected and a violation was issued for hand feeding chemicals into the pool while it was open for swimming. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: hand feeding chemicals into the pool while it was open for swimming.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiency; and pay a civil penalty in the amount of three hundred forty dollars (**\$340.00**). The Individual/Entity submitted a corrective action plan and corrected the deficiency.

### **Drinking Water Enforcement**

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| 40) | <u>Order Type and Number:</u><br><u>Order Date:</u><br><u>Individual/Entity:</u><br><br><u>Facility:</u><br><u>Location:</u><br><br><u>Mailing Address:</u><br><br><u>County:</u><br><u>Previous Orders:</u><br><u>Permit/ID Number:</u><br><u>Violations Cited:</u> | Consent Order 17-008-DW<br>May 8, 2017<br><b>Carolyn Salters, Individually and d.b.a. Blackstock Fish Camp</b><br>Blackstock Fish Camp<br>1944 Blackstock Road<br>Blackstock, SC 29014<br>P.O. Box 176<br>Blackstock, SC 29014<br>Fairfield<br>16-007-DW (\$0)<br>2070909<br>S.C. Code Ann. Regs. 61-30(G)(2)(a) |
|-----|--|--|

Summary: Carolyn Salters, Individually and d.b.a. Blackstock Fish Camp (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system. On October 20, 2016, the Department sent final notice requiring payment

of the annual Safe Drinking Water Act fee for fiscal year 2017. The Individual/Entity has violated the Environmental Protection Fees Regulation as follows: failed to pay to the Department the annual Safe Drinking Water Act fee for fiscal Year 2017.

Action: The Individual/Entity is required to: pay to the Department the owed annual Safe Drinking Water Act fee and associated late fees for fiscal year 2017, which totals three hundred seventy-eight dollars and thirteen cents (\$378.13). The annual Safe Drinking Water Act fee for fiscal year 2017 has been paid.

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| 41) | <u>Order Type and Number:</u> | Consent Order 17-009-DW                          |
|     | <u>Order Date:</u>            | May 31, 2017                                     |
|     | <u>Individual/Entity:</u>     | <b>Karma Entertainment, Inc.</b>                 |
|     | <u>Facility:</u>              | Club Karma                                       |
|     | <u>Location:</u>              | 2641 Speedway Boulevard<br>Hardeeville, SC 29927 |
|     | <u>Mailing Address:</u>       | 165 Lake Linden Drive<br>Bluffton, SC 29910      |
|     | <u>County:</u>                | Jasper   |
|     | <u>Previous Orders:</u>       | None   |
|     | <u>Permit/ID Number:</u>      | 2770906  |
|     | <u>Violations Cited:</u>      | S.C. Code Ann. Regs. 61-58.7                     |

Summary: Karma Entertainment, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On March 16, 2017, the PWS was inspected and rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulations as follows: there was an opening in the well seal around the electrical wiring; the electrical wiring was not in conduit; there was no pressure gauge installed on the wellhead piping; there was an opening in the roof of the well house directly above the well; and the well house door was damaged and would not close.

Action: The Individual/Entity is required to: correct the deficiencies; and pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

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| 42) | <u>Order Type and Number:</u> | Consent Order 17-010-DW                 |
|     | <u>Order Date:</u>            | May 31, 2017                            |
|     | <u>Individual/Entity:</u>     | <b>Marvin's Meats, Inc.</b>             |
|     | <u>Facility:</u>              | Marvin's Meats                          |
|     | <u>Location:</u>              | 5314 Highway 162<br>Hollywood, SC 29449 |
|     | <u>Mailing Address:</u>       | P.O. Box 88<br>Hollywood, SC 29449      |
|     | <u>County:</u>                | Charleston                              |
|     | <u>Previous Orders:</u>       | None                                    |
|     | <u>Permit/ID Number:</u>      | 1030801                                 |
|     | <u>Violations Cited:</u>      | S.C. Code Ann. Regs. 61-58.7            |

Summary: Marvin's Meats, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On March 15, 2017, the PWS was inspected and rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulations as follows: the concrete pad was not visible due to dirt and vegetation; the casing was not the minimum required height of twelve inches above the concrete pad, and was severely rusted; the screened air vent was not an approved screened air vent; there was no emergency contact sheet; and there was tall grass and vegetation around the wellhead piping.

Action: The Individual/Entity is required to: correct the deficiencies; and pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

43) Order Type and Number: Consent Order 17-011-DW  
Order Date: June 8, 2017  
Individual/Entity: **Dewees Utility Corporation**  
Facility: Dewees Island  
Location: 273 Old House Lane  
Dewees Island, SC 29451  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 1050011  
Violations Cited: S.C. Code Ann. Regs. 61-58.5.P(2)(b)

Summary: Dewees Utility Corporation (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On April 25, 2017, a violation was issued as a result of a review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulations as follows: exceeded the maximum contaminant level (MCL) for total trihalomethanes.

Action: The Individual/Entity is required to: submit a corrective action plan to include proposed steps to address the MCL violation; and, pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

44) Order Type and Number: Consent Order 17-012-DW  
Order Date: June 23, 2017  
Individual/Entity: **Bobby Boykin, Individually and d.b.a. Night Life**  
Facility: Night Life  
Location: 429 Boykin Road



|                          |                              |
|--------------------------|------------------------------|
|                          | Salters, SC 29590            |
| <u>Mailing Address:</u>  | Same                         |
| <u>County:</u>           | Williamsburg                 |
| <u>Previous Orders:</u>  | None                         |
| <u>Permit/ID Number:</u> | 4570916                      |
| <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-58.7 |

Summary: Bobby Boykin, Individually and d.b.a. Night Life (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On February 21, 2017, the PWS was inspected and rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulations as follows: the concrete well pad was cracked; the well house was unlocked; there was no emergency plan; there were insects in the well house; there was a fire ant colony against the outside wall of the well house; and there were various items stored in the well house.

Action: The Individual/Entity is required to: correct the deficiencies; schedule an inspection with Department staff to verify the completed work; and pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**), should any requirement of the Order not be met.

### **Water Pollution Enforcement**

45) Order Type and Number: Consent Order 17-023-W  
Order Date: May 5, 2017  
Individual/Entity: **Sonoco Products Company**  
Facility: Hartsville Complex WWTF  
Location: 1 North Second Street  
Hartsville, SC 29550  
Mailing Address: Same  
County: Darlington  
Previous Orders: None  
Permit/ID Number: SC0003042  
Violations Cited: Water Pollution Control Permits, Regs. 61-9.122.41 (a) (Supp. 2016) and Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (Supp. 2016)

Summary: The Sonoco Products Company (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Hartsville Complex Wastewater Treatment Facility located in Darlington County, South Carolina. On March 7, 2017, a Notice of Violation was issued as a result of discharge monitoring reports 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 effluent limits of its National Pollutant Discharge Elimination System Permit for total suspended solids (TSS) and biochemical oxygen demand (BOD).

Action: The Individual/Entity is required to: submit a corrective action plan to achieve full compliance with permitted effluent limitations; and, pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

46) Order Type and Number: Consent Order 17-025-W  
Order Date: May 5, 2017  
Individual/Entity: **Town of Latta**  
Facility: Town of Latta WWTF  
Location: 501 East Academy Street  
Latta, SC 29565  
Mailing Address: Same  
County: Dillon  
Previous Orders: 14-033-W (\$5,700.00)  
Permit/ID Number: SC0025402  
Violations Cited: S.C. Code Ann. § 48-1-90(A)(1) and 110(d) (Supp. 2016) and 3 S.C. Code Ann. Regs. 61-9.122.41(a) and (e) (2011)

Summary: The Town of Latta (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility and the associated wastewater collection system (WWCS) located in Dillon County, South Carolina. On February 22, 2017, the Department issued a Notice of Alleged Violation as a result of the sewer overflows associated with the WWCS. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: discharged untreated wastewater, as result of sanitary sewer overflows from the WWCS into the environment, including waters of the State, in a manner other than in compliance with a permit issued by the Department; and, failed to report sewer system overflows.

Action: The Individual/Entity is required to: submit a corrective action plan to address the deficiencies; and, pay a civil penalty in the amount of ten thousand, two hundred dollars (**\$10,200.00**) in four (4) quarterly payments.

47) Order Type and Number: Consent Order 17-028-W  
Order Date: May 12, 2017  
Individual/Entity: **Alice Manufacturing, Inc.**  
Facility: Ellison WWTP  
Location: 1859 Dacusville Highway  
Easley, SC 29640  
Mailing Address: P.O. Box 369  
Easley, SC 29641  
County: Pickens  
Previous Orders: None  
Permit/ID Number: SC0001171  
Violations Cited: Water Pollution Control Permits, Regs. 61-9.122.41 (a) and (d) (Supp. 2016) and Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (Supp. 2016)

Summary: Alice Manufacturing, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Ellison Wastewater Treatment Plant located in Pickens County, South Carolina. On November 21, 2016, a Notice of Violation was issued as a result of discharge monitoring reports 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 effluent discharge limits of the National Pollutant Discharge Elimination System Permit for total copper.

Action: The Individual/Entity is required to: submit a corrective action plan to address the deficiencies; and, pay a civil penalty in the amount of four thousand, four hundred and eighty dollars **(\$4,480.00)**.

48) Order Type and Number: Consent Order 17-026-W  
Order Date: May 16, 2017  
Individual/Entity: **Able Contracting, Inc.**  
Facility: Recovered Materials Processing Facility  
Location: 472 Schinger Avenue  
Ridgeland, SC 29936  
Mailing Address: Same  
County: Jasper  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: S.C. Code Ann.§ 48-1-90(A)(1) (Rev. 2008 and Supp. 2016) and 3 S.C. Code Ann. Regs. 61-9.126(a)(1) (2011)

Summary: Able Contracting, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of its Recovered Materials Processing Facility (Site) located in Jasper County, South Carolina. On March 21, 2016, a Notice of Unsatisfactory Inspection was issued as a result of the Department observing deficiencies during inspection of the site. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to obtain coverage under the South Carolina National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activity (General Permit) for storm water discharges from its facility.

Action: The Individual/Entity is required to: submit an administratively complete application for the purpose of obtaining coverage under the NPDES General Permit for storm water discharges from the facility, and, pay a **stipulated penalty** in the amount of four thousand dollars **(\$4,000.00)** should any requirement of the Order not be met.

49) Order Type and Number: Consent Order 17-029-W  
Order Date: May 17, 2017  
Individual/Entity: **McCall Farms, Inc.**  
Facility: McCall Farms WWTP  
Location: 6615 South Irby Street  
Effingham, SC 29541  
Mailing Address: Same  
County: Florence

Previous Orders: None  
Permit/ID Number: SC0039284  
Violations Cited: Water Pollution Control Permits, Regs. 61-9.122.41 (a) and (d) (Supp. 2016) and Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (Supp. 2016)

Summary: McCall Farms, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment plant located in Florence County, South Carolina. On September 14, 2016, November 18, 2016, February 15, 2017, and April 13, 2017, Notices of Violation were issued as a result of discharge monitoring reports 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 effluent discharge limits of its National Pollutant Discharge Elimination System Permit for whole effluent chronic toxicity (CTOX), biochemical oxygen demand, ultimate oxygen demand, total suspended solids, and pH.

Action: The Individual/Entity is required to: submit a corrective action plan (CAP) to address the deficiencies; monitor CTOX for a period of one (1) year following implementation of CAP to confirm compliance or establish need to initiate a Toxicity Identification Evaluation/Toxicity Reduction Evaluation; submit quarterly reports to the Department summarizing activities to achieve compliance; and, pay a civil penalty in the amount of seventeen thousand, six hundred and forty dollars (**\$17,640.00**).

50) Order Type and Number: Consent Order 17-035-W  
Order Date: May 31, 2017  
Individual/Entity: **Town of Kingstree**  
Facility: Town of Kingstree WWTF  
Location: 100 Nelson Blvd  
Kingstree, SC 29556  
Mailing Address: 401 North Longstreet Street  
Kingstree, SC 29556  
County: Williamsburg  
Previous Orders: None  
Permit/ID Number: SC0035971  
Violations Cited: Water Pollution Control Permits, Regs. 61-9.122.41 (a) and (d) (Supp. 2016) and Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (Supp. 2016)

Summary: The Town of Kingstree (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Williamsburg County, South Carolina. On August 2, 2016, a Notice of Violation was issued as a result of discharge monitoring reports 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 effluent discharge limits of its National Pollutant Discharge Elimination System Permit for fecal coliform and E. coli.

Action: The Individual/Entity is required to: submit a corrective action plan to address the deficiencies; and, pay a civil penalty in the amount of six thousand, four hundred dollars **(\$6,400.00)**.

### **Dams Enforcement**

51) Order Type and Number: Consent Agreement 17-022-W  
Order Date: May 1, 2017  
Individual/Entity: **Fredericksburg Lake Inc.**  
Facility: Fredericksburg Lake Dam  
Location: Northwest of Hwy 601 and I-20  
Kershaw, SC  
Mailing Address: P.O. Box 1681  
Lugoff, SC 29078  
County: Kershaw  
Previous Orders: Emergency Order; October 15, 2015  
Permit/ID Number: D 2539  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1, *et seq.* (2012)

Summary: Fredericksburg Lake Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Fredericksburg Lake Dam in Kershaw, South Carolina. On October 15 2015, the Department issued an Emergency Order to the Individual/Entity as a result of unsafe conditions at the dam. On February 1, 2017, the Department issued a permit to the Individual/Entity for the repair of the dam. The Agreement is entered into by the Department and the Individual/Entity with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individual/Entity is required to: comply with all schedules and deadlines identified in its permit for repair of the dam; and, submit to the Department quarterly summary reports detailing the repair status of the dam until a Certificate of Completion is issued by the Department.

52) Order Type and Number: Consent Agreement 17-027-W  
Order Date: May 12, 2017  
Individual/Entity: **Old Mill LLC**  
Facility: Lexington Mill Pond Dam  
Location: One-tenth mile east of US-1  
Lexington, SC  
Mailing Address: 1030 Jenkins Road  
Charleston, SC 29407  
County: Lexington  
Previous Orders: Emergency Order; October 15, 2015  
Permit/ID Number: D 0958

Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1, *et seq.* (2012)

Summary: Old Mill LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Lexington Mill Pond Dam in Lexington, South Carolina. On October 15 2015, the Department issued an Emergency Order to the Individual/Entity as a result of unsafe conditions at the dam. The Agreement is entered into by the Department and the Individual/Entity with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individual/Entity is required to: maintain the Dam in a condition that does not impound water until the Dam is repaired or removed from the property; notify the Department upon any change in status, ownership, or condition of the Dam; apply for a permit prior to performing any changes to the Dam; and, obtain a permit under the "Construction Permit Application Requirements" in section 72-3.D.2, if plans are made to repair the Dam after a period of two (2) years from the execution date of the Order.

53) Order Type and Number: Consent Agreement 17-030-W  
Order Date: May 17, 2017  
Individual/Entity: **W L Clyburn**  
Facility: W L Clyburn Dam  
Location: Near Intersection of Edwin Hall Rd and Bethune Hwy  
Bethune, SC  
Mailing Address: 4375 Bethune Hwy  
Bethune, SC 29009  
County: Lee  
Previous Orders: Emergency Order; October 15, 2015  
Permit/ID Number: D 2412  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1, *et seq.* (2012)

Summary: W L Clyburn (Individual/Entity) owns and is responsible for the proper operation and maintenance of the W L Clyburn Dam in Lee County, South Carolina. On October 15 2015, the Department issued an Emergency Order to the Individual/Entity as a result of unsafe conditions at the dam. The Agreement is entered into by the Department and the Individual/Entity with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individual/Entity is required to: maintain the Dam in a condition that does not impound water until the Dam is repaired or removed from the property; notify the Department upon any change in status, ownership, or condition of the Dam; apply for a permit prior to performing any changes to the Dam; and, obtain a permit under the "Construction Permit Application Requirements" in section 72-3.D.2, if plans are made to repair the Dam after a period of two (2) years from the execution date of the Order.

54) Order Type and Number: Consent Agreement 17-031-W  
Order Date: May 25, 2017  
Individual/Entity: **Grace Ridge LLC**  
Facility: A W Bailey Dam  
Location: Intersection of Festival Trail Rd and Hoover Rd  
Wagner, SC  
Mailing Address: 173 EZ Collum Road  
Wagener, SC 29164  
County: Aiken  
Previous Orders: Emergency Order; October 15, 2105  
Permit/ID Number: D 2034  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code  
Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1,  
*et seq.* (2012)

Summary: Grace Ridge LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of the A W Bailey Dam in Aiken County, South Carolina. On October 15 2015, the Department issued an Emergency Order to the Individual/Entity as a result of unsafe conditions at the dam. The Agreement is entered into by the Department and the Individual/Entity with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individual/Entity is required to: maintain the Dam in a condition that does not impound water until the Dam is repaired or removed from the property; notify the Department upon any change in status, ownership, or condition of the Dam; apply for a permit prior to performing any changes to the Dam; and, obtain a permit under the "Construction Permit Application Requirements" in section 72-3.D.2, if plans are made to repair the Dam after a period of two (2) years from the execution date of the Order.

55) Order Type and Number: Consent Agreement 17-032-W  
Order Date: May 25, 2017  
Individual/Entity: **Pinewood Lake Park Foundation**  
Facility: Pinewood Lake Dam  
Location: Intersection of Garners Ferry and Trotter  
Road  
Columbia, SC  
Mailing Address: 1135 Old Garners Ferry Road  
Columbia, SC 29209  
County: Richland  
Previous Orders: Emergency Order; October 15, 2016  
(issued to previous owner)  
Permit/ID Number: D 0580  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code  
Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1,  
*et seq.* (2012)

Summary: Pinewood Lake Park Foundation (Individual/ Entity) owns and is responsible for the proper operation and maintenance of the Pinewood Lake Dam (Dam) in Richland County, South Carolina. On October 15, 2016, an Emergency Order was issued to the previous owner, requiring appropriate safety actions and the submittal of a detailed inspection. The Agreement is entered into by the Department and the Individual/Entity with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individual/Entity is required to: maintain a lowered water level in the reservoir until a Certificate of Completion is issued by the Department; submit a permit application prepared by a qualified Professional Engineer for the repair or removal of the Dam; submit documentation that all local, state, and federal permit applications have been submitted; and, complete all construction activities in accordance with approved plans for the repair or removal of the Dam.

56) Order Type and Number: Consent Agreement 17-033-W  
Order Date: May 25, 2017  
Individual/Entity: **Panola Enterprises LP**  
Facility: Cola Plantation Dam  
Location: Half mile west from intersection of State Road S-14-306 and Furse Road  
Summerton, SC  
Mailing Address: P.O. Box 1199  
Summerton, SC 29148  
County: Clarendon  
Previous Orders: Emergency Order; October 15, 2015  
Permit/ID Number: D3498  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1, *et seq.* (2012)

Summary: Panola Enterprises LP (Individual/ Entity) owns and is responsible for the proper operation and maintenance of the Cola Plantation Dam (Dam) in Clarendon County, South Carolina. On October 15, 2015, an Emergency Order was issued to the Individual/Entity, requiring appropriate safety actions and submittal of a detailed inspection. The Agreement is entered into by the Department and the Individual/Entity with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individual/Entity is required to: maintain a lowered water level in the reservoir until a Certificate of Completion is issued by the Department; submit a permit application prepared by a qualified Professional Engineer for the repair or removal of the Dam; submit documentation that all local, state, and federal permit applications have been submitted; and, complete all construction activities in accordance with approved plans for the repair or removal of the Dam.



57) Order Type and Number: Consent Order 17-034-W  
Order Date: May 30, 2017  
Individuals/Entities: **AP Rosen LLC & Percival Road Properties LLC**  
Facility: Melrose Dam / J R Powell Dam  
Location: Two miles south of Exit 20 (White Pond Road) of I-20  
Elgin, SC  
Mailing Address: 101 Harbor Drive  
Hampton, VA 23661  
County: Kershaw  
Previous Orders: None  
Permit/ID Number: D2521  
Violations Cited: SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-170 (2008) and Dams and Reservoirs Safety Act Regulation 72.1, et seq. (2012)

Summary: AP Rosen, LLC & Percival Road Properties, LLC (Individuals/Entities) own and are responsible for the proper operation and maintenance of the Melrose/JR Powell Dam in Kershaw County, South Carolina. On February 23, 2016, May 4, 2016, and October 19, 2016, inspection reports were sent to the Individuals/Entities, notifying the Individuals/Entities of the deficiencies regarding the Dam and requiring an inspection report conducted by a licensed professional engineer. The Individuals/Entities have violated the SC Dams and Reservoirs Safety Act and the Reservoirs Safety Act Regulation as follows: the dam or reservoir was not maintained in safe condition throughout the life of the structure.

Action: The Individuals/Entities are required to: maintain the Dam in a condition that does not impound water until the Dam is repaired or removed from the property; notify the Department upon any change in status, ownership, or condition of the Dam; apply for a permit prior to performing any changes to the Dam; and, obtain a permit under the "Construction Permit Application Requirements" in section 72-3.D.2, if plans are made to repair the Dam after a period of two (2) years from the execution date of the Order.

58) Order Type and Number: Consent Agreement 17-036-W  
Order Date: June 20, 2017  
Individual/Entity: **Edward and Betty Richardson**  
Facility: Lake View Pond Dam  
Location: Approximately 0.4 of a mile NW from the intersection of Thomas Sumter Hwy. & Peach Orchard Road  
Mailing Address: 40 Aubrey Circle  
Sumter, SC 29153  
County: Sumter  
Previous Orders: 2015 Emergency Order  
Permit/ID Number: D 1977  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code

Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1, *et seq.* (2012)

Summary: Edward and Betty Richardson (Individuals/Entities) own and are responsible for the proper operation and maintenance of the Lake View Pond Dam (Dam) in Sumter County, South Carolina. On October 15, 2015, an Emergency Order was issued to the Individuals/Entities, requiring appropriate safety actions and the submittal of a detailed inspection. The Agreement is entered into by the Department and the Individuals/Entities with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individuals/Entities are required to: maintain a lowered water level in the reservoir until a Certificate of Operation is issued by the Department; submit any pertinent information that might impact the Department's final decision regarding classification of the Dam; submit a permit application prepared by a qualified Professional Engineer for the repair or removal of the Dam; submit documentation that all necessary local, state, and federal permit applications have been submitted; and, complete all construction activities in accordance with approved plans for the repair or removal of the Dam.

59) Order Type and Number: Consent Agreement 17-037-W  
Order Date: June 20, 2017  
Individual/Entity: **SC Department of Natural Resources**  
Facility: Lake Wallace Dam  
Location: Approximately 1.0 mile NE from the Marlboro County Court House  
Mailing Address: P.O. Box 167  
Columbia, SC 29202  
County: Marlboro  
Previous Orders: 2015 Emergency Order  
Permit/ID Number: D 0021  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1, *et seq.* (2012)

Summary: SC Department of Natural Resources (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Lake Wallace Dam in Marlboro County, South Carolina. On October 16, 2015, an Emergency Order was issued to the Individual/Entity, requiring appropriate safety actions and the submittal of a detailed inspection. The Agreement is entered into by the Department and the Individual/Entity with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individual/Entity is required to: maintain a lowered water level in the reservoir until a Certificate of Operation is issued by the Department; continue to make good faith efforts to obtain an acceptable bid for repairs in compliance with state procurement laws; submit a permit application prepared by a qualified Professional Engineer for the repair or removal of the Dam; submit documentation that all necessary local, state, and federal permit applications have been submitted; and, complete all construction activities in accordance with approved plans for the repair or removal of the Dam.

60) Order Type and Number: Consent Agreement 17-038-W  
Order Date: June 23, 2017  
Individual/Entity: **Bethea Baptist Retirement Community**  
Facility: Bethea Baptist Home Dam  
Location: Approximately 2.5 miles NW from exit 164 off I-95  
Mailing Address: 157 Home Avenue  
Darlington, SC 29532  
County: Darlington  
Previous Orders: 2016 Emergency Order  
Permit/ID Number: D 3550  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1, *et seq.* (2012)

Summary: Bethea Baptist Retirement Community (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Bethea Baptist Home Dam in Darlington County, South Carolina. On October 12, 2016, an Emergency Order was issued to the Individual/Entity, requiring appropriate safety actions and the submittal of a detailed inspection. The Agreement is entered into by the Department and the Individual/Entity with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individual/Entity is required to: maintain a lowered water level in the reservoir until a Certificate of Operation is issued by the Department; submit a permit application prepared by a qualified Professional Engineer for the repair or removal of the Dam; submit documentation that all necessary local, state, and federal permit applications have been submitted; and, complete all construction activities in accordance with approved plans for the repair or removal of the Dam.

61) Order Type and Number: Consent Agreement 17-039-W  
Order Date: June 23, 2017  
Individual/Entity: **Daniel J. Nance**  
Facility: Flowers Pond Dam  
Location: Approximately 2.0 miles NW from the Town of Lake View  
Mailing Address: P.O. Box 218  
Lake View, SC 29563  
County: Dillon  
Previous Orders: 2016 Emergency Order  
Permit/ID Number: D 0852  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1, *et seq.* (2012)

Summary: Daniel J. Nance (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Flowers Pond Dam in Dillon County, South Carolina. On October 9, 2016, an Emergency Order was issued to the Individual/Entity, requiring



Mailing Address: 577 Covington Millpond Road  
Bennettsville, SC 29512  
County: Marlboro  
Previous Orders: 2016 Emergency Order  
Permit/ID Number: D 3453  
Law Citations: SC Dams and Reservoirs Safety Act, S.C. Code  
Ann. § 49-11-110, *et seq.*, (2008) and Dams and Reservoirs Safety Act Regulation 72.1,  
*et seq.* (2012)

Summary: Penelope M. Nobles (Individual/ Entity) owns and is responsible for the proper operation and maintenance of the Covington Millpond Dam in Marlboro County, South Carolina. On October 12, 2016, an Emergency Order was issued to the Individual/Entity, requiring appropriate safety actions and the submittal of a detailed inspection. The Agreement is entered into by the Department and the Individual/Entity with respect to remedial actions addressing deficiencies in the condition of the dam.

Action: The Individual/Entity is required to: maintain a lowered water level in the reservoir until a Certificate of Operation is issued by the Department; submit a permit application prepared by a qualified Professional Engineer for the repair or removal of the Dam; submit documentation that all necessary local, state, and federal permit applications have been submitted; and, complete all construction activities in accordance with approved plans for the repair or removal of the Dam.

#### **BUREAU OF AIR QUALITY**

64) Order Type and Number: Consent Order 17-013-A  
Order Date: May 5, 2017  
Individual/Entity: **New South Lumber Company, Inc.**  
Facility: New South Lumber Company, Inc.  
Location: 1281 Sanders Creek Road  
Cassatt, SC 29201  
Mailing Address: P.O. Box 1016  
Camden, SC 29021  
County: Camden  
Previous Orders: None  
Permit/ID Number: 1380-0025  
Violations Cited: U.S. EPA 40 CFR 63.7500(a)(1), and 5  
S.C. Code Ann. Regs. 61-62.63, Subpart DDDDD

Summary: New South Lumber Company, Inc. (Individual/Entity) operates a lumber mill that processes raw southern pine logs into planed pine lumber, treated pine lumber, and wood chips/pine shavings. The Department issued Part 70 (Title V) Permit 1380-0025 to the Individual/Entity effective October 1, 2010. On October 5, 2016, the Individual/Entity

conducted a Department-approved source test on its 98.3 MMBtu/hr wood waste boiler to demonstrate compliance with particulate matter (PM) emissions limits. The Individual/Entity violated U.S. EPA regulations at 40 CFR 63 and South Carolina Air Pollution Control Regulations as follows: failed to limit PM emissions from its boiler to 0.44 lb/MMBtu during a Department-approved source test on October 5, 2016.

Action: The Individual/Entity is required to: comply with applicable PM limits for its boiler in accordance with the Title V Permit and Subpart DDDDD; and, pay a civil penalty in the amount of twenty-one thousand, seven hundred dollars **(\$21,700.00)**.

65) Order Type and Number: Consent Order 17-012-A  
Order Date: May 12, 2017  
Individual/Entity: **Banks Construction Company**  
Facility: Banks Construction Company  
Location: 101 Mellichamp Road  
Summerville, SC 29483  
Mailing Address: P.O. Box 71505  
North Charleston, SC 29415  
County: Dorchester  
Previous Orders: None  
Permit/ID Number: 9900-0461  
Violations Cited: U.S. EPA 40 CFR 60.92(a)(1), 5 S.C. Code Ann. Regs. 61-62.60.92(a)(1), and 5 S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*

Summary: Banks Construction Company (Individual/Entity), located in Summerville, South Carolina, operates an asphalt plant. The Department issued a renewed General Conditional Major Operating Permit GCM-9900-0461 to the Individual/Entity, effective August 5, 2013. On August 14, 2015, the Individual/Entity conducted a Department-approved source test to demonstrate compliance with its particulate matter (PM) emissions limit. On December 8, 2016, the Department issued a Notice of Alleged Violation and Notice of Enforcement Conference to the Individual/Entity. The Individual/Entity has violated U.S. EPA regulations at 40 CFR Part 60 and South Carolina Air Pollution Control Regulations as follows: failed to limit PM emissions from the asphalt plant (ID-AP) and the dryer burner (ID-DB) to 0.04 gr/dscf.

Action: The Individual/Entity is required to: limit PM emissions from ID-AP and ID-DB to 0.04 gr/dscf; and, pay a civil penalty in the amount of six thousand dollars **(\$6,000.00)**.

66) Order Type and Number: Consent Order 17-014-A  
Order Date: May 12, 2017  
Individual/Entity: **Sysco Columbia, LLC**  
Facility: Sysco Columbia, LLC  
Location: 131 Sysco Court  
Columbia, SC 29209  
Mailing Address: P.O. Box 9224  
Columbia, SC 29209  
Previous Orders: None

Permit/ID Number: 1900-0279  
Violations Cited: U.S. Environmental Protection Agency Regulations at 40 CFR 68, and 5 South Carolina Code Ann. Regs. 61-62.68, *Chemical Accident Prevention Provisions* (collectively "112(r) Regulations")

Summary: Sysco Columbia, LLC (Individual/Entity), located in Columbia, South Carolina, maintains greater than 10,000 pounds of anhydrous ammonia at its facility. The Department conducted an investigation in response to a release of anhydrous ammonia on June 9, 2016. The Individual/Entity violated the U.S. EPA regulations at 40 CFR 68, and 5 South Carolina Code Ann. Regs. 61-62.68, *Chemical Accident Prevention Provisions* (collectively 112(r) Regulations) as follows: failed to implement its operating procedures for proper oil draining from a storage vessel and for performing a line break; and failed to perform checks and inspections to ensure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions.

Action: The Individual/Entity is required to: implement and maintain the Risk Management Plan in accordance with the requirements of the 112(r) Regulations; and, pay a civil penalty in the amount of fourteen thousand dollars (**\$14,000.00**).

67) Order Type and Number: Consent Order 17-015-A  
Order Date: May 25, 2017  
Individual/Entity: **Tow Rite MFG Co., Inc.**  
Facility: Tow Rite MFG Co., Inc.  
Location: 19 Warehouse Drive  
Marietta, SC 29661  
Mailing Address: P.O. Box 507  
Marietta, SC 29661  
County: Greenville  
Previous Orders: None  
Permit/ID Number: 1200-0386  
Violations Cited: U.S. EPA 40 CFR 70.5(a)(1)(i), 5 S.C. Code Ann. Regs. 61-62.70.5(a)(1)(i), and 5 S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*

Summary: Tow Rite MFG Co., Inc. (Individual/Entity), located in Marietta, South Carolina, manufactures tow-behind utility dump trailers and power tilt car hauling trailers. The Department issued Conditional Major Operating Permit 1200-0386 to the Individual/Entity, effective July 1, 2017. On January 8, 2016, the Department conducted an inspection in response to a complaint of colored smoke emanating from the Individual/Entity. The Individual/Entity has violated U.S. EPA regulations at 40 CFR Part 60 and South Carolina Air Pollution Control Regulation as follows: failed to submit an application for a Part 70 (Title V) Operating Permit within 12 months of becoming subject to the Title V regulations or accept federally-enforceable limits to avoid the requirements of Title V; failed to obtain construction permits from the Department for its sources of air contaminants associated with its manufacturing facility; failed to submit written notifications to the Department of the date

construction was commenced for each new or altered source; and failed to submit a written request for an operating permit to cover any new or altered source.

Action: The Individual/Entity is required to: apply for and obtain required Department-issued permits prior to constructing, altering, or adding to any source of air contaminants, including the installation of control devices in accordance with the applicable regulations; pay applicable permit fees and associated late fees for fiscal years 2015, 2016, and 2017 in the amount of four thousand, three hundred twenty-eight dollars and forty cents (\$4328.40); and, pay a civil penalty in the amount of seven thousand dollars (**\$7,000.00**).

68)    Order Type and Number:                   Consent Order 17-016-A  
      Order Date:                                May 25, 2017  
      Individual/Entity:                        **Ruiz Food Products, Inc.**  
      Facility:                                    Ruiz Food Products, Inc.  
      Location:                                   2557 Harllee Boulevard  
  Florence, SC 29506  
  
      Mailing Address:                         Same  
      County:                                     Florence  
      Previous Orders:                         None  
      Permit/ID Number:                     1040-0138  
      Violations Cited:                       5 S.C. Code Ann. Regs. 61-62.1  
  Section II, Section II.A.3, and Section II.F.3.b.

Summary: Ruiz Food Products, Inc. (Individual/Entity), produces frozen burritos and taquitos. The Department issued Construction Permit 1040-0138-CA to the Individual/Entity on November 25, 2015. The Department conducted an inspection on August 4, 2016. The Individual/Entity violated South Carolina Air Pollution Control Regulations as follows: failed to install and properly operate a wet scrubber; failed to submit written notification of the date construction was commenced; failed to submit a written request for a new operating permit; and failed to provide low NO<sub>x</sub> burner manufacturer guarantees.

Action: The Individual/Entity is required to: comply with the construction permit until such time as the Department takes final action on the application for the operating permit; and, pay a civil penalty in the amount of three thousand, four hundred dollars (**\$3,400.00**).

69)    Order Type and Number:                   Consent Order 17-017-A  
      Order Date:                                May 25, 2017  
      Individual/Entity:                        **Menzel, L.P.**  
      Facility:                                    Menzel, L.P.  
      Location:                                   951 Simuel Road  
  Spartanburg, SC 29301  
  
      Mailing Address:                         P.O. Drawer 3308  
  Spartanburg, SC 29304  
  
      County:                                     Spartanburg  
      Previous Orders:                         None



Permit/ID Number: 2060-0530  
Violations Cited: U.S. EPA 40 CFR 70.5(a)(1)(i), 5 S.C. Code Ann. Regs. 61-62.70.5(a)(1)(i), and 5 S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*

Summary: Menzel, L.P. (Individual/Entity), located in Spartanburg, South Carolina, manufactures custom machinery. The Department issued Conditional Major Operating Permit 2060-0530 to the Individual/Entity, effective January 1, 2017. On October 20, 2016, the Department issued a Notice of Alleged Violation and Notice of Enforcement Conference. The Individual/Entity has violated U.S. EPA regulations at 40 CFR Part 70 and South Carolina Air Pollution Control Regulation as follows: failed to submit an application for a Part 70 (Title V) Operating Permit within 12 months of becoming subject to the Title V regulations or accept federally-enforceable limits to avoid the requirements of Title V; failed to obtain construction permits from the Department for its sources of air contaminants associated with its manufacturing facility; failed to submit written notifications to the Department of the date construction was commenced for each new or altered source; and failed to submit a written request for an operating permit to cover any new or altered source.

Action: The Individual/Entity is required to: apply for and obtain required Department-issued permits prior to constructing, altering, or adding to any source of air contaminants, including the installation of control devices in accordance with the applicable regulations; and, pay a civil penalty in the amount of twenty-three thousand dollars (**\$23,000.00**).

70) Order Type and Number: Consent Order 17-018-A  
Order Date: May 30, 2017  
Individual/Entity: **Sequa Corporation, d.b.a. Precoat Metals**  
Facility: Sequa Corporation, d.b.a. Precoat Metals  
Location: 650 Rosewood Drive  
Columbia, SC 29201  
Mailing Address: Same  
Previous Orders: None  
Permit/ID Number: 1900-0040  
Violations Cited: U.S. EPA regulations at 40 CFR Part 60, *Standards Of Performance For New Stationary Sources*, and 5 South Carolina Code Ann. Regs. 61-62.60, *South Carolina Designated Facility Plan And New Source Performance Standards*, Subpart TT, *Standards Of Performance For Metal Coil Surface Coating*; U.S. EPA regulations at 40 CFR Part 63 and 5 S.C. Code Ann. Regs. 61-62.63, *National Emissions Standards For Hazardous Air Pollutants For Source Categories*, Subpart A, *General Provisions*; Subpart SSSS, *National Emission Standards For Hazardous Air Pollutants: Surface Coating Of Metal Coil*; and Subpart ZZZZ, *National Emission Standards For Hazardous Air Pollutants For Stationary Reciprocating Internal Combustion Engines*; U.S. EPA regulations at 40 CFR Part 70, *State Operating Permit Programs* and 5 S.C. Code Ann. Regs. 61-62.70 (Supp. 2015), *Title V Operating Permit Program*; 5 S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*; and 5 S.C. Code Ann. Regs. 61-62.5, *Air Pollution Control Standards, Standard No. 5 - Volatile Organic Compounds ("Standard 5")*

Summary: Sequa Corporation, d.b.a Precoat Metals (Individual/Entity), located in

Columbia, South Carolina, operates coil coating lines at its facility. The Department issued renewed Part 70 (Title V) Air Quality Permit TV-1900-0040 ("Title V Permit") to Consolidated Systems, Inc. ("Consolidated Systems"), effective October 1, 2013. On January 5, 2016, a change of ownership request was submitted to the Department. On June 2, 2016, the Department conducted a comprehensive inspection at the facility. The Individual/Entity has violated U.S. EPA regulations at 40 CFR and South Carolina Air Pollution Control Regulations as follows: failed to demonstrate compliance with the 3-hour block average temperature of the RTO at or above the minimum operating temperature established during its most recent performance test, and did not perform and maintain compliant coatings calculations; failed to update its NOCS to reflect changes to the minimum operating limit for the RTO; and, failed to maintain accurate records of all VOCs; and calculate accurate 12-month rolling sums for VOC emissions.

Action: The Individual/Entity is required to pay a civil penalty in the amount of nineteen thousand dollars (**\$19,000.00**).

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| 71) | <u>Order Type and Number:</u> | Consent Order 17-019-A  |
|     | <u>Order Date:</u>            | June 8, 2017  |
|     | <u>Individual/Entity:</u>     | <b>Aaron Industries, LLC</b>  |
|     | <u>Facility:</u>              | Aaron Industries, LLC   |
|     | <u>Location:</u>              | 1874 Highway 72 West<br>Clinton, SC 29325   |
|     | <u>Mailing Address:</u>       | Same  |
|     | <u>County:</u>                | Laurens   |
|     | <u>Previous Orders:</u>       | None  |
|     | <u>Permit/ID Number:</u>      | 1520-0077   |
|     | <u>Violations Cited:</u>      | U.S. EPA 40 CFR 70.5(a)(1)(i), 5 S.C. Code Ann. Regs. 61-62.70.5(a)(1)(i), 5 S.C. Code Ann. Regs. 61-62.1, Section II, <i>Permit Requirements</i> , and 5 S.C. Code Ann. Regs. 61-62.1, Section IV.F.1. |

Summary: Aaron Industries, LLC (Individual/Entity), located in Clinton, South Carolina, processes and packages pharmaceutical grade chemicals. The Department issued Conditional Major Operating Permit 1520-0077 to the Individual/Entity, effective January 1, 2013. On August 5, 2015, the Department received a semiannual emissions report. The Individual/Entity has violated U.S. EPA regulations at 40 CFR Part 70 and South Carolina Air Pollution Control Regulations as follows: failed to submit an application for a Part 70 (Title V) operating permit within 12 months of becoming subject to the regulations; failed to limit facility-wide VOC emissions to less than 100 TPY; and failed to submit to the Department a written report of the final source test results by February 27, 2016, for the source performance test conducted on January 26, 2016.

Action: The Individual/Entity is required to: henceforth comply with applicable permitting requirements of the Title V Regulations; henceforth limit facility-wide emissions, including VOCs, to limits established in Department-issued construction and operating permits; and pay a civil penalty in the amount of seventy thousand dollars (**\$70,000.00**).

|     |                               |                        |
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| 72) | <u>Order Type and Number:</u> | Consent Order 17-020-A |
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Order Date: June 12, 2017  
Individual/Entity: **Mr. Richard Garcia**  
Facility: EnviroDemo Contractors, Inc.  
Location: 1366 Spring Creek Road  
Lugoff, SC 29078  
Mailing Address: Same  
County: Sumter  
Previous Orders: None  
Permit/ID Number: CO-00293  
Violations Cited: U.S. EPA 40 CFR 61.145(b)(1) and (b)(3)(i), 40 CFR 61.145(c)(1), 40 CFR 61.145 (c)(6)(i), 40 CFR 61.150 (a)(1), 7 S.C. Code Ann. Regs. 61-86.1, Section X.B.1.a., 61-86.1, Section X.C.2.b.(1), 61-86.1, Section XVI.C., 61-86.1 Section V.B.3., 61-86.1 Section V.C.3.b., 61-86.1, Section X.C.1.a.(5), 61-86.1, Section X.C.1.a.(12), 61-86.1, Section X.C.1.a.(14), 61-86.1, Section V.B.5., and Section XVI.B.2.

Summary: EnviroDemo (Individual/Entity), is a Department-licensed asbestos abatement contractor. On April 6, 2016, and April 7, 2016, the Department conducted investigations of asbestos abatement and demolition operations in response to a complaint. The Individual/Entity violated U.S. EPA regulations at 40 CFR and South Carolina Standards of Performance for Asbestos Projects as follows: failed to notify the Department of a NESHAP project at least 10 working days prior to the start of operations; failed to adequately wet RACM being removed and ensure that it remained wet until collected and contained or treated in preparation for disposal; failed to ensure that all ACM was removed in accordance with the applicable work practice requirements prior to beginning a demolition project; failed to obtain a Department-issued asbestos project license prior to beginning a NESHAP project; failed to ensure at least one licensed supervisor remained inside each contained work area; failed to seal each opening between the work area and uncontaminated areas with a critical barrier consisting of at least two independent sheets of 6-mil polyethylene sheeting, and maintain critical barriers leak-tight for the duration of asbestos abatement; failed to construct a decontamination enclosure system adjoining the contained work area; failed to operate negative pressure differential equipment with HEPA filtration continuously; and failed to obtain Department-issued asbestos demolition licenses and pay applicable license fees, prior to demolition operations.

Action: The Individual/Entity is required to: comply with all requirements of Subpart M and Regulation 61-86.1, including but not limited to ensuring compliance with all applicable notification/application, licensure, work practice requirements, and procedures for asbestos emission control; and pay a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**), payable in ten equal payments.

## **BUREAU OF ENVIRONMENTAL HEALTH SERVICES**

### **Food Safety Enforcement**

73) Order Type and Number: Administrative Order 2016-206-06-012

Order Date: June 7, 2017  
Individual/Entity: **Old Shillelagh Sports Bar**  
Facility: Old Shillelagh Sports Bar  
Location: 405 South Kings Highway  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12519  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Old Shillelagh Sports Bar (Individual/Entity), located in Myrtle Beach, South Carolina, is a restaurant. The Department conducted inspections on December 22, 2015, and January 5, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper sanitization concentration for the warewashing (dish) machine; and failed to ensure there was no bare hand contact with ready-to-eat 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; and pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

74) Order Type and Number: Consent Order 2016-206-01-044  
Order Date: May 1, 2017  
Individual/Entity: **Kenny's Homecooking**  
Facility: Kenny's Homecooking  
Location: 711 Anderson Drive  
Williamston, SC 29673  
Mailing Address: Same  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-03692  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Kenny's Homecooking (Individual/Entity) is a restaurant located in Williamston, South Carolina. The Department conducted inspections on March 1, 2016, April 14, 2016, and February 14, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

75) Order Type and Number: Consent Order 2016-206-02-036  
Order Date: May 1, 2017

Individual/Entity: **Bronco Mexican Restaurant**  
Facility: Bronco Mexican Restaurant  
Location: 600 West Floyd Baker Boulevard  
Gaffney, SC 29341  
Mailing Address: Same  
County: Cherokee  
Previous Orders: None  
Permit Number: 11-206-00963  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bronco Mexican Restaurant (Individual/Entity) is a restaurant located in Gaffney, South Carolina. The Department conducted inspections on September 15, 2016, September 16, 2016, and December 16, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of 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; and, pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

76) Order Type and Number: Consent Order 2016-206-03-076  
Order Date: May 1, 2017  
Individual/Entity: **Fratelli Express**  
Facility: Fratelli Express  
Location: 2031 Dave Lyle Boulevard  
Rock Hill, SC 29730  
Mailing Address: 975 Market Street, Suite 101  
Fort Mill, SC 29708  
County: York  
Previous Orders: None  
Permit Number: 46-206-03032  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fratelli Express (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted inspections on June 1, 2016, and November 2, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that when time without temperature control is used as a public health control, the food in unmarked containers or packages shall be discarded.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

77) Order Type and Number: Consent Order 2016-206-03-085  
Order Date: May 1, 2017  
Individual/Entity: **Golden Corral**  
Facility: Golden Corral  
Location: 1031 Anderson Road  
Rock Hill, SC 29730  
Mailing Address: Same  
County: York  
Previous Orders: 2015-206-03-104 (\$800.00)  
Permit Number: 46-206-02642  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Golden Corral (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted an inspection on July 12, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

78) Order Type and Number: Consent Order 2016-206-06-078  
Order Date: May 1, 2017  
Individual/Entity: **Garden City Pancake House**  
Facility: Garden City Pancake House  
Location: 2908 Highway 17 Business  
Garden City, SC 29576  
Mailing Address: Same  
County: Horry  
Previous Orders: 2014-206-06-054 (\$710.00)  
Permit Number: 26-206-08207  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Garden City Pancake House (Individual/Entity) is a restaurant located in Garden City, South Carolina. The Department conducted inspections on July 13, 2015, and April 14, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

79) Order Type and Number: Consent Order 2016-206-07-061  
Order Date: May 1, 2017  
Individual/Entity: **Noisy Oyster Bar & Grill**  
Facility: Noisy Oyster Bar & Grill  
Location: 7942 Rivers Avenue  
North Charleston, SC 29406  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-01672  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Noisy Oyster Bar & Grill (Individual/Entity) is a restaurant located in North Charleston, South Carolina. The Department conducted inspections on June 20, 2016, and June 30, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

80) Order Type and Number: Consent Order 2015-206-07-102  
Order Date: May 2, 2017  
Individual/Entity: **La Hacienda Restaurante**  
Facility: La Hacienda Restaurante  
Location: 1205 North Main Street  
Summerville, SC 29483  
Mailing Address: Same  
County: Berkeley  
Previous Orders: None  
Permit Number: 08-206-01002  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: La Hacienda Restaurante (Individual/Entity) is a restaurant located in Summerville, South Carolina. The Department conducted inspections on August 25, 2015, and September 3, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

81) Order Type and Number: Consent Order 2016-206-03-073  
Order Date: May 4, 2017  
Individual/Entity: **Fresh Vibes**

Facility: Fresh Vibes  
Location: 1675 Ebenezer Road  
Rock Hill, SC 29732  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-03247  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fresh Vibes (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted inspections on June 27, 2016, and July 11, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of six hundred thirty dollars (**\$630.00**).

82) Order Type and Number: Consent Order 2016-206-03-103  
Order Date: May 4, 2017  
Individual/Entity: **Subway #24384**  
Facility: Subway #24384  
Location: 3944 Highway 17  
Murrells Inlet, SC 29576  
Mailing Address: 3691 Palmetto Pointe Boulevard #101  
Myrtle Beach, SC 29588  
County: Georgetown  
Previous Orders: None  
Permit Number: 22-206-05702  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Subway #24384 (Individual/Entity) is a restaurant located in Murrells Inlet, South Carolina. The Department conducted inspections on August 12, 2015, and June 6, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to maintain proper sanitization concentration for the warewashing (dish) machine.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).



83) Order Type and Number: Consent Order 2016-206-01-045  
Order Date: May 8, 2017  
Individual/Entity: **McDonald's #11056**  
Facility: McDonald's #11056  
Location: 4 West Main Street  
Williamston, SC 29697  
Mailing Address: 534 Crawford Road  
Belton, SC 29627  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-02407  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: McDonald's #11056 (Individual/Entity) is a restaurant located in Williamston, South Carolina. The Department conducted inspections on March 1, 2016, May 25, 2016, and August 22, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep food contact surfaces, nonfood contact surfaces, and utensils clean and free of accumulation of dust, dirt, food residue and other debris.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations; and, pay a civil penalty in the amount of two hundred dollars (**\$200.00**).

84) Order Type and Number: Consent Order 2016-206-02-035  
Order Date: May 8, 2017  
Individual/Entity: **Hampton Inn**  
Facility: Hampton Inn  
Location: 851 Tiger Boulevard  
Clemson, SC 29631  
Mailing Address: Same  
County: Pickens  
Previous Orders: None  
Permit Number: 39-206-01316  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hampton Inn (Individual/Entity) is a hotel that operates a breakfast buffet located in Clemson, South Carolina. The Department conducted inspections on June 9, 2016, June 20, 2016, and June 30, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide a test kit or other device that accurately measures the concentration in MG/L of sanitizing solutions; and failed to provide a food temperature measuring device required for the immersion into food.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations; and, pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

85) Order Type and Number: Consent Order 2016-206-02-045  
Order Date: May 8, 2017  
Individual/Entity: **Subway of Moonville #7**  
Facility: Subway of Moonville #7  
Location: 7486-D Augusta Road  
Piedmont, SC 29673  
Mailing Address: Same  
County: Greenville  
Previous Orders: 2015-206-02-034 (\$800.00)  
Permit Number: 23-206-06863  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Subway of Moonville #7 (Individual/Entity) is a restaurant located in Piedmont, South Carolina. The Department conducted inspections on June 24, 2016, and April 7, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of two thousand, four hundred dollars (**\$2,400.00**).

86) Order Type and Number: Consent Order 2016-206-03-083  
Order Date: May 8, 2017  
Individual/Entity: **Hwy 55 Burgers, Shakes & Fries**  
Facility: Hwy 55 Burgers, Shakes & Fries  
Location: 683 Highway 9 Bypass East  
Lancaster, SC 29720  
Mailing Address: Same  
County: Lancaster  
Previous Orders: None  
Permit Number: 29-206-01500  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hwy 55 Burgers, Shakes & Fries (Individual/Entity) is a restaurant located in Lancaster, South Carolina. The Department conducted inspections on August 19, 2016, August 26, 2016, and October 27, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

87) Order Type and Number: Consent Order 2015-206-07-052  
Order Date: May 15, 2017

Individual/Entity: **La Hacienda**  
Facility: La Hacienda  
Location: 6322 Rivers Avenue  
North Charleston, SC 29406  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-01928  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: La Hacienda (Individual/Entity) is a restaurant located in North Charleston, South Carolina. The Department conducted inspections on May 19, 2015, May 29, 2015, and June 8, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of one thousand, two hundred dollars **(\$1,200.00)**.

88) Order Type and Number: Consent Order 2016-206-02-039  
Order Date: May 15, 2017  
Individual/Entity: **Molina's**  
Facility: Molina's  
Location: 8024 Augusta Road  
Piedmont, SC 29673  
Mailing Address: Same  
County: Greenville  
Previous Orders: 2015-206-02-015 (\$800.00)  
Permit Number: 23-206-09682  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Molina's (Individual/Entity) is a restaurant located in Piedmont, South Carolina. The Department conducted inspections on April 29, 2015, March 25, 2016, February 21, 2017, and February 22, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to store foods in a manner to prevent cross contamination; and failed to keep equipment components such as doors, seals, hinges, fasteners, and kick plates intact, tight, and adjusted in accordance with manufacturer's specifications.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations; and, pay a civil penalty in the amount of two thousand, four hundred dollars **(\$2,400.00)**.

89) Order Type and Number: Consent Order 2016-206-02-049  
Order Date: May 15, 2017

|                           |   |
|---------------------------|---|
| <u>Individual/Entity:</u> | <b>Liberty West End</b>                       |
| <u>Facility:</u>          | Liberty West End                              |
| <u>Location:</u>          | 941 South Main Street<br>Greenville, SC 29601 |
| <u>Mailing Address:</u>   | 1177 Southgate Drive<br>Charleston, SC 29407  |
| <u>County:</u>            | Greenville                                    |
| <u>Previous Orders:</u>   | None  |
| <u>Permit Number:</u>     | 23-206-09279                                  |
| <u>Violations Cited:</u>  | S.C. Code Ann. Regs. 61-25                    |

Summary: Liberty West End (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on November 9, 2015, September 15, 2016, and September 23, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

|                                   |                                      |
|-----------------------------------|--------------------------------------|
| 90) <u>Order Type and Number:</u> | Consent Order 2016-206-05-009        |
| <u>Order Date:</u>                | May 15, 2017                         |
| <u>Individual/Entity:</u>         | <b>Price Shell</b>                   |
| <u>Facility:</u>                  | Price Shell                          |
| <u>Location:</u>                  | 1556 Whiskey Road<br>Aiken, SC 29803 |
| <u>Mailing Address:</u>           | P.O. Box 5177<br>Aiken, SC 29804     |
| <u>County:</u>                    | Aiken                                |
| <u>Previous Orders:</u>           | None                                 |
| <u>Permit Number:</u>             | 02-206-02575                         |
| <u>Violations Cited:</u>          | S.C. Code Ann. Regs. 61-25           |

Summary: Price Shell (Individual/Entity) is a convenience store located in Aiken, South Carolina. The Department conducted inspections on May 9, 2016, May 19, 2016, and February 1, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to maintain the handwashing sink so that it was always accessible.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations; and, pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

|                                   |                               |
|-----------------------------------|-------------------------------|
| 91) <u>Order Type and Number:</u> | Consent Order 2016-206-07-074 |
|-----------------------------------|-------------------------------|

Order Date: May 15, 2017  
Individual/Entity: **Market Street Saloon**  
Facility: Market Street Saloon  
Location: 32-D North Market Street  
Charleston, SC 29401  
Mailing Address: P.O. Box 22454  
Charleston, SC 29413  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-06569  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Market Street Saloon (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted an inspection on August 3, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

92) Order Type and Number: Consent Order 2016-211-06-001  
Order Date: May 15, 2017  
Individual/Entity: **Loris IGA**  
Facility: Loris IGA  
Location: 3030 Broad Street  
Loris, SC 29569  
Mailing Address: P.O. Box 1629  
Lake City, SC 29560  
County: Horry  
Previous Orders: None  
Permit Number: 26-211-08754  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Loris IGA (Individual/Entity) is a grocery store located in Loris, South Carolina. The Department conducted inspections on August 4, 2015, and June 27, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

93) Order Type and Number: Consent Order 2016-206-08-031  
Order Date: May 19, 2017

Individual/Entity: **Hampton Restaurant**  
Facility: Hampton Restaurant  
Location: 704 Elm Street West  
Hampton, SC 29924  
Mailing Address: P.O. Box 293  
Hampton, SC 29924  
County: Hampton  
Previous Orders: None  
Permit Number: 25-206-01166  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hampton Restaurant (Individual/Entity) is a restaurant located in Hampton, South Carolina. The Department conducted inspections on July 11, 2016, July 20, 2016, August 9, 2016, and September 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of five hundred fifty dollars (**\$550.00**).

94) Order Type and Number: Consent Order 2016-206-03-093  
Order Date: May 19, 2017  
Individual/Entity: **Patti's Backstage Karaoke**  
Facility: Patti's Backstage Karaoke  
Location: 1106 North Anderson Road  
Rock Hill, SC 29732  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-02756  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Patti's Backstage Karaoke (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted inspections on July 29, 2014, July 29, 2015, and July 28, 2016. 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; and, pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

95) Order Type and Number: Consent Order 2016-206-03-097  
Order Date: May 19, 2017  
Individual/Entity: **New China**  
Facility: New China

Location: 705 Kendall Road  
Newberry, SC 29108  
Mailing Address: Same  
County: Newberry  
Previous Orders: None  
Permit Number: 36-206-01150  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: New China (Individual/Entity) is a restaurant located in Newberry, South Carolina. The Department conducted inspections on August 26, 2015, August 18, 2016, and October 3, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store foods in a manner to prevent cross contamination.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

96) Order Type and Number: Consent Order 2017-206-04-001  
Order Date: May 19, 2017  
Individual/Entity: **Shady Rest Family Restaurant**  
Facility: Shady Rest Family Restaurant  
Location: 477 South Georgetown Road  
Johnsonville, SC 29555  
Mailing Address: P.O. Box 70  
Johnsonville, SC 29555  
County: Florence  
Previous Orders: None  
Permit Number: 21-206-01023  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Shady Rest Family Restaurant (Individual/Entity) is a restaurant located in Johnsonville, South Carolina. The Department conducted inspections on October 4, 2016, March 9, 2017, March 10, 2017, and March 13, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to ensure the person in charge maintained a written plan for the restriction, exclusion and re-instatement of food employees when they are restricted or excluded for specified conditions; 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; and, pay a civil penalty in the amount of one thousand, eight hundred dollars (**\$1,800.00**).

97) Order Type and Number: Consent Order 2016-206-02-041  
Order Date: May 22, 2017

Individual/Entity: **Purple International Bistro and Sushi**  
Facility: Purple International Bistro and Sushi  
Location: 933 South Main Street  
Greenville, SC 29601  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-11185  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Purple International Bistro and Sushi (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on April 21, 2016, May 2, 2016, and February 2, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to maintain proper sanitization concentration for the warewashing (dish) machine.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

98) Order Type and Number: Consent Order 2016-206-03-094  
Order Date: May 23, 2017  
Individual/Entity: **Delicacy Chinese Bistro**  
Facility: Delicacy Chinese Bistro  
Location: 1435 Riverchase Boulevard #103  
Rock Hill, SC 29732  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-03328  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Delicacy Chinese Bistro (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted inspections on July 25, 2016, August 1, 2016, and September 26, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

99) Order Type and Number: Consent Order 2016-206-05-010  
Order Date: May 23, 2017  
Individual/Entity: **Deshawns Seafood**  
Facility: Deshawns Seafood



Location: 10316 Atomic Road  
North Augusta, SC 29841  
Mailing Address: P.O. Box 652  
Clearwater, SC 29822  
County: Aiken  
Previous Orders: None  
Permit Number: 02-206-02935  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Deshawns Seafood (Individual/Entity) is a restaurant located in North Augusta, South Carolina. The Department conducted inspections on August 24, 2016, August 26, 2016, August 31, 2016, and September 9, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

100) Order Type and Number: Consent Order 2016-206-06-134  
Order Date: May 24, 2017  
Individual/Entity: **Ciao Italian Restaurant**  
Facility: Ciao Italian Restaurant  
Location: 5223 North Kings Highway  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10150  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ciao Italian Restaurant (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on July 13, 2016, and December 12, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

101) Order Type and Number: Consent Order 2016-206-02-048  
Order Date: May 26, 2017  
Individual/Entity: **Como's Pete's #4**  
Facility: Como's Pete's #4  
Location: 1611 August Street  
Greenville, SC 29605

Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-04448  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Como's Pete's #4 (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on October 19, 2015, August 31, 2016, and April 3, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

102) Order Type and Number: Consent Order 2016-206-03-092  
Order Date: May 26, 2017  
Individual/Entity: **Lee's Famous Recipe Chicken**  
Facility: Lee's Famous Recipe Chicken  
Location: 738 Cherry Road  
Rock Hill, SC 29732  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-03373  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lee's Famous Recipe Chicken (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted inspections on June 10, 2016, June 23, 2016, and July 28, 2016. 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; and, pay a civil penalty in the amount of four hundred dollars **(\$400.00)**.

103) Order Type and Number: Consent Order 2016-206-06-135  
Order Date: May 26, 2017  
Individual/Entity: **Patricia Grand Resort**  
Facility: Patricia Grand Resort  
Location: 2710 North Ocean Boulevard  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None

Permit Number: 26-206-10846  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Patricia Grand Resort (Individual/Entity) operates a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on July 17, 2015, and July 14, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and, pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

104) Order Type and Number: Consent Order 2016-206-01-046  
Order Date: June 1, 2017  
Individual/Entity: **7-Eleven #36835A**  
Facility: 7-Eleven #36835A  
Location: 1645 Easley Highway  
Pelzer, SC 29669  
Mailing Address: P.O. Box 219088  
Dallas, TX 75221  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-04258  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: 7-Eleven #36835A (Individual/Entity), located in Pelzer, South Carolina, is a convenience store. The Department conducted inspections on October 29, 2015, October 12, 2016, and October 24, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep food contact surfaces, nonfood contact surfaces, and utensils clean and free of accumulation of dust, dirt, food residue and other debris.

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; and pay a civil penalty in the amount of two hundred dollars **(\$200.00)**.

105) Order Type and Number: Consent Order 2016-206-02-050  
Order Date: June 1, 2017  
Individual/Entity: **Roost**  
Facility: Roost  
Location: 220 North Main Street  
Greenville, SC 29601  
Mailing Address: Same

County: Greenville  
Previous Orders: None  
Permit Number: 23-206-10658  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Roost (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on August 25, 2016, April 25, 2017, and April 27, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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; and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

106) Order Type and Number: Consent Order 2016-206-02-051  
Order Date: June 1, 2017  
Individual/Entity: **Soby's on the Side**  
Facility: Soby's on the Side  
Location: 22 East Court Street  
Greenville, SC 29601  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-07294  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Soby's on the Side (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on October 28, 2015, August 23, 2016, and April 19, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

107) Order Type and Number: Consent Order 2016-206-02-056  
Order Date: June 1, 2017  
Individual/Entity: **O-Cha Tea Bar**  
Facility: O-Cha Tea Bar  
Location: 300 River Drive, Suite 122  
Greenville, SC 29601  
Mailing Address: Same  
County: Greenville  
Previous Orders: None

Permit Number: 23-206-09446  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: O-Cha Tea Bar (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on January 13, 2016, January 28, 2016, October 31, 2016, and November 4, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of one thousand, six hundred dollars **(\$1,600.00)**.

108) Order Type and Number: Consent Order 2016-206-03-091  
Order Date: June 1, 2017  
Individual/Entity: **Jersey Mikes Subs**  
Facility: Jersey Mikes Subs  
Location: 2748 Celanese Road  
Rock Hill, SC 29732  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-02898  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Jersey Mikes Subs (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted inspections on July 6, 2016, July 15, 2016, and July 25, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of five hundred ninety-six dollars **(\$596.00)**.

109) Order Type and Number: Consent Order 2016-206-03-095  
Order Date: June 1, 2017  
Individual/Entity: **River Rat**  
Facility: River Rat  
Location: 5301 Highway 557  
Lake Wylie, SC 29710  
Mailing Address: 13105 South Tryon Street  
Charlotte, NC 28278  
County: York  
Previous Orders: None  
Permit Number: 46-206-03185  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: River Rat (Individual/Entity) is a restaurant located in Lake Wylie, South Carolina. The Department conducted inspections on August 2, 2016, August 12, 2016, and September 29, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of six hundred twelve dollars (**\$612.00**).

110) Order Type and Number: Consent Order 2016-206-03-098  
Order Date: June 1, 2017  
Individual/Entity: **Beezer's**  
Facility: Beezer's  
Location: 919 B Sumter Street  
Columbia, SC 29201  
Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-04260  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Beezer's (Individual/Entity) is a restaurant located Columbia, South Carolina. The Department conducted inspections on March 24, 2016, August 15, 2016, and October 18, 2016. 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.

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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

111) Order Type and Number: Consent Order 2016-206-06-120  
Order Date: June 1, 2017  
Individual/Entity: **Knot's Bar & Grill**  
Facility: Knot's Bar & Grill  
Location: 2690 Harbour Lights Drive  
Myrtle Beach, SC 29579  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10312  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Knot's Bar & Grill (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on July 21, 2015, August 10, 2015, and

June 16, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide each handwashing sink or group of adjacent handwashing sinks with individual disposable towels, a continuous towel system that supplies the user with a clean towel, a heated air hand drying device, or a hand-drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

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; and pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

|      |                               |  |
|------|-------------------------------|--|
| 112) | <u>Order Type and Number:</u> | Consent Order 2016-206-06-125                    |
|      | <u>Order Date:</u>            | June 1, 2017                                     |
|      | <u>Individual/Entity:</u>     | <b>Murphy's Law</b>                              |
|      | <u>Facility:</u>              | Murphy's Law                                     |
|      | <u>Location:</u>              | 4204 Carolina Exchange<br>Myrtle Beach, SC 29579 |
|      | <u>Mailing Address:</u>       | Same   |
|      | <u>County:</u>                | Horry  |
|      | <u>Previous Orders:</u>       | None   |
|      | <u>Permit Number:</u>         | 26-206-10993                                     |
|      | <u>Violations Cited:</u>      | S.C. Code Ann. Regs. 61-25                       |

Summary: Murphy's Law (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on December 8, 2015, and June 16, 2016. 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 maintain proper sanitization concentration for the warewashing (dish) machine.

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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

|      |                               |   |
|------|-------------------------------|---|
| 113) | <u>Order Type and Number:</u> | Consent Order 2016-206-06-131               |
|      | <u>Order Date:</u>            | June 1, 2017                                |
|      | <u>Individual/Entity:</u>     | <b>Jade Hibachi</b>                         |
|      | <u>Facility:</u>              | Jade Hibachi                                |
|      | <u>Location:</u>              | 201 Graduate Road<br>Conway, SC 29526       |
|      | <u>Mailing Address:</u>       | 104 Jessica Lakes Drive<br>Conway, SC 29526 |
|      | <u>County:</u>                | Horry                                       |
|      | <u>Previous Orders:</u>       | None  |
|      | <u>Permit Number:</u>         | 26-206-10472                                |
|      | <u>Violations Cited:</u>      | S.C. Code Ann. Regs. 61-25                  |

Summary: Jade Hibachi (Individual/Entity) is a restaurant located in Conway, South Carolina. The Department conducted inspections on April 26, 2016, June 24, 2016, and July 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to maintain proper sanitization concentration for the warewashing (dish) machine; and failed to provide each handwashing sink or group of adjacent handwashing sinks with individual disposable towels, a continuous towel system that supplies the user with a clean towel, a heated air hand drying device, or a hand-drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

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; and pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

114) Order Type and Number: Consent Order 2016-206-07-073  
Order Date: June 1, 2017  
Individual/Entity: **Morrison's Burger Hut**  
Facility: Morrison's Burger Hut  
Location: 6376 Highway 162  
Hollywood, SC 29449  
Mailing Address: P.O. Box 1418  
Hollywood, SC 29449  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-00965  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Morrison's Burger Hut (Individual/Entity) is a restaurant located in Hollywood, South Carolina. The Department conducted inspections on August 3, 2016, and August 4, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

115) Order Type and Number: Consent Order 2016-206-07-081  
Order Date: June 1, 2017  
Individual/Entity: **Domino's #8765**  
Facility: Domino's #8765  
Location: 1766 Main Road, Unit B  
Johns Island, SC 29455  
Mailing Address: 1641 Popp's Ferry Road, Suite B  
Biloxi, MS 39532  
County: Charleston



Previous Orders: None  
Permit Number: 10-206-09651  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Domino's #8765 (Individual/Entity) is a restaurant located in Johns Island, South Carolina. The Department conducted inspections on August 16, 2016, August 26, 2016, and September 6, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide a test kit or other device that accurately measures the concentration in 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; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

116) Order Type and Number: Consent Order 2016-206-08-036  
Order Date: June 1, 2017  
Individual/Entity: **Asian Bistro**  
Facility: Asian Bistro  
Location: 51 New Orleans Road, #3  
Hilton Head Island, SC 29928  
Mailing Address: Same  
County: Beaufort  
Previous Orders: None  
Permit Number: 07-206-04520  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Asian Bistro (Individual/Entity) is a restaurant located in Hilton Head Island, South Carolina. The Department conducted inspections on June 13, 2016, June 27, 2016, and July 6, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide a food temperature measuring device required for the immersion into food and used to ensure the attainment and maintenance of food temperatures.

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; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

117) Order Type and Number: Consent Order 2017-206-06-004  
Order Date: June 1, 2017  
Individual/Entity: **Ultimate California Pizza**  
Facility: Ultimate California Pizza  
Location: 2751 Highway 17 Business  
Garden City, SC 29576  
Mailing Address: 2504 South Kings Highway  
Myrtle Beach, SC 29577  
County: Horry  
Previous Orders: None

Permit Number: 26-206-08687  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ultimate California Pizza (Individual/Entity) is a restaurant located in Garden City, South Carolina. The Department conducted inspections on August 8, 2016, February 22, 2017, and March 3, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

118) Order Type and Number: Consent Order 2016-206-02-043  
Order Date: June 2, 2017  
Individual/Entity: **Pizza Hut #9506**  
Facility: Pizza Hut #9506  
Location: 3327 Augusta Road  
Greenville, SC 29605  
Mailing Address: P.O. Box 789749  
Wichita, KS 67278  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-08899  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Pizza Hut #9506 (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on October 14, 2015, February 25, 2016, and March 3, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clean physical facilities as often as necessary to keep them clean; and failed to clean non-food contact surfaces at a frequency to preclude accumulation of soil residues.

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; and pay a civil penalty in the amount of two hundred dollars **(\$200.00)**.

119) Order Type and Number: Consent Order 2016-206-01-049  
Order Date: June 5, 2017  
Individual/Entity: **Fatz Café #35**  
Facility: Fatz Café #35  
Location: 105 Interstate Boulevard  
Anderson, SC 29621  
Mailing Address: 4324 Wade Hampton Boulevard, Suite B  
Taylors, SC 29687  
County: Anderson  
Previous Orders: 2016-206-01-011 (\$800.00)

Permit Number: 04-206-03407  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fatz Café #35 (Individual/Entity) is a restaurant located in Anderson, South Carolina. The Department conducted inspections on December 16, 2015, August 18, 2016, August 19, 2016, and October 11, 2016. 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; failed to use effective methods to cool cooked time/temperature control for safety foods; failed to properly cool cooked time/temperature control for safety foods; and failed to keep food contact surfaces, nonfood contact surfaces, and utensils clean and free of accumulation of dust, dirt, food residue and other debris.

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; and pay a civil penalty in the amount of one thousand, five hundred dollars **(\$1,500.00)**.

120) Order Type and Number: Consent Order 2016-206-02-055  
Order Date: June 5, 2017  
Individual/Entity: **Citgo Corner Mart**  
Facility: Citgo Corner Mart  
Location: 2199 Chesnee Highway  
Spartanburg, SC 29303  
Mailing Address: P.O. Box 2969  
Greenville, SC 29602  
County: Spartanburg  
Previous Orders: None  
Permit Number: 42-206-04197  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Citgo Corner Mart (Individual/Entity) is a convenience store located in Spartanburg, South Carolina. The Department conducted inspections on September 1, 2016, September 9, 2016, and September 16, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clearly mark the date or day by which food shall be consumed on the premises, sold, or discarded when held at a temperature of 41°F (5° C) or less for a maximum of seven (7) days, on the refrigerated, ready-to-eat, time/temperature control for safety food prepared and held in a food establishment for more than twenty-four (24) hours.

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; and pay a civil penalty in the amount of four hundred dollars **(\$400.00)**.

121) Order Type and Number: Consent Order 2016-206-03-078  
Order Date: June 5, 2017  
Individual/Entity: **Chicken King #10**  
Facility: Chicken King #10  
Location: 900 West Main Street  
Rock Hill, SC 29730

Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-02796  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Chicken King #10 (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted inspections on June 2, 2016, October 21, 2016, and November 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

122) Order Type and Number: Consent Order 2016-206-06-003  
Order Date: June 5, 2017  
Individual/Entity: **King Crab**  
Facility: King Crab  
Location: 5301 South Kings Highway  
Myrtle Beach, SC 29575  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-11465  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: King Crab (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on July 25, 2016, August 4, 2016, and May 1, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to protect food from contamination by storing in a clean, dry location, where it is not exposed to splash, dust, or other contamination, at least 6 inches above the floor.

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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

123) Order Type and Number: Consent Order 2016-206-07-047  
Order Date: June 5, 2017  
Individual/Entity: **Bessinger's Bar-B-Q**  
Facility: Bessinger's Bar-B-Q  
Location: 1602 Savannah Highway  
Charleston, SC 29407  
Mailing Address: Same

County: Charleston  
Previous Orders: None  
Permit Number: 10-206-00220  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bessinger's Bar-B-Q (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on July 21, 2016, and November 28, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

124) Order Type and Number: Consent Order 2016-206-07-082  
Order Date: June 5, 2017  
Individual/Entity: **Crave**  
Facility: Crave  
Location: 1968 Riviera Drive, Unit O  
Mount Pleasant, SC 29464  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-08812  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Crave (Individual/Entity) is a restaurant located in Mount Pleasant, South Carolina. The Department conducted inspections on November 17, 2015, November 30, 2016, and August 22, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

125) Order Type and Number: Consent Order 2017-206-03-003  
Order Date: June 5, 2017  
Individual/Entity: **Bojangles #303**  
Facility: Bojangles #303  
Location: 1205 East Main Street  
Lancaster, SC 29720  
Mailing Address: 9432 Southern Pine Boulevard  
Charlotte, NC 28273  
County: Lancaster  
Previous Orders: None

Permit Number: 29-206-00709  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles #303 (Individual/Entity) is a restaurant located in Lancaster, South Carolina. The Department conducted inspections on July 8, 2016, January 25, 2017, and February 1, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

126) Order Type and Number: Consent Order 2016-206-06-142  
Order Date: June 8, 2017  
Individual/Entity: **Bagel Factory**  
Facility: Bagel Factory  
Location: 2012 North Kings Highway  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10214  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bagel Factory (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on November 9, 2015, June 13, 2016, and June 20, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep food contact surfaces, nonfood contact surfaces, and utensils clean and free of accumulation of dust, dirt, food residue and other debris; 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

127) Order Type and Number: Consent Order 2016-206-07-083  
Order Date: June 8, 2017  
Individual/Entity: **Bojangles**  
Facility: Bojangles  
Location: 1644 Highway 17  
Mount Pleasant, SC 29464  
Mailing Address: P.O. Box 20760  
Charleston, SC 29413  
County: Charleston  
Previous Orders: None

Permit Number: 10-206-07687  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles (Individual/Entity) is a restaurant located in Mount Pleasant, South Carolina. The Department conducted inspections on July 5, 2016, July 18, 2016, and September 6, 2016. 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; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

128) Order Type and Number: Consent Order 2016-206-01-047  
Order Date: June 12, 2017  
Individual/Entity: **Taqueria Guanajuato**  
Facility: Taqueria Guanajuato  
Location: 117 East Church Street  
Saluda, SC 29138  
Mailing Address: 218 S Jennings  
Saluda, SC 29138  
County: Saluda  
Previous Orders: None  
Permit Number: 41-206-00767  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Taqueria Guanajuato (Individual/Entity) is a restaurant located in Saluda, South Carolina. The Department conducted inspections on September 13, 2016, September 26, 2016, September 28, 2016, October 7, 2016, October 18, 2016, October 27, 2016, and November 4, 2016. 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; and pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**).

129) Order Type and Number: Consent Order 2016-206-07-076  
Order Date: June 12, 2017  
Individual/Entity: **Agaves Cantina & Grill, LLC**  
Facility: Agaves Cantina & Grill, LLC  
Location: 885 Island Park Drive, Suites C and D  
Charleston, SC 29492  
Mailing Address: Same  
County: Berkeley  
Previous Orders: None  
Permit Number: 08-206-08875  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Agaves Cantina & Grill, LLC (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on August 15, 2016, and September 20, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

|      |                               |   |
|------|-------------------------------|---|
| 130) | <u>Order Type and Number:</u> | Consent Order 2017-206-06-005                             |
|      | <u>Order Date:</u>            | June 13, 2017   |
|      | <u>Individual/Entity:</u>     | <b>Captain's Cove Café/ Restaurant</b>                    |
|      | <u>Facility:</u>              | Captain's Cove Café/ Restaurant                           |
|      | <u>Location:</u>              | 161 Sea Watch Drive North Tower<br>Myrtle Beach, SC 29572 |
|      | <u>Mailing Address:</u>       | Same  |
|      | <u>County:</u>                | Horry   |
|      | <u>Previous Orders:</u>       | None  |
|      | <u>Permit Number:</u>         | 26-206-07844  |
|      | <u>Violations Cited:</u>      | S.C. Code Ann. Regs. 61-25                                |

Summary: Captain's Cove Café/ Restaurant (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on July 29, 2015, July 12, 2016, and February 9, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of five hundred fifty dollars **(\$550.00)**.

|      |                               |   |
|------|-------------------------------|---|
| 131) | <u>Order Type and Number:</u> | Consent Order 2016-206-02-043               |
|      | <u>Order Date:</u>            | June 15, 2017                               |
|      | <u>Individual/Entity:</u>     | <b>Orient on Main/Sushi Murasaki</b>        |
|      | <u>Facility:</u>              | Orient on Main/Sushi Murasaki               |
|      | <u>Location:</u>              | 4 South Main Street<br>Greenville, SC 29601 |
|      | <u>Mailing Address:</u>       | Same  |
|      | <u>County:</u>                | Greenville                                  |
|      | <u>Previous Orders:</u>       | None  |
|      | <u>Permit Number:</u>         | 23-206-07839                                |
|      | <u>Violations Cited:</u>      | S.C. Code Ann. Regs. 61-25                  |

Summary: Orient on Main/Sushi Murasaki (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on July 18, 2016, July 28,



2016, and August 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of five hundred fifty dollars **(\$550.00)**.

|                                    |  |
|------------------------------------|--|
| 132) <u>Order Type and Number:</u> | Consent Order 2017-206-06-006                      |
| <u>Order Date:</u>                 | June 16, 2017                                      |
| <u>Individual/Entity:</u>          | <b>Plantation Resort Health &amp; Swim</b>         |
| <u>Facility:</u>                   | Plantation Resort Health & Swim                    |
| <u>Location:</u>                   | 196 Double Eagle Drive<br>Surfside Beach, SC 29575 |
| <u>Mailing Address:</u>            | 1250 Highway 17 North<br>Surfside Beach, SC 29575  |
| <u>County:</u>                     | Horry  |
| <u>Previous Orders:</u>            | None   |
| <u>Permit Number:</u>              | 26-206-10895                                       |
| <u>Violations Cited:</u>           | S.C. Code Ann. Regs. 61-25                         |

Summary: Plantation Resort Health & Swim (Individual/Entity) is a restaurant located in Surfside Beach, South Carolina. The Department conducted inspections on August 1, 2016, April 7, 2017, and April 18, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

|                                    |  |
|------------------------------------|--|
| 133) <u>Order Type and Number:</u> | Consent Order 2016-206-06-126                |
| <u>Order Date:</u>                 | June 16, 2017                                |
| <u>Individual/Entity:</u>          | <b>Nina Hibachi</b>                          |
| <u>Facility:</u>                   | Nina Hibachi                                 |
| <u>Location:</u>                   | 152-C Middle Ridge Drive<br>Conway, SC 29526 |
| <u>Mailing Address:</u>            | Same   |
| <u>County:</u>                     | Horry  |
| <u>Previous Orders:</u>            | None   |
| <u>Permit Number:</u>              | 26-206-12971                                 |
| <u>Violations Cited:</u>           | S.C. Code Ann. Regs. 61-25                   |

Summary: Nina Hibachi (Individual/Entity) is a restaurant located in Conway, South Carolina. The Department conducted inspections on July 1, 2016, July 13, 2016, and December 8, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of

time/temperature control for safety foods; failed to provide wash solution in the manual warewashing equipment at no less than 110°F (43°C) or the temperature as specified on the cleaning agent manufacturer's label; and failed to provide water at a temperature of at least 100°F (38°C) through a mixing valve or combination faucet at the handwashing sink.

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; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

|                                    |   |
|------------------------------------|---|
| 134) <u>Order Type and Number:</u> | Consent Order 2016-206-07-077                             |
| <u>Order Date:</u>                 | June 16, 2017   |
| <u>Individual/Entity:</u>          | <b>Southside 17 &amp; Grill</b>                           |
| <u>Facility:</u>                   | Southside 17 & Grill                                      |
| <u>Location:</u>                   | 3632 Savannah Highway, Unit 100<br>Johns Island, SC 29455 |
| <u>Mailing Address:</u>            | Same  |
| <u>County:</u>                     | Charleston  |
| <u>Previous Orders:</u>            | 2015-206-07-066 (\$800.00)                                |
| <u>Permit Number:</u>              | 10-206-08079  |
| <u>Violations Cited:</u>           | S.C. Code Ann. Regs. 61-25                                |

Summary: Southside 17 & Grill (Individual/Entity) is a restaurant located in Johns Island, South Carolina. The Department conducted an inspection on August 3, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

|                                    |  |
|------------------------------------|--|
| 135) <u>Order Type and Number:</u> | Consent Order 2016-206-01-043                  |
| <u>Order Date:</u>                 | June 23, 2017                                  |
| <u>Individual/Entity:</u>          | <b>North Hodges Minit Mart</b>                 |
| <u>Facility:</u>                   | North Hodges Minit Mart                        |
| <u>Location:</u>                   | 4912 Highway 25 North<br>Hodges, SC 29653      |
| <u>Mailing Address:</u>            | 102 Shurlington Lane South<br>Hodges, SC 29653 |
| <u>County:</u>                     | Greenwood                                      |
| <u>Previous Orders:</u>            | None   |
| <u>Permit Number:</u>              | 24-206-01425                                   |
| <u>Violations Cited:</u>           | S.C. Code Ann. Regs. 61-25                     |

Summary: North Hodges Minit Mart (Individual/Entity) is a convenience store located in Hodges, South Carolina. The Department conducted inspections on August 24, 2015, July 19, 2016, and July 29, 2016. The Individual/Entity has violated the South Carolina

Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of one hundred dollars **(\$100.00)**.

136) Order Type and Number: Consent Order 2016-206-03-090  
Order Date: June 23, 2017  
Individual/Entity: **Ledo Pizza, Pasta and Pub**  
Facility: Ledo Pizza, Pasta and Pub  
Location: 489 South Herlong Avenue  
Rock Hill, SC 29732  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-02904  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ledo Pizza, Pasta and Pub (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted inspections on June 22, 2016, August 8, 2016, August 15, 2016, October 5, 2016, and October 14, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the physical facilities 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; and pay a civil penalty in the amount of seven hundred fifty dollars **(\$750.00)**.

137) Order Type and Number: Consent Order 2016-206-06-034  
Order Date: June 23, 2017  
Individual/Entity: **Aunny's**  
Facility: Aunny's  
Location: 926 Front Street  
Georgetown, SC 29440  
Mailing Address: 303 Greentown Road  
Georgetown, SC 29440  
County: Georgetown  
Previous Orders: 2013-206-06-010 (\$500.00)  
Permit Number: 22-206-06049  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Aunny's (Individual/Entity) is a restaurant located in Georgetown, South Carolina. The Department conducted inspections on April 22, 2015, and February 23, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of one thousand, two hundred dollars **(\$1,200.00)**.

138) Order Type and Number: Consent Order 2016-206-06-137  
Order Date: June 23, 2017  
Individual/Entity: **Buzz's Roost**  
Facility: Buzz's Roost  
Location: 917 Front Street, Unit B  
Georgetown, SC 29440  
Mailing Address: Same  
County: Georgetown  
Previous Orders: None  
Permit Number: 22-206-06265  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Buzz's Roost (Individual/Entity) is a restaurant located in Georgetown, South Carolina. The Department conducted inspections on July 1, 2015, and May 9, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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; and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

139) Order Type and Number: Consent Order 2016-206-07-079  
Order Date: June 23, 2017  
Individual/Entity: **Meeting Street Inn**  
Facility: Meeting Street Inn  
Location: 173 Meeting Street  
Charleston, SC 29401  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-09276  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Meeting Street Inn (Individual/Entity) operates a restaurant located in Charleston, South Carolina. The Department conducted inspections on September 25, 2015, August 4, 2016, and August 15, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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; and pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

140) Order Type and Number: Consent Order 2017-206-02-002  
Order Date: June 23, 2017  
Individual/Entity: **Hong Kong Restaurant**  
Facility: Hong Kong Restaurant  
Location: 7704-J Augusta Road  
Piedmont, SC 29673  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-10977  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hong Kong Restaurant (Individual/Entity) is a restaurant located in Piedmont, South Carolina. The Department conducted inspections on January 13, 2017, January 16, 2017, April 17, 2017, April 27, 2017, and April 28, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to protect food from contamination by storing in a clean, dry location, where it is not exposed to splash, dust, or other contamination, at least 6 inches above the floor; failed to clean non-food contact surfaces at a frequency to preclude accumulation of soil residues; and failed to protect the outer openings of a retail food establishment against the entry of insects and rodents.

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; and pay a civil penalty in the amount of two thousand, two hundred dollars (**\$2,200.00**).

141) Order Type and Number: Consent Order 2017-206-02-004  
Order Date: June 23, 2017  
Individual/Entity: **Pomegranate on Main**  
Facility: Pomegranate on Main  
Location: 618 South Main Street  
Greenville, SC 29601  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-09382  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Pomegranate on Main (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on January 11, 2016, January 21, 2016, and October 25, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

142) Order Type and Number: Consent Order 2017-206-03-004  
Order Date: June 23, 2017  
Individual/Entity: **KC Little Kitchen**  
Facility: KC Little Kitchen  
Location: 1181 Saluda Street  
Rock Hill, SC 29730  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-03166  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: KC Little Kitchen (Individual/Entity) is a restaurant located in Rock Hill, South Carolina. The Department conducted inspections on February 23, 2017, February 28, 2017, and April 18, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

143) Order Type and Number: Consent Order 2016-206-01-050  
Order Date: June 26, 2017  
Individual/Entity: **Fiesta Mexican Restaurant**  
Facility: Fiesta Mexican Restaurant  
Location: 3626 North Highway 81  
Anderson, SC 29621  
Mailing Address: Same  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-03164  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fiesta Mexican Restaurant (Individual/Entity) is a restaurant located in Anderson, South Carolina. The Department conducted inspections on August 27, 2015, August 25, 2016, and October 31, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of five hundred fifty dollars **(\$550.00)**.

144) Order Type and Number: Consent Order 2016-206-02-040  
Order Date: June 26, 2017  
Individual/Entity: **Uncle Poon's**  
Facility: Uncle Poon's  
Location: 140 Fernwood Drive  
Spartanburg, SC 29307  
Mailing Address: Same  
County: Spartanburg  
Previous Orders: 2014-206-02-002 (\$750.00)  
Permit Number: 42-206-03350  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Uncle Poon's (Individual/Entity) is a restaurant located in Spartanburg, South Carolina. The Department conducted inspections on June 30, 2015, June 20, 2016, and June 30, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of one thousand, two hundred dollars **(\$1,200.00)**.

145) Order Type and Number: Consent Order 2016-206-02-057  
Order Date: June 26, 2017  
Individual/Entity: **Oakblue Kitchen**  
Facility: Oakblue Kitchen  
Location: 109 North Main Street, Suite A  
Greenville, SC 29601  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-11446  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Oakblue Kitchen (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on October 5, 2016, October 12, 2016, and November 10, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

146) Order Type and Number: Consent Order 2016-206-02-059  
Order Date: June 26, 2017  
Individual/Entity: **OJ's Diner**  
Facility: OJ's Diner  
Location: 5284-M Calhoun Memorial Highway  
Easley, SC 29640  
Mailing Address: Same  
County: Pickens  
Previous Orders: None  
Permit Number: 39-206-01717  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: OJ's Diner (Individual/Entity) is a restaurant located in Easley, South Carolina. The Department conducted inspections on January 14, 2016, October 12, 2016, and October 18, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

147) Order Type and Number: Consent Order 2017-206-02-005  
Order Date: June 26, 2017  
Individual/Entity: **Waffle House #1878**  
Facility: Waffle House #1878  
Location: 7425 Augusta Road  
Piedmont, SC 29773  
Mailing Address: P.O. Box 6450  
Norcross, GA 30091  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-09985  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Waffle House #1878 (Individual/Entity) is a restaurant located in Piedmont, South Carolina. The Department conducted inspections on January 7, 2016, January 14, 2016, December 14, 2016, and December 20, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clean non-food contact surfaces at a frequency to preclude accumulation of soil residues; and failed to clean the physical facilities as often as necessary to keep them clean.

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



148) Order Type and Number: Consent Order 2017-206-06-007  
Order Date: June 26, 2017  
Individual/Entity: **Joe's Crab Shack #10620**  
Facility: Joe's Crab Shack #10620  
Location: 4846 Highway 17  
North Myrtle Beach, SC 29582  
Mailing Address: 9900 West Park Drive, Suite 300  
Houston, TX 77063  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10212  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Joe's Crab Shack #10620 (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on November 17, 2015, July 29, 2016, and March 10, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

149) Order Type and Number: Consent Order 2016-206-03-100  
Order Date: June 27, 2017  
Individual/Entity: **La Fogata**  
Facility: La Fogata  
Location: 2805-D Sunset Boulevard  
West Columbia, SC 29169  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-05992  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: La Fogata (Individual/Entity) is a restaurant located in West Columbia, South Carolina. The Department conducted inspections on January 11, 2016, September 21, 2016, November 18, 2016, and November 21, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of one thousand, six hundred dollars (**\$1,600.00**).

150) Order Type and Number: Consent Order 2017-208-03-001  
Order Date: June 27, 2017

|                           |   |
|---------------------------|---|
| <u>Individual/Entity:</u> | <b>South Middle School</b>                      |
| <u>Facility:</u>          | South Middle School                             |
| <u>Location:</u>          | 1551 Billings Drive<br>Lancaster, SC 29720      |
| <u>Mailing Address:</u>   | 300 South Catawba Street<br>Lancaster, SC 29720 |
| <u>County:</u>            | Lancaster                                       |
| <u>Previous Orders:</u>   | None  |
| <u>Permit Number:</u>     | 29-208-00138                                    |
| <u>Violations Cited:</u>  | S.C. Code Ann. Regs. 61-25                      |

Summary: South Middle School (Individual/Entity) operates a cafeteria located in Lancaster, South Carolina. The Department conducted inspections on May 3, 2016, November 15, 2016, and May 18, 2017. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

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

|                                    |   |
|------------------------------------|---|
| 151) <u>Order Type and Number:</u> | Consent Order 17-01-OSWW                      |
| <u>Order Date:</u>                 | May 25, 2017                                  |
| <u>Individual/Entity:</u>          | <b>Marvin Chester and Aline Watts Chester</b> |
| <u>Facility:</u>                   | Marvin Chester and Aline Watts Chester        |
| <u>Location:</u>                   | 1240 Trotter Ridge Road<br>Loris, SC 29569    |
| <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: Marvin Chester and Aline Watts Chester (Individual/Entity) own property located in Loris, South Carolina. The Department conducted a complaint investigation on December 3, 2015, and observed the discharge of wastewater to the ground surface. The Individual/Entity has violated the South Carolina Onsite Wastewater Systems Regulation as follows: failed to ensure that no septic tank effluent or 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 immediately stop the discharging of wastewater to the drainage ditch; and, connect to the public sewer provider for domestic wastewater disposal.

152) Order Type and Number: Consent Order 17-03-OSWW  
Order Date: June 6, 2017  
Individual/Entity: **Daniel Todd**  
Facility: Daniel Todd  
Location: 4880 Highway 378  
Conway, SC 29527  
Mailing Address: 5451 Juniper Bay Road  
Conway, SC 29527  
County: Horry  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Daniel Todd (Individual/Entity) owns property located in Conway, South Carolina. The Department conducted a complaint investigation on December 14, 2016, and observed the discharge of wastewater to the ground surface. The Individual/Entity has violated the South Carolina Onsite Wastewater Systems (OSWW) Regulation as follows: failed to ensure that no septic tank effluent or 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 immediately stop the discharging of wastewater to the drainage ditch, or immediately vacate the residence to eliminate the discharge or wastewater to the OSWW system, and ensure the residence remains vacated until all repairs are made or the property is connected to public sewer.

153) Order Type and Number: Consent Order 17-05-OSWW  
Order Date: June 27, 2017  
Individual/Entity: **Tammy K. Cline and Diana Cline**  
Facility: Tammy K. Cline and Diana Cline  
Location: 409 Lincoln Drive  
Taylors, SC 29687  
Mailing Address: 204 Tanner Road  
Taylors, SC 29687  
County: Greenville  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Tammy K. Cline and Diana Cline (Individuals/Entities) own property located in Taylors, South Carolina. The Department conducted a complaint investigation on June 6, 2016, and observed the discharge of wastewater to the ground surface. The Individuals/Entities have violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent or domestic wastewater or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individuals/Entities are required to repair the system immediately to stop the discharging of domestic wastewater to the ground surface, or immediately vacate the residence until repairs have been made to the OSWW system to eliminate the discharge of domestic wastewater to the ground surface.

**OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT**

|                                    |   |
|------------------------------------|---|
| 154) <u>Order Type and Number:</u> | Consent Order 16C-027F  |
| <u>Order Date:</u>                 | May 4, 2017   |
| <u>Individual/Entity:</u>          | <b>Sean and Deborah Galbally</b>  |
| <u>Location:</u>                   | 3012 Ashburton Way<br>Mount Pleasant, SC  |
| <u>Mailing Address:</u>            | Same  |
| <u>County:</u>                     | Charleston  |
| <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 23A S.C.<br>Code Ann. Regs. 30-2(B); 23A S.C. Code Ann. Reg. §30-12(G)(2)(k) |

Summary: Sean and Deborah L. Galbally (Individuals/Entities) are the current owners of certain property abutting the tidelands critical area. An inspection at the site was conducted on September 30, 2016. The Individuals/Entities have violated the S.C. Coastal Zone Management Act (Act) and Coastal Division Regulations (Regulations) as follows: conducted agitation dredging at the site without a Department permit.

Action: The Individuals/Entities are required to: pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) to the Department; and, comply with all terms and conditions of Department permits and requirements of the Act and Regulations, including requesting and receiving a Department permit prior to any future utilization/alteration of any South Carolina critical area.

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

## SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

Date: August 10, 2017

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

From: S.C. Department of Health and Environmental Control, Bureau of Air Quality

**Re: Public hearing for Notice of Final Regulation** amending Regulation 61-62, *Air Pollution Control Regulations and Standards*. Document Number: 4750.

### I. Introduction

The Bureau of Air Quality proposes the attached Notice of Final Regulation amending Regulation 61-62, *Air Pollution Control Regulations and Standards* and the South Carolina Air Quality Implementation Plan ("SIP"). Legal authority for this amendment resides in the South Carolina Pollution Control Act, S.C. Code Section 48-1-10 *et seq.* (2008) ("Pollution Control Act"), which authorizes the Department to adopt emission control regulations, standards, and limitations and take all actions necessary or appropriate to secure to the State the benefits of federal air pollution control laws. General Assembly review is not required due to the amendment being promulgated to maintain compliance with the federal Clean Air Act ("CAA") and associated regulations.

### II. Facts

1. Pursuant to the Pollution Control Act, along with the CAA, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416. The United States Environmental Protection Agency ("EPA") promulgates amendments to the Code of Federal Regulations ("CFR") throughout each calendar year. Recent federal amendments to 40 CFR Parts 50, 51, 52, 60, 61, 63 and 70 include clarification, guidance and technical amendments regarding state implementation plan ("SIP") requirements promulgated pursuant to 42 U.S.C. Sections 7410 & 7413, New Source Performance Standards ("NSPS") mandated by 42 U.S.C. Section 7411, federal National Emission Standards for Hazardous Air Pollutants ("NESHAP") for Source Categories mandated by 42 U.S.C. Section 7412, and Prevention of Significant Deterioration ("PSD") and Title V Operating Program provisions promulgated under title I and title V of the CAA.

2. The Department proposes amending Regulation 61-62.1, *Definitions and General Requirements*; Regulation 61-62.5, *Standard No. 7, Prevention of Significant Deterioration*; Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; Regulation 61-62.61, *National Emission Standards for Hazardous Air Pollutants*; Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*; Regulation 61-62.70, *Title V Operating Permit Program*; and the SIP to adopt the federal amendments to these standards promulgated from January 1, 2016, through December 31, 2016.

3. The Department proposes amending Regulation 61-62.97, *Cross-State Air Pollution Rule (CSAPR) Trading Program* to incorporate the EPA's CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the *Federal Register* on August 8, 2011 (76 FR 48208) and subsequently amended on June 12, 2012 (77 FR 34830), December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This regulation will address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.

4. The Department also proposes making changes to incorporate corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.
5. South Carolina industries are already subject to these national air quality standards as a matter of federal law. Thus, there will be no increased cost to the State or its political subdivisions resulting from codification of these amendments to federal law. The State of South Carolina is already reaping the environmental benefits of these amendments.
6. In accordance with S.C. Code Section 1-23-120(H) legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement is required.
7. A Notice of Drafting was published in the *State Register* on January 27, 2017, to initiate the statutory process to amend Regulation 61-62. Notice was also published on the Department's Regulatory Information website in the *DHEC Regulation Development Update*. The Notice of Drafting was also sent via Department list serve to interested stakeholders on January 27, 2017. A copy of the Notice of Drafting is submitted as Attachment C. The public comment period ended on February 27, 2017, and the Department received no comments.
8. On May 11, 2017, the Board granted initial approval to publish the proposed amendments in the *State Register* and to provide opportunity for public comment. A Notice of Proposed Regulation for the amendment was published in the May 26, 2017 *State Register* (Document No. 4750). Notice was also published in the *DHEC Regulation Development Update*. The Department sought input on this proposal in advance of the formal comment period, and received preliminary comments from SCANA Corporation and the EPA. The Department also received formal comments from EPA during the comment period. The comment period closed on June 26, 2017. The Department has received no additional comments on the proposal. The summary of public comments received and Department responses is submitted as Attachment B.
9. The proposed regulation has been internally reviewed by appropriate staff.

### III. Request for Approval

Based on the public hearing and documents herein, the Department requests the Board to find for the need and reasonableness of the Department's amendments to Regulation 61-62 and the SIP, and to grant approval to publish the attached Notice of Final Regulation for legal effect as of the August 25, 2017 publication in the *State Register*.



Myra C. Reece  
Director  
Environmental Affairs



Rhonda B. Thompson, P.E.  
Chief  
Bureau of Air Quality

#### Attachments:

- A. Notice of Final Regulation
- B. Summary of Public Comments and Department Responses
- C. *State Register* Notice of Drafting Published January 27, 2017

## ATTACHMENT A

### NOTICE OF FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW

Document No. 4750

#### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

Regulation 61-62. Air Pollution Control Regulations and Standards

#### Synopsis:

1. Pursuant to the South Carolina Pollution Control Act, S.C. Code Section 48-1-10 et seq. (2008), along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the S.C. Department of Health and Environmental Control must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

2. The United States Environmental Protection Agency (“EPA”) promulgates amendments to the Code of Federal Regulations (“CFR”) throughout each calendar year. Recent federal amendments to 40 CFR Parts 50, 51, 52, 60, 61, 63 and 70 include clarification, guidance and technical amendments regarding state implementation plan (“SIP”) requirements promulgated pursuant to 42 U.S.C. Sections 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. Section 7411, federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories mandated by 42 U.S.C. Section 7412, and Prevention of Significant Deterioration (“PSD”) and Title V Operating Program provisions promulgated under title I and title V of the CAA.

3. The Department has amended Regulation 61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants; Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; Regulation 61-62.70, Title V Operating Permit Program; and the South Carolina SIP, to adopt the federal amendments to these standards promulgated from January 1, 2016, through December 31, 2016.

4. These amendments also add Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate the EPA’s CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the *Federal Register* on August 8, 2011 (76 FR 48208) and subsequently amended on June 12, 2012 (77 FR 34830), December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This regulation addresses mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.

5. Other changes to Regulation 61-62 were made that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. The citations where these revisions were made are listed within the Section-by-Section Discussion of Amendments.

6. South Carolina industries are already subject to these national air quality standards as a matter of federal law. Thus, there will be no increased cost to the State or its political subdivisions resulting from codification

of these amendments to federal law. The state of South Carolina is already reaping the environmental benefits of these amendments.

7. In accordance with S.C. Code Section 1-23-120(H) (Supp. 2016), legislative review is not required for these amendments because the amendments were promulgated to maintain compliance with federal law. As such, neither an assessment report nor a fiscal impact statement is required.

8. A Notice of Drafting was published in the *State Register* on January 27, 2017.

### **Section-by-Section Discussion of Amendments:**

#### SECTION CITATION/EXPLANATION OF CHANGE:

#### **Regulation 61-62.1, Definitions and General Requirements**

Regulation 61-62.1, Section I, Definitions:

Definition 100.c. is stricken in its entirety to address the revision to the regulatory definition of volatile organic compounds (VOCs) at 81 FR 9339, February 25, 2016.

#### **Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>)**

Regulation 61-62.5, Standard No. 5.2, Section III, Table 1:

Table 1 is amended at Pulverized Coal-Fired Boilers to remove the bold font from the phrase “Selective Catalytic Reduction” for appropriate codification and consistency.

Regulation 61-62.5, Standard No. 5.2, Section III, Table 1:

Table 1 is amended at Internal Combustion Engines to remove the italics font from the phrases “Timing Retard  $\leq 4$  degrees”, “Turbocharger with Intercooler”, “490 ppmv”, “15”, and “O<sub>2</sub>” for appropriate codification and consistency.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Paragraph A(2)(a) is amended to strike the word “or” from the phrase, “greater or permitted for solid fuels” for clarity and accuracy.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Paragraph B(5) is amended to strike the word “of” and replace with the word “or” in the phrase “owner of operator,” to read “owner or operator” for clarity and correctness.

#### **Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration**

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(vi)(b) is amended to add the word “and” following the semi-colon, and Paragraph (b)(34)(vi)(c) is amended to strike the semi-colon and the word “and” following the semi-colon, and replace with a period, for correct codification.

Regulation 61-62.5, Standard No. 7, Section (q), Public Participation:

Paragraphs (q)(2)(ii), (iii), (vi), and (viii) are amended to address federal revisions to public notice provisions for Clean Air Act permitting programs at 81 FR 71613, October 18, 2016.



Regulation 61-62.5, Standard No. 7, Section (w), Permit Rescission:  
Paragraph (w) is amended to change “(w)” to bold font for consistency in codification.

Regulation 61-62.5, Standard No. 7, Section (w), Permit Rescission:  
Paragraphs (w)(1), (2), and (3) are amended to address federal revisions concerning rescission of preconstruction permits issued under the Clean Air Act at 81 FR 78043, November 7, 2016.

Regulation 61-62.5, Standard No. 7, Section (w), Permit Rescission:  
Paragraph (w)(4) is amended to address federal revisions to public notice provisions in Clean Air Act Permitting Programs at 81 FR 71613, October 18, 2016.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:  
Paragraph (aa) is amended to change “(aa)” to bold font for consistency in codification, and amended to strike the citation “(15)” and replace with “(aa)(15)” for correct codification.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:  
Paragraph (aa)(1)(i) is amended to remove the underline from the citation “(aa)(15)” for consistency and appropriate codification.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:  
Paragraph (aa)(9) is amended to strike the citation “(aa)(9)(i)(v)” and replace with “(aa)(9)(v)” for correct codification.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:  
Paragraph (aa)(11)(i) is amended to strike the citation “(aa)(10)(iv)(d)” and replace with “(aa)(11)(i)(d)” for correct codification.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:  
Paragraph (aa)(14)(i) is amended to add a close parenthesis to the citation “(aa)(14(i)(g)” to read, “(aa)(14)(i)(g)” for correct codification.

Regulation 61-62.5, Standard No. 7, Section (bb):  
Paragraph (bb) is amended to change “(bb)” to bold font for consistency in codification.

### **Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards**

Regulation 61-62.60, Subpart A, “General Provisions”:  
Subpart A, Table, is amended to incorporate federal revisions at 81 FR 35824, June 3, 2016; 81 FR 42542, June 30, 2016; 81 FR 59276 and 59332, August 29, 2016; and 81 FR 59800, August 30, 2016 by reference.

Regulation 61-62.60, Subpart Cf, “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills”:  
Subpart Cf, Table, is added to incorporate newly promulgated federal regulations at 81 FR 59276, August 29, 2016 by reference.

Regulation 61-62.60, Subpart Da, “Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978”:  
Subpart Da, Table, is amended to incorporate federal revisions at 81 FR 20172, April 6, 2016 by reference.

Regulation 61-62.60, Subpart Ja, “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”:

Subpart Ja, Table, is amended to incorporate federal revisions at 81 FR 45232, July 13, 2016 by reference.

Regulation 61-62.60, Subpart GG, “Standards of Performance for Stationary Gas Turbines”:

Subpart GG, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016 by reference.

Regulation 61-62.60, Subpart BBB, “Standards of Performance for the Rubber Tire Manufacturing Industry”:

Subpart BBB, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart DDD, “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry”:

Subpart DDD, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016 by reference.

Regulation 61-62.60, Subpart III, “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes”:

Subpart III, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart LLL:

Subpart LLL is retitled “Standards of Performance for SO<sub>2</sub> Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011” for consistency with federal regulations, and Subpart LLL, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016, and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart NNN, “Standards of Performance for Volatile Organic Compounds (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”:

Subpart NNN, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart XXX, “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014”:

Subpart XXX, Table, is added to incorporate newly promulgated federal regulations at 81 FR 59332, August 29, 2016 by reference.

Regulation 61-62.60, Subpart CCCC:

Subpart CCCC is retitled “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units” for consistency with federal regulations, and Subpart CCCC, Table, is amended to incorporate federal revisions at 81 FR 40956, June 23, 2016 by reference.

Regulation 61-62.60, Subpart DDDD:

Subpart DDDD is retitled “Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units” for consistency with federal regulations, and Subpart DDDD, Table, is amended to incorporate federal revisions at 81 FR 40956, June 23, 2016 by reference.

Regulation 61-62.60, Subpart IIII, “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”:

Subpart IIII, Table, is amended to incorporate federal revisions at 81 FR 44212, July 7, 2016 by reference.

Regulation 61-62.60, Subpart JJJJ, “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”:

Subpart JJJJ, Table, is amended to incorporate federal revisions at 81 FR 59800, August 30, 2016 by reference.

Regulation 61-62.60, Subpart KKKK, “Standards of Performance for Stationary Combustion Turbines”:

Subpart KKKK, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016 by reference.

Regulation 61-62.60, Subpart OOOO:

Subpart OOOO is retitled “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015” for consistency with federal regulations, and Subpart OOOO, Table, is amended to incorporate federal revisions at 81 FR 35824, June 3, 2016; 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart OOOOa, “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015”:

Subpart OOOOa, Table, is added to incorporate newly promulgated federal regulations at 81 FR 35824, June 3, 2016 by reference.

#### **Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)**

Regulation 61-62.61, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 81 FR 59800, August 30, 2016 by reference.

#### **Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories**

Regulation 61-62.63, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 81 FR 59800, August 30, 2016 by reference.

Regulation 61-62.63, Subpart CC, “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”:

Subpart CC, Table, is amended to incorporate federal revisions at 81 FR 45232, July 13, 2016 by reference.

Regulation 61-62.63, Subpart GG, “National Emission Standards for Aerospace Manufacturing and Rework Facilities”:

Subpart GG, Table, is amended to incorporate federal revisions at 81 FR 51114, August 3, 2016 by reference.

Regulation 61-62.63, Subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”:

Subpart LLL, Table, is amended to incorporate federal revisions at 81 FR 48356, July 25, 2016 by reference.

Regulation 61-62.63, Subpart RRR, “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production”:

Subpart RRR, Table, is amended to incorporate federal revisions at 81 FR 38085, June 13, 2016 by reference.

Regulation 61-62.63, Subpart UUU, “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units”: Subpart UUU, Table, is amended to incorporate federal revisions at 81 FR 45232, July 13, 2016 by reference.

Regulation 61-62.63, Subpart UUUUU, “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”: Subpart UUUUU, Table, is amended to incorporate federal revisions at 81 FR 20172, April 6, 2016 by reference.

Regulation 61-62.63, Subpart EEEEE, “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources”: Subpart EEEEE is amended to add the phrase “and as subsequently amended upon publication in the *Federal Register*” for clarity.

Regulation 61-62.63, Subpart JJJJJ: Subpart JJJJJ is retitled “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources” for consistency with federal regulations, and Subpart JJJJJ, Table, is amended to incorporate federal revisions at 81 FR 63112, September 14, 2016 by reference.

#### **Regulation 61-62.70, Title V Operating Permit Program**

Regulation 61-62.70, Section 70.7, Permit issuance, renewal, reopening, and revisions: Paragraph (e)(2)(ii)(C) is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

Regulation 61-62.70, Section 70.7, Permit issuance, renewal, reopening, and revisions: Paragraphs (h)(1) and (2) are amended to address federal revisions to public notice provisions for Clean Air Act permitting programs at 81 FR 71613, October 18, 2016.

Regulation 61-62.70, Section 70.9, Fee determination and certification: Paragraph (b)(2)(ii)(A) is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

#### **Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program**

Regulation 61-62.97 is added to incorporate the EPA’s CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the *Federal Register* on August 8, 2011 (76 FR 48208) and subsequently amended on June 12, 2012 (77 FR 34830), December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This regulation will address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.

**Instructions:** Amend Regulation 61-62 pursuant to each individual instruction provided with the text below.

**Text:**

#### **Regulation 61-62.1, Section I, Definitions**

**Regulation 61-62.1.I.100.c. shall be deleted in its entirety as follows:**

~~c. The following compound(s) are VOCs for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs and shall be uniquely identified in emission reports, but are not VOCs for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (TBAC or TBAc).~~

**Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>)**

**Regulation 61-62.5, Standard No. 5.2, Section III, Table 1 at Pulverized Coal-Fired Boilers shall be revised as follows:**

| <b>Pulverized Coal-Fired Boilers</b> |   |
|--------------------------------------|---|
| < 250 MMBtu/hr                       | Low-NO <sub>x</sub> Burners + Combustion controls to minimize NO <sub>x</sub> emissions or equivalent technology, shall achieve 0.35 lb/MMBtu   |
| ≥ 250 MMBtu/hr                       | Low-NO <sub>x</sub> Burners + Combustion controls to minimize NO <sub>x</sub> emissions + <del>Selective Catalytic Reduction</del> <u>Selective Catalytic Reduction</u> (SCR) or equivalent technology, shall achieve 0.14 lb/MMBtu |

**Regulation 61-62.5, Standard No. 5.2, Section III, Table 1 at Internal Combustion Engines shall be revised as follows:**

| <b>Internal Combustion Engines</b> |   |
|------------------------------------|---|
| Compression Ignition               | <del>Timing Retard ≤ 4 degrees + Turbocharger with Intercooler</del> <u>Timing Retard ≤ 4 degrees + Turbocharger with Intercooler</u> or equivalent technology, shall achieve <del>490 ppmv</del> <u>490 ppmv</u> at <del>15-15</del> percent O <sub>2</sub> -O <sub>2</sub> (7.64 gram per bhp-hour (gm/bhp-hr)) |
| Spark Ignition                     | Lean-Burn Technology or equivalent technology, shall achieve 1.0 gm/bhp-hr  |
| Landfill or Digester Gas-Fired     | Lean-Burn Technology or equivalent technology, shall achieve 1.25 gm/bhp-hr   |

**Regulation 61-62.5, Standard No. 5.2, Section IV.A(2)(a) shall be revised as follows:**

(a) Unless required to operate a CEMS, testing requirements apply to boilers rated thirty (30) MMBtu/hr or greater ~~or~~ permitted for solid fuels and boilers rated greater than one hundred (100) MMBtu/hr permitted for any other fuels.

**Regulation 61-62.5, Standard No. 5.2, Section IV.B(5) shall be revised as follows:**

(5) Other Requirements

The owner ~~of~~ or operator shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected source; any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring system or monitoring device is inoperative.

**Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration**

**Regulation 61-62.5, Standard No. 7, Section (b)(34)(vi) shall be revised as follows:**

(vi) A decrease in actual emissions is creditable only to the extent that:

(a) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(b) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; ~~and~~.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(ii) shall be revised as follows:**

(ii) Make available in at least one location in each region in which the proposed source or modification would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination. This requirement may be met by making these materials available at a physical location or on a public website identified by the Department.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(iii) shall be revised as follows:**

(iii) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source or modification would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at a public hearing as well as written public comment. Alternatively, these notifications may be made on a public website identified by the Department. However, the Department's selected notification method (i.e., either newspaper or website), known as the "consistent noticing method," shall be used for all permits subject to notice under this section and may, when appropriate, be supplemented by other noticing methods on individual permits. If the Department selects website notice as its consistent noticing method, the notice shall be available for the duration of the public comment period and shall include the notice of public comment, the draft permit, information on how to access the administrative record for the draft permit and how to request and/or attend a public hearing on the draft permit.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(vi) shall be revised as follows:**

(vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information ~~relating to the proposed source or modification~~ location or on the same website where the Department made available preconstruction information relating to the proposed source or modification.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(viii) shall be revised as follows:**

(viii) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location or on the same website where the Department made available preconstruction information and public comments relating to the source or modification.

**Regulation 61-62.5, Standard No. 7, Section (w) shall be revised as follows:**

~~(w)~~**(w) Permit rescission.**

**Regulation 61-62.5, Standard No. 7, Section (w)(1) shall be revised as follows:**

(1) Any permit issued under this section or a prior version of this regulation shall remain in effect, unless and until it expires or is rescinded: under this paragraph (w).

**Regulation 61-62.5, Standard No. 7, Section (w)(2) shall be revised as follows:**

(2) Any owner or operator of a stationary source or modification who holds a permit ~~for the source or modification which was issued under 40 CFR 52.21 as in effect on July 30, 1987, or any earlier version of this regulation,~~ issued under this section for the construction of a new source or modification that meets the requirement in paragraph (w)(3) of this section may request that the Department rescind the permit or a particular portion of the permit.

**Regulation 61-62.5, Standard No. 7, Section (w)(3) shall be revised as follows:**

(3) The Department ~~shall~~may grant an application for rescission if the application shows that this section would not apply to the source or modification.

**Regulation 61-62.5, Standard No. 7, Section (w)(4) shall be revised as follows:**

(4) If the Department rescinds a permit under this paragraph, ~~the public shall be given adequate notice of the rescission. Publication of an announcement of rescission in a newspaper of general circulation in the affected region within 60 days of the rescission shall be considered adequate notice.~~ the Department shall post a notice of the rescission determination on a public website identified by the Department within 60 days of the rescission.

**Regulation 61-62.5, Standard No. 7, Section (aa) shall be revised as follows:**

~~(aa)~~**(aa) Actuals PALs.** The provisions in paragraphs (aa)(1) through ~~(15)~~ (aa)(15) govern actuals PALs.

**Regulation 61-62.5, Standard No. 7, Section (aa)(1)(i) shall be revised as follows:**

(i) The Department may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in paragraphs (aa)(1) through ~~(aa)(15)~~ (aa)(15). The term “PAL” shall mean “actuals PAL” throughout paragraph (aa).

**Regulation 61-62.5, Standard No. 7, Section (aa)(9) shall be revised as follows:**

(9) **Expiration of a PAL.** Any PAL that is not renewed in accordance with the procedures in paragraph (aa)(10) shall expire at the end of the PAL effective period, and the requirements in paragraphs (aa)(9)(i) through ~~(aa)(9)(i)(v)~~ (aa)(9)(v) shall apply.

**Regulation 61-62.5, Standard No. 7, Section (aa)(11)(i) shall be revised as follows:**

(i) The Department may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (aa)(11)(i)(a) through ~~(aa)(10)(iv)(d)~~ (aa)(11)(i)(d).

**Regulation 61-62.5, Standard No. 7, Section (aa)(14)(i) shall be revised as follows:**

(i) **Semi-annual report.** The semi-annual report shall be submitted to the Department within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (aa)(14)(i)(a) through (aa)(14)(i)(g).

**Regulation 61-62.5, Standard No. 7, Section (bb) shall be revised as follows:**

~~(bb)~~**(bb)** If any provision of this regulation, or the application of such provision to any person or circumstance, is held invalid, the remainder of this regulation, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

**Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards.**

**Regulation 61-62.60, Subpart A, shall be revised as follows:**

**Subpart A - “General Provisions”**

The provisions of 40 Code of Federal Regulations (CFR) Part 60 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart A</b>  |               |                    |               |
|----------------------------------|---------------|--------------------|---------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>        | <b>Notice</b> |
| Original Promulgation            | Vol. 36       | December 23, 1971  | [36 FR 24877] |
| Revision                         | Vol. 38       | October 15, 1973   | [38 FR 28565] |
| Revision                         | Vol. 39       | March 8, 1974      | [39 FR 9314]  |
| Revision                         | Vol. 39       | November 12, 1974  | [39 FR 39873] |
| Revision                         | Vol. 40       | April 25, 1975     | [40 FR 18169] |
| Revision                         | Vol. 40       | October 6, 1975    | [40 FR 46254] |
| Revision                         | Vol. 40       | November 17, 1975  | [40 FR 53346] |
| Revision                         | Vol. 40       | December 16, 1975  | [40 FR 58418] |
| Revision                         | Vol. 40       | December 22, 1975  | [40 FR 59205] |
| Revision                         | Vol. 41       | August 20, 1976    | [41 FR 35185] |
| Revision                         | Vol. 42       | July 19, 1977      | [42 FR 37000] |
| Revision                         | Vol. 42       | July 27, 1977      | [42 FR 38178] |
| Revision                         | Vol. 42       | November 1, 1977   | [42 FR 57126] |
| Revision                         | Vol. 43       | March 3, 1978      | [43 FR 8800]  |
| Revision                         | Vol. 43       | August 3, 1978     | [43 FR 34347] |
| Revision                         | Vol. 44       | June 11, 1979      | [44 FR 33612] |
| Revision                         | Vol. 44       | September 25, 1979 | [44 FR 55173] |
| Revision                         | Vol. 45       | January 23, 1980   | [45 FR 5617]  |



| <b>40 CFR Part 60 Subpart A</b>  |               |                    |                      |
|----------------------------------|---------------|--------------------|----------------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>        | <b>Notice</b>        |
| Revision                         | Vol. 45       | April 4, 1980      | [45 FR 23379]        |
| Revision                         | Vol. 45       | December 24, 1980  | [45 FR 85415]        |
| Revision                         | Vol. 47       | January 8, 1982    | [47 FR 951]          |
| Revision                         | Vol. 47       | July 23, 1982      | [47 FR 31876]        |
| Revision                         | Vol. 48       | March 30, 1983     | [48 FR 13326]        |
| Revision                         | Vol. 48       | May 25, 1983       | [48 FR 23610]        |
| Revision                         | Vol. 48       | July 20, 1983      | [48 FR 32986]        |
| Revision                         | Vol. 48       | October 18, 1983   | [48 FR 48335]        |
| Revision                         | Vol. 50       | December 27, 1985  | [50 FR 53113]        |
| Revision                         | Vol. 51       | January 15, 1986   | [51 FR 1790]         |
| Revision                         | Vol. 51       | January 21, 1986   | [51 FR 2701]         |
| Revision                         | Vol. 51       | November 25, 1986  | [51 FR 42796]        |
| Revision                         | Vol. 52       | March 26, 1987     | [52 FR 9781, 9782]   |
| Revision                         | Vol. 52       | April 8, 1987      | [52 FR 11428]        |
| Revision                         | Vol. 52       | May 11, 1987       | [52 FR 17555]        |
| Revision                         | Vol. 52       | June 4, 1987       | [52 FR 21007]        |
| Revision                         | Vol. 54       | February 14, 1989  | [54 FR 6662]         |
| Revision                         | Vol. 54       | May 17, 1989       | [54 FR 21344]        |
| Revision                         | Vol. 55       | December 13, 1990  | [55 FR 51382]        |
| Revision                         | Vol. 57       | July 21, 1992      | [57 FR 32338, 32339] |
| Revision                         | Vol. 59       | March 16, 1994     | [59 FR 12427, 12428] |
| Revision                         | Vol. 59       | September 15, 1994 | [59 FR 47265]        |
| Revision                         | Vol. 61       | March 12, 1996     | [61 FR 9919]         |
| Revision                         | Vol. 62       | February 24, 1997  | [62 FR 8328]         |
| Revision                         | Vol. 62       | September 15, 1997 | [62 FR 48348]        |
| Revision                         | Vol. 63       | May 4, 1998        | [63 FR 24444]        |
| Revision                         | Vol. 64       | February 12, 1999  | [64 FR 7463]         |
| Revision                         | Vol. 65       | August 10, 2000    | [65 FR 48914]        |
| Revision                         | Vol. 65       | October 17, 2000   | [65 FR 61744]        |
| Revision                         | Vol. 65       | December 6, 2000   | [65 FR 76350, 76378] |
| Revision                         | Vol. 65       | December 14, 2000  | [65 FR 78268]        |
| Revision                         | Vol. 66       | February 6, 2001   | [66 FR 9034]         |
| Revision                         | Vol. 67       | June 28, 2002      | [67 FR 43550]        |
| Revision                         | Vol. 68       | April 14, 2003     | [68 FR 17990]        |
| Revision                         | Vol. 68       | May 28, 2003       | [68 FR 31611]        |
| Revision                         | Vol. 69       | July 8, 2004       | [69 FR 41346]        |
| Revision                         | Vol. 70       | December 16, 2005  | [70 FR 74870]        |
| Revision                         | Vol. 71       | June 1, 2006       | [71 FR 31100]        |
| Revision                         | Vol. 71       | July 6, 2006       | [71 FR 38482]        |
| Revision                         | Vol. 72       | May 16, 2007       | [72 FR 27437]        |
| Revision                         | Vol. 72       | June 13, 2007      | [72 FR 32710]        |

| <b>40 CFR Part 60 Subpart A</b>  |                |                        |                             |
|----------------------------------|----------------|------------------------|-----------------------------|
| <b>Federal Register Citation</b> | <b>Volume</b>  | <b>Date</b>            | <b>Notice</b>               |
| Revision                         | Vol. 73        | January 18, 2008       | [73 FR 3568]                |
| Revision                         | Vol. 73        | April 3, 2008          | [73 FR 18162]               |
| Revision                         | Vol. 73        | May 6, 2008            | [73 FR 24870]               |
| Revision                         | Vol. 73        | May 27, 2008           | [73 FR 30308]               |
| Revision                         | Vol. 73        | June 24, 2008          | [73 FR 35838]               |
| Revision                         | Vol. 73        | December 22, 2008      | [73 FR 78199]               |
| Revision                         | Vol. 74        | January 28, 2009       | [74 FR 5072]                |
| Revision                         | Vol. 74        | October 6, 2009        | [74 FR 51368]               |
| Revision                         | Vol. 74        | October 8, 2009        | [74 FR 51950]               |
| Revision                         | Vol. 74        | December 17, 2009      | [74 FR 66921]               |
| Revision                         | Vol. 75        | September 9, 2010      | [75 FR 54970]               |
| Revision                         | Vol. 75        | September 13, 2010     | [75 FR 55636]               |
| Revision                         | Vol. 76        | January 18, 2011       | [76 FR 2832]                |
| Revision                         | Vol. 76        | March 21, 2011         | [76 FR 15372]               |
| Revision                         | Vol. 76        | March 21, 2011         | [76 FR 15704]               |
| Revision                         | Vol. 77        | February 16, 2012      | [77 FR 9304]                |
| Revision                         | Vol. 77        | August 14, 2012        | [77 FR 48433]               |
| Revision                         | Vol. 77        | September 12, 2012     | [77 FR 56422]               |
| Revision                         | Vol. 78        | January 30, 2013       | [78 FR 6674]                |
| Revision                         | Vol. 79        | February 27, 2014      | [79 FR 11228]               |
| Revision                         | Vol. 79        | April 4, 2014          | [79 FR 18952]               |
| Revision                         | Vol. 80        | March 16, 2015         | [80 FR 13671]               |
| <u>Revision</u>                  | <u>Vol. 81</u> | <u>June 3, 2016</u>    | <u>[81 FR 35824]</u>        |
| <u>Revision</u>                  | <u>Vol. 81</u> | <u>June 30, 2016</u>   | <u>[81 FR 42542]</u>        |
| <u>Revision</u>                  | <u>Vol. 81</u> | <u>August 29, 2016</u> | <u>[81 FR 59276, 59332]</u> |
| <u>Revision</u>                  | <u>Vol. 81</u> | <u>August 30, 2016</u> | <u>[81 FR 59800]</u>        |

**Regulation 61-62.60, Subpart Cf, shall be added in alpha-numeric order as follows:**

**Subpart Cf - “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills”**

The provisions of 40 CFR Part 60 Subpart Cf, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart Cf</b> |                |                        |                      |
|----------------------------------|----------------|------------------------|----------------------|
| <b>Federal Register Citation</b> | <b>Volume</b>  | <b>Date</b>            | <b>Notice</b>        |
| <u>Original Promulgation</u>     | <u>Vol. 81</u> | <u>August 29, 2016</u> | <u>[81 FR 59276]</u> |

**Regulation 61-62.60, Subpart Da, shall be revised as follows:**

**Subpart Da - “Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978”**

The provisions of 40 CFR Part 60 Subpart Da, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart Da</b> |               |                    |                      |
|----------------------------------|---------------|--------------------|----------------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>        | <b>Notice</b>        |
| Original Promulgation            | Vol. 44       | June 11, 1979      | [44 FR 33613]        |
| Revision                         | Vol. 48       | January 27, 1983   | [48 FR 3737]         |
| Revision                         | Vol. 54       | February 14, 1989  | [54 FR 6663]         |
| Revision                         | Vol. 54       | May 17, 1989       | [54 FR 21344]        |
| Revision                         | Vol. 55       | February 14, 1990  | [55 FR 5212]         |
| Revision                         | Vol. 55       | May 7, 1990        | [55 FR 18876]        |
| Revision                         | Vol. 63       | September 16, 1998 | [63 FR 49453, 49454] |
| Revision                         | Vol. 64       | February 12, 1999  | [64 FR 7464]         |
| Revision                         | Vol. 65       | October 17, 2000   | [65 FR 61744]        |
| Revision                         | Vol. 66       | April 10, 2001     | [66 FR 18546]        |
| Revision                         | Vol. 66       | June 11, 2001      | [66 FR 31177]        |
| Revision                         | Vol. 66       | August 14, 2001    | [66 FR 42608]        |
| Revision                         | Vol. 71       | February 27, 2006  | [71 FR 9866]         |
| Revision                         | Vol. 72       | June 13, 2007      | [72 FR 32710]        |
| Revision                         | Vol. 74       | January 28, 2009   | [74 FR 5072]         |
| Revision                         | Vol. 76       | January 20, 2011   | [76 FR 3517]         |
| Revision                         | Vol. 77       | February 16, 2012  | [77 FR 9304]         |
| Revision                         | Vol. 77       | April 19, 2012     | [77 FR 23399]        |
| Revision                         | Vol. 78       | April 24, 2013     | [78 FR 24073]        |
| Revision                         | Vol. 79       | November 19, 2014  | [79 FR 68777]        |
| Revision                         | Vol. 81       | April 6, 2016      | [81 FR 20172]        |

**Regulation 61-62.60, Subpart Ja, shall be revised as follows:**

**Subpart Ja - “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”**

The provisions of 40 CFR Part 60 Subpart Ja, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart Ja</b> |               |                    |               |
|----------------------------------|---------------|--------------------|---------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>        | <b>Notice</b> |
| Original Promulgation            | Vol. 73       | June 24, 2008      | [73 FR 35838] |
| Revision                         | Vol. 73       | July 28, 2008      | [73 FR 43626] |
| Revision                         | Vol. 73       | September 26, 2008 | [73 FR 55751] |
| Revision                         | Vol. 73       | December 22, 2008  | [73 FR 78546] |
| Revision                         | Vol. 73       | December 22, 2008  | [73 FR 78549] |
| Revision                         | Vol. 77       | September 12, 2012 | [77 FR 56422] |

| <b>40 CFR Part 60 Subpart Ja</b> |                |                      |                      |
|----------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b> | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Revision                         | Vol. 78        | December 19, 2013    | [78 FR 76753]        |
| Revision                         | Vol. 80        | December 1, 2015     | [80 FR 75178]        |
| <u>Revision</u>                  | <u>Vol. 81</u> | <u>July 13, 2016</u> | <u>[81 FR 45232]</u> |

**Regulation 61-62.60, Subpart GG, shall be revised as follows:**

**Subpart GG - “Standards of Performance for Stationary Gas Turbines”**

The provisions of 40 CFR Part 60 Subpart GG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart GG</b> |                |                      |                      |
|----------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b> | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation            | Vol. 44        | September 10, 1979   | [44 FR 52798]        |
| Revision                         | Vol. 47        | January 27, 1982     | [47 FR 3770]         |
| Revision                         | Vol. 52        | November 5, 1987     | [52 FR 42434]        |
| Revision                         | Vol. 54        | February 14, 1989    | [54 FR 6674]         |
| Revision                         | Vol. 54        | June 27, 1989        | [54 FR 27016]        |
| Revision                         | Vol. 65        | October 17, 2000     | [65 FR 61744]        |
| Revision                         | Vol. 68        | April 14, 2003       | [68 FR 17990]        |
| Revision                         | Vol. 69        | July 8, 2004         | [69 FR 41346]        |
| Revision                         | Vol. 71        | February 24, 2006    | [71 FR 9453]         |
| Revision                         | Vol. 79        | February 27, 2014    | [79 FR 11228]        |
| <u>Revision</u>                  | <u>Vol. 81</u> | <u>June 30, 2016</u> | <u>[81 FR 42542]</u> |

**Regulation 61-62.60, Subpart BBB, shall be revised as follows:**

**Subpart BBB - “Standards of Performance for the Rubber Tire Manufacturing Industry”**

The provisions of 40 CFR Part 60 Subpart BBB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart BBB</b> |                |                      |                      |
|-----------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>  | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation             | Vol. 52        | September 15, 1987   | [52 FR 34874]        |
| Revision                          | Vol. 52        | October 9, 1987      | [52 FR 37874]        |
| Revision                          | Vol. 54        | September 19, 1989   | [54 FR 38635]        |
| Revision                          | Vol. 65        | October 17, 2000     | [65 FR 61744]        |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>June 30, 2016</u> | <u>[81 FR 42542]</u> |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>July 6, 2016</u>  | <u>[81 FR 43950]</u> |

**Regulation 61-62.60, Subpart DDD, shall be revised as follows:**

**Subpart DDD - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry”**

The provisions of 40 CFR Part 60 Subpart DDD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart DDD</b> |                |                      |                      |
|-----------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>  | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation             | Vol. 55        | December 11, 1990    | [55 FR 51035]        |
| Revision                          | Vol. 56        | March 5, 1991        | [56 FR 9178]         |
| Revision                          | Vol. 56        | March 22, 1991       | [56 FR 12299]        |
| Revision                          | Vol. 58        | April 7, 1993        | [58 FR 18014]        |
| Revision                          | Vol. 64        | March 9, 1999        | [64 FR 11541]        |
| Revision                          | Vol. 65        | October 17, 2000     | [65 FR 61744]        |
| Revision                          | Vol. 65        | December 14, 2000    | [65 FR 78268]        |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>June 30, 2016</u> | <u>[81 FR 42542]</u> |

**Regulation 61-62.60, Subpart III, shall be revised as follows:**

**Subpart III - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes”**

The provisions of 40 CFR Part 60 Subpart III, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart III</b> |                |                      |                      |
|-----------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>  | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation             | Vol. 55        | June 29, 1990        | [55 FR 26922]        |
| Revision                          | Vol. 55        | September 7, 1990    | [55 FR 36932]        |
| Revision                          | Vol. 65        | October 17, 2000     | [65 FR 61744]        |
| Revision                          | Vol. 65        | December 14, 2000    | [65 FR 78268]        |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>June 30, 2016</u> | <u>[81 FR 42542]</u> |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>July 6, 2016</u>  | <u>[81 FR 43950]</u> |

**Regulation 61-62.60, Subpart LLL, shall be revised as follows:**

**Subpart LLL - “Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions Standards of Performance for SO<sub>2</sub> Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011”**

The provisions of 40 CFR Part 60 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart LLL</b> |                |                     |               |
|-----------------------------------|----------------|---------------------|---------------|
| <b>Federal Register Citation</b>  | <b>Volume</b>  | <b>Date</b>         | <b>Notice</b> |
| Original Promulgation             | Vol. 50        | October 1, 1985     | [50 FR 40160] |
| Revision                          | Vol. 54        | February 14, 1989   | [54 FR 6679]  |
| Revision                          | Vol. 65        | October 17, 2000    | [65 FR 61744] |
| Revision                          | Vol. 77        | August 16, 2012     | [77 FR 49490] |
| <u>Revision</u>                   | <u>Vol. 81</u> | June 30, 2016       | [81 FR 42542] |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>July 6, 2016</u> | [81 FR 43950] |

**Regulation 61-62.60, Subpart NNN, shall be revised as follows:**

**Subpart NNN - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”**

The provisions of 40 CFR Part 60 Subpart NNN, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart NNN</b> |                |                      |                      |
|-----------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>  | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation             | Vol. 55        | June 29, 1990        | [55 FR 26942]        |
| Revision                          | Vol. 55        | September 7, 1990    | [55 FR 36932]        |
| Revision                          | Vol. 60        | November 27, 1995    | [60 FR 58237, 58238] |
| Revision                          | Vol. 65        | October 17, 2000     | [65 FR 61744]        |
| Revision                          | Vol. 65        | December 14, 2000    | [65 FR 78268]        |
| Revision                          | Vol. 74        | June 24, 2009        | [74 FR 29948]        |
| Revision                          | Vol. 79        | February 27, 2014    | [79 FR 11228]        |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>June 30, 2016</u> | [81 FR 42542]        |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>July 6, 2016</u>  | [81 FR 43950]        |

**Regulation 61-62.60, Subpart XXX, shall be added in alpha-numeric order as follows:**

**Subpart XXX - “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014”**

The provisions of 40 CFR Part 60 Subpart XXX, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart XXX</b> |                |                        |               |
|-----------------------------------|----------------|------------------------|---------------|
| <b>Federal Register Citation</b>  | <b>Volume</b>  | <b>Date</b>            | <b>Notice</b> |
| <u>Original Promulgation</u>      | <u>Vol. 81</u> | <u>August 29, 2016</u> | [81 FR 59332] |

**Regulation 61-62.60, Subpart CCCC, shall be revised as follows:**

**Subpart CCCC - “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001”**

The provisions of 40 CFR Part 60 Subpart CCCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart CCCC</b> |                |                      |                      |
|------------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>   | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation              | Vol. 65        | December 1, 2000     | [65 FR 75338]        |
| Revision                           | Vol. 66        | March 27, 2001       | [66 FR 16605]        |
| Revision                           | Vol. 70        | September 22, 2005   | [70 FR 55568]        |
| Revision                           | Vol. 76        | May 18, 2011         | [76 FR 28662]        |
| Revision                           | Vol. 78        | February 7, 2013     | [78 FR 9112]         |
| <u>Revision</u>                    | <u>Vol. 81</u> | <u>June 23, 2016</u> | <u>[81 FR 40956]</u> |

**Regulation 61-62.60, Subpart DDDD, shall be revised as follows:**

**Subpart DDDD - “Emission Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999”**

The provisions of 40 CFR Part 60 Subpart DDDD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart DDDD</b> |                |                      |                      |
|------------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>   | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation              | Vol. 65        | December 1, 2000     | [65 FR 75338]        |
| Revision                           | Vol. 70        | September 22, 2005   | [70 FR 55568]        |
| Revision                           | Vol. 76        | May 18, 2011         | [76 FR 28662]        |
| Revision                           | Vol. 78        | February 7, 2013     | [78 FR 9112]         |
| <u>Revision</u>                    | <u>Vol. 81</u> | <u>June 23, 2016</u> | <u>[81 FR 40956]</u> |

**Regulation 61-62.60, Subpart IIII, shall be revised as follows:**

**Subpart IIII - “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”**

The provisions of 40 CFR Part 60 Subpart IIII, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart IIII</b> |               |               |               |
|------------------------------------|---------------|---------------|---------------|
| <b>Federal Register Citation</b>   | <b>Volume</b> | <b>Date</b>   | <b>Notice</b> |
| Original Promulgation              | Vol. 71       | July 11, 2006 | [71 FR 39154] |

| <b>40 CFR Part 60 Subpart IIII</b> |                |                     |                      |
|------------------------------------|----------------|---------------------|----------------------|
| <b>Federal Register Citation</b>   | <b>Volume</b>  | <b>Date</b>         | <b>Notice</b>        |
| Revision                           | Vol. 76        | June 28, 2011       | [76 FR 37954]        |
| Revision                           | Vol. 78        | January 30, 2013    | [78 FR 6674]         |
| Revision                           | Vol. 79        | February 27, 2014   | [79 FR 11228]        |
| <u>Revision</u>                    | <u>Vol. 81</u> | <u>July 7, 2016</u> | <u>[81 FR 44212]</u> |

**Regulation 61-62.60, Subpart JJJJ, shall be revised as follows:**

**Subpart JJJJ - “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”**

The provisions of 40 CFR Part 60 Subpart JJJJ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart JJJJ</b> |                |                        |                      |
|------------------------------------|----------------|------------------------|----------------------|
| <b>Federal Register Citation</b>   | <b>Volume</b>  | <b>Date</b>            | <b>Notice</b>        |
| Original Promulgation              | Vol. 73        | January 18, 2008       | [73 FR 3568]         |
| Revision                           | Vol. 73        | October 8, 2008        | [73 FR 59034]        |
| Revision                           | Vol. 78        | January 30, 2013       | [78 FR 6674]         |
| Revision                           | Vol. 79        | February 27, 2014      | [79 FR 11228]        |
| <u>Revision</u>                    | <u>Vol. 81</u> | <u>August 30, 2016</u> | <u>[81 FR 59800]</u> |

**Regulation 61-62.60, Subpart KKKK, shall be revised as follows:**

**Subpart KKKK – “Standards of Performance for Stationary Combustion Turbines”**

The provisions of 40 CFR Part 60 Subpart KKKK, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart KKKK</b> |                |                      |                      |
|------------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>   | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation              | Vol. 71        | July 6, 2006         | [71 FR 38482]        |
| Revision                           | Vol. 74        | March 20, 2009       | [74 FR 11858]        |
| <u>Revision</u>                    | <u>Vol. 81</u> | <u>June 30, 2016</u> | <u>[81 FR 42542]</u> |

**Regulation 61-62.60, Subpart OOOO, shall be revised as follows:**

**Subpart OOOO - “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015”**

The provisions of 40 CFR Part 60 Subpart OOOO, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.



| <b>40 CFR Part 60 Subpart OOOO</b> |                |                      |                      |
|------------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>   | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation              | Vol. 77        | August 16, 2012      | [77 FR 49490]        |
| Revision                           | Vol. 78        | September 23, 2013   | [78 FR 58416]        |
| Revision                           | Vol. 79        | December 31, 2014    | [79 FR 79018]        |
| Revision                           | Vol. 80        | August 12, 2015      | [80 FR 48262]        |
| <u>Revision</u>                    | <u>Vol. 81</u> | <u>June 3, 2016</u>  | <u>[81 FR 35824]</u> |
| <u>Revision</u>                    | <u>Vol. 81</u> | <u>June 30, 2016</u> | <u>[81 FR 42542]</u> |
| <u>Revision</u>                    | <u>Vol. 81</u> | <u>July 6, 2016</u>  | <u>[81 FR 43950]</u> |

**Regulation 61-62.60, Subpart OOOOa, shall be added in alpha-numeric order as follows:**

**Subpart OOOOa - “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015”**

The provisions of 40 CFR Part 60 Subpart OOOOa, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 60 Subpart OOOOa</b> |                |                     |                      |
|-------------------------------------|----------------|---------------------|----------------------|
| <b>Federal Register Citation</b>    | <b>Volume</b>  | <b>Date</b>         | <b>Notice</b>        |
| <u>Original Promulgation</u>        | <u>Vol. 81</u> | <u>June 3, 2016</u> | <u>[81 FR 35824]</u> |

**Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)**

**Regulation 61-62.61, Subpart A, shall be revised as follows:**

**Subpart A - “General Provisions”**

The provisions of 40 Code of Federal Regulations (CFR) Part 61 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 61 Subpart A</b>  |               |                    |               |
|----------------------------------|---------------|--------------------|---------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>        | <b>Notice</b> |
| Original Promulgation            | Vol. 38       | April 6, 1973      | [38 FR 8826]  |
| Revision                         | Vol. 40       | April 25, 1975     | [40 FR 18170] |
| Revision                         | Vol. 40       | October 14, 1975   | [40 FR 48299] |
| Revision                         | Vol. 42       | September 29, 1977 | [42 FR 51574] |
| Revision                         | Vol. 44       | September 25, 1979 | [44 FR 55174] |
| Revision                         | Vol. 48       | January 27, 1983   | [48 FR 3740]  |
| Revision                         | Vol. 48       | December 9, 1983   | [48 FR 55266] |
| Revision                         | Vol. 49       | June 6, 1984       | [49 FR 23520] |
| Revision                         | Vol. 50       | November 7, 1985   | [50 FR 46290] |
| Revision                         | Vol. 50       | November 7, 1985   | [50 FR 46291] |
| Revision                         | Vol. 50       | November 7, 1985   | [50 FR 46292] |

| <b>40 CFR Part 61 Subpart A</b>  |               |                    |                      |
|----------------------------------|---------------|--------------------|----------------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>        | <b>Notice</b>        |
| Revision                         | Vol. 50       | November 7, 1985   | [50 FR 46293]        |
| Revision                         | Vol. 50       | November 7, 1985   | [50 FR 46294]        |
| Revision                         | Vol. 51       | March 5, 1986      | [51 FR 7715]         |
| Revision                         | Vol. 51       | March 5, 1986      | [51 FR 7719]         |
| Revision                         | Vol. 51       | April 1, 1986      | [51 FR 11022]        |
| Revision                         | Vol. 51       | September 30, 1986 | [51 FR 34914]        |
| Revision                         | Vol. 52       | October 8, 1987    | [52 FR 37617]        |
| Revision                         | Vol. 54       | September 14, 1989 | [54 FR 38073]        |
| Revision                         | Vol. 54       | December 15, 1989  | [54 FR 51704]        |
| Revision                         | Vol. 55       | March 7, 1990      | [55 FR 8341]         |
| Revision                         | Vol. 55       | May 2, 1990        | [55 FR 18331]        |
| Revision                         | Vol. 55       | May 31, 1990       | [55 FR 22027]        |
| Revision                         | Vol. 55       | August 13, 1990    | [55 FR 32914]        |
| Revision                         | Vol. 57       | January 13, 1992   | [57 FR 1226]         |
| Revision                         | Vol. 57       | March 5, 1992      | [57 FR 8016]         |
| Revision                         | Vol. 58       | January 7, 1993    | [58 FR 3105]         |
| Revision                         | Vol. 58       | January 21, 1993   | [58 FR 5299]         |
| Revision                         | Vol. 58       | April 7, 1993      | [58 FR 18014]        |
| Revision                         | Vol. 59       | March 11, 1994     | [59 FR 11554]        |
| Revision                         | Vol. 59       | March 16, 1994     | [59 FR 12408]        |
| Revision                         | Vol. 59       | June 17, 1994      | [59 FR 31157]        |
| Revision                         | Vol. 59       | July 15, 1994      | [59 FR 36280]        |
| Revision                         | Vol. 60       | March 15, 1995     | [60 FR 13912]        |
| Revision                         | Vol. 60       | August 21, 1995    | [60 FR 43396]        |
| Revision                         | Vol. 60       | September 5, 1995  | [60 FR 46206]        |
| Revision                         | Vol. 60       | September 28, 1995 | [60 FR 50244]        |
| Revision                         | Vol. 61       | December 30, 1996  | [61 FR 68972]        |
| Revision                         | Vol. 62       | January 14, 1997   | [62 FR 1832]         |
| Revision                         | Vol. 62       | February 24, 1997  | [62 FR 8314]         |
| Revision                         | Vol. 63       | December 1, 1998   | [63 FR 66054]        |
| Revision                         | Vol. 64       | February 3, 1999   | [64 FR 5574]         |
| Revision                         | Vol. 64       | February 12, 1999  | [64 FR 7458]         |
| Revision                         | Vol. 64       | May 6, 1999        | [64 FR 24288]        |
| Revision                         | Vol. 65       | February 28, 2000  | [65 FR 10391]        |
| Revision                         | Vol. 65       | October 17, 2000   | [65 FR 61744]        |
| Revision                         | Vol. 65       | December 14, 2000  | [65 FR 78268]        |
| Revision                         | Vol. 66       | June 15, 2001      | [66 FR 32545]        |
| Revision                         | Vol. 66       | August 13, 2001    | [66 FR 42425, 42427] |
| Revision                         | Vol. 66       | September 19, 2001 | [66 FR 48211]        |
| Revision                         | Vol. 67       | January 23, 2002   | [67 FR 3106]         |
| Revision                         | Vol. 67       | March 14, 2002     | [67 FR 11417]        |

| <b>40 CFR Part 61 Subpart A</b>  |               |                    |               |
|----------------------------------|---------------|--------------------|---------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>        | <b>Notice</b> |
| Revision                         | Vol. 67       | April 26, 2002     | [67 FR 20652] |
| Revision                         | Vol. 67       | June 10, 2002      | [67 FR 39622] |
| Revision                         | Vol. 67       | September 9, 2002  | [67 FR 57159] |
| Revision                         | Vol. 67       | October 7, 2002    | [67 FR 62395] |
| Revision                         | Vol. 68       | April 7, 2003      | [68 FR 16726] |
| Revision                         | Vol. 68       | May 28, 2003       | [68 FR 31611] |
| Revision                         | Vol. 68       | June 17, 2003      | [68 FR 35792] |
| Revision                         | Vol. 68       | December 11, 2003  | [68 FR 69036] |
| Revision                         | Vol. 69       | March 26, 2004     | [69 FR 15687] |
| Revision                         | Vol. 69       | April 9, 2004      | [69 FR 18801] |
| Revision                         | Vol. 72       | May 16, 2007       | [72 FR 27437] |
| Revision                         | Vol. 73       | April 3, 2008      | [73 FR 18162] |
| Revision                         | Vol. 73       | May 6, 2008        | [73 FR 24870] |
| Revision                         | Vol. 74       | October 27, 2009   | [74 FR 55142] |
| Revision                         | Vol. 75       | September 13, 2010 | [75 FR 55636] |
| Revision                         | Vol. 79       | February 27, 2014  | [79 FR 11228] |
| Revision                         | Vol. 81       | August 30, 2016    | [81 FR 59800] |

**Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.**

**Regulation 61-62.63, Subpart A, shall be revised as follows:**

**Subpart A - “General Provisions”**

The provisions of 40 Code of Federal Regulations (CFR) Part 63 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 63 Subpart A</b>  |               |                   |               |
|----------------------------------|---------------|-------------------|---------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>       | <b>Notice</b> |
| Original Promulgation            | Vol. 59       | March 16, 1994    | [59 FR 12430] |
| Revision                         | Vol. 59       | April 22, 1994    | [59 FR 19453] |
| Revision                         | Vol. 59       | December 6, 1994  | [59 FR 62589] |
| Revision                         | Vol. 60       | January 25, 1995  | [60 FR 4963]  |
| Revision                         | Vol. 60       | June 27, 1995     | [60 FR 33122] |
| Revision                         | Vol. 60       | September 1, 1995 | [60 FR 45980] |
| Revision                         | Vol. 61       | May 21, 1996      | [61 FR 25399] |
| Revision                         | Vol. 61       | December 17, 1996 | [61 FR 66227] |
| Revision                         | Vol. 62       | December 10, 1997 | [62 FR 65024] |
| Revision                         | Vol. 63       | May 4, 1998       | [63 FR 24444] |
| Revision                         | Vol. 63       | May 13, 1998      | [63 FR 26465] |

| <b>40 CFR Part 63 Subpart A</b>  |               |                    |               |
|----------------------------------|---------------|--------------------|---------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>        | <b>Notice</b> |
| Revision                         | Vol. 63       | September 21, 1998 | [63 FR 50326] |
| Revision                         | Vol. 63       | October 7, 1998    | [63 FR 53996] |
| Revision                         | Vol. 63       | December 1, 1998   | [63 FR 66061] |
| Revision                         | Vol. 64       | January 28, 1999   | [64 FR 4300]  |
| Revision                         | Vol. 64       | February 12, 1999  | [64 FR 7468]  |
| Revision                         | Vol. 64       | April 12, 1999     | [64 FR 17562] |
| Revision                         | Vol. 64       | June 10, 1999      | [64 FR 31375] |
| Revision                         | Vol. 65       | October 17, 2000   | [65 FR 61744] |
| Revision                         | Vol. 67       | February 14, 2002  | [67 FR 6968]  |
| Revision                         | Vol. 67       | February 27, 2002  | [67 FR 9156]  |
| Revision                         | Vol. 67       | April 5, 2002      | [67 FR 16582] |
| Revision                         | Vol. 67       | June 10, 2002      | [67 FR 39794] |
| Revision                         | Vol. 67       | July 23, 2002      | [67 FR 48254] |
| Revision                         | Vol. 68       | February 18, 2003  | [68 FR 7706]  |
| Revision                         | Vol. 68       | April 21, 2003     | [68 FR 19375] |
| Revision                         | Vol. 68       | May 6, 2003        | [68 FR 23898] |
| Revision                         | Vol. 68       | May 8, 2003        | [68 FR 24653] |
| Revision                         | Vol. 68       | May 20, 2003       | [68 FR 27646] |
| Revision                         | Vol. 68       | May 23, 2003       | [68 FR 28606] |
| Revision                         | Vol. 68       | May 27, 2003       | [68 FR 28774] |
| Revision                         | Vol. 68       | May 28, 2003       | [68 FR 31746] |
| Revision                         | Vol. 68       | May 29, 2003       | [68 FR 32172] |
| Revision                         | Vol. 68       | May 30, 2003       | [68 FR 32586] |
| Revision                         | Vol. 68       | November 13, 2003  | [68 FR 64432] |
| Revision                         | Vol. 68       | December 19, 2003  | [68 FR 70960] |
| Revision                         | Vol. 69       | January 2, 2004    | [69 FR 130]   |
| Revision                         | Vol. 69       | February 3, 2004   | [69 FR 5038]  |
| Revision                         | Vol. 69       | April 9, 2004      | [69 FR 18801] |
| Revision                         | Vol. 69       | April 19, 2004     | [69 FR 20968] |
| Revision                         | Vol. 69       | April 22, 2004     | [69 FR 21737] |
| Revision                         | Vol. 69       | April 26, 2004     | [69 FR 22602] |
| Revision                         | Vol. 69       | June 15, 2004      | [69 FR 33474] |
| Revision                         | Vol. 69       | July 30, 2004      | [69 FR 45944] |
| Revision                         | Vol. 69       | September 13, 2004 | [69 FR 55218] |
| Revision                         | Vol. 70       | April 15, 2005     | [70 FR 19992] |
| Revision                         | Vol. 70       | May 20, 2005       | [70 FR 29400] |
| Revision                         | Vol. 70       | October 12, 2005   | [70 FR 59402] |
| Revision                         | Vol. 71       | February 16, 2006  | [71 FR 8342]  |
| Revision                         | Vol. 71       | April 20, 2006     | [71 FR 20446] |
| Revision                         | Vol. 71       | July 28, 2006      | [71 FR 42898] |
| Revision                         | Vol. 71       | December 6, 2006   | [71 FR 70651] |

| <b>40 CFR Part 63 Subpart A</b>  |                |                        |                      |
|----------------------------------|----------------|------------------------|----------------------|
| <b>Federal Register Citation</b> | <b>Volume</b>  | <b>Date</b>            | <b>Notice</b>        |
| Revision                         | Vol. 72        | January 3, 2007        | [72 FR 26]           |
| Revision                         | Vol. 72        | January 23, 2007       | [72 FR 2930]         |
| Revision                         | Vol. 72        | July 16, 2007          | [72 FR 38864]        |
| Revision                         | Vol. 72        | October 29, 2007       | [72 FR 61060]        |
| Revision                         | Vol. 72        | November 16, 2007      | [72 FR 64860]        |
| Revision                         | Vol. 72        | December 26, 2007      | [72 FR 73180]        |
| Revision                         | Vol. 72        | December 28, 2007      | [72 FR 74088]        |
| Revision                         | Vol. 73        | January 2, 2008        | [73 FR 226]          |
| Revision                         | Vol. 73        | January 9, 2008        | [73 FR 1738]         |
| Revision                         | Vol. 73        | January 10, 2008       | [73 FR 1916]         |
| Revision                         | Vol. 73        | January 18, 2008       | [73 FR 3568]         |
| Revision                         | Vol. 73        | February 7, 2008       | [73 FR 7210]         |
| Revision                         | Vol. 73        | March 7, 2008          | [73 FR 12275]        |
| Revision                         | Vol. 73        | July 23, 2008          | [73 FR 42978]        |
| Revision                         | Vol. 73        | December 22, 2008      | [73 FR 78199]        |
| Revision                         | Vol. 74        | June 25, 2009          | [74 FR 30366]        |
| Revision                         | Vol. 74        | October 28, 2009       | [74 FR 55670]        |
| Revision                         | Vol. 75        | September 9, 2010      | [75 FR 54970]        |
| Revision                         | Vol. 75        | September 13, 2010     | [75 FR 55636]        |
| Revision                         | Vol. 76        | February 17, 2011      | [76 FR 9450]         |
| Revision                         | Vol. 77        | February 16, 2012      | [77 FR 9304]         |
| Revision                         | Vol. 77        | April 17, 2012         | [77 FR 22848]        |
| Revision                         | Vol. 77        | September 11, 2012     | [77 FR 55698]        |
| Revision                         | Vol. 78        | January 30, 2013       | [78 FR 6674]         |
| Revision                         | Vol. 78        | January 31, 2013       | [78 FR 7138]         |
| Revision                         | Vol. 78        | February 1, 2013       | [78 FR 7488]         |
| Revision                         | Vol. 78        | June 20, 2013          | [78 FR 37133]        |
| Revision                         | Vol. 79        | February 27, 2014      | [79 FR 11228]        |
| Revision                         | Vol. 79        | March 27, 2014         | [79 FR 17340]        |
| Revision                         | Vol. 80        | June 30, 2015          | [80 FR 37365]        |
| Revision                         | Vol. 80        | August 19, 2015        | [80 FR 50385]        |
| Revision                         | Vol. 80        | September 18, 2015     | [80 FR 56699]        |
| Revision                         | Vol. 80        | October 15, 2015       | [80 FR 62389]        |
| Revision                         | Vol. 80        | October 26, 2015       | [80 FR 65469]        |
| Revision                         | Vol. 80        | December 1, 2015       | [80 FR 75178]        |
| Revision                         | Vol. 80        | December 4, 2015       | [80 FR 75817]        |
| <u>Revision</u>                  | <u>Vol. 81</u> | <u>August 30, 2016</u> | <u>[81 FR 59800]</u> |

**Regulation 61-62.63, Subpart CC, shall be revised as follows:**

**Subpart CC - “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”**

The provisions of 40 CFR Part 63 Subpart CC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 63 Subpart CC</b> |               |                    |               |
|----------------------------------|---------------|--------------------|---------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>        | <b>Notice</b> |
| Original Promulgation            | Vol. 60       | August 18, 1995    | [60 FR 43260] |
| Revision                         | Vol. 60       | September 27, 1995 | [60 FR 49976] |
| Revision                         | Vol. 61       | February 23, 1996  | [61 FR 7051]  |
| Revision                         | Vol. 61       | June 12, 1996      | [61 FR 29878] |
| Revision                         | Vol. 61       | June 28, 1996      | [61 FR 33799] |
| Revision                         | Vol. 62       | February 21, 1997  | [62 FR 7938]  |
| Revision                         | Vol. 63       | March 20, 1998     | [63 FR 13537] |
| Revision                         | Vol. 63       | May 18, 1998       | [63 FR 27212] |
| Revision                         | Vol. 63       | June 9, 1998       | [63 FR 31361] |
| Revision                         | Vol. 63       | August 18, 1998    | [63 FR 44140] |
| Revision                         | Vol. 65       | May 8, 2000        | [65 FR 26491] |
| Revision                         | Vol. 65       | July 6, 2000       | [65 FR 41594] |
| Revision                         | Vol. 66       | May 25, 2001       | [66 FR 28840] |
| Revision                         | Vol. 68       | June 23, 2003      | [68 FR 37334] |
| Revision                         | Vol. 74       | October 28, 2009   | [74 FR 55670] |
| Revision                         | Vol. 75       | June 30, 2010      | [75 FR 37730] |
| Revision                         | Vol. 76       | July 18, 2011      | [76 FR 42052] |
| Revision                         | Vol. 78       | June 20, 2013      | [78 FR 37133] |
| Revision                         | Vol. 80       | December 1, 2015   | [80 FR 75178] |
| Revision                         | Vol. 81       | July 13, 2016      | [81 FR 45232] |

**Regulation 61-62.63, Subpart GG, shall be revised as follows:**

**Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”**

The provisions of 40 CFR Part 63 Subpart GG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 63 Subpart GG</b> |               |                   |               |
|----------------------------------|---------------|-------------------|---------------|
| <b>Federal Register Citation</b> | <b>Volume</b> | <b>Date</b>       | <b>Notice</b> |
| Original Promulgation            | Vol. 60       | September 1, 1995 | [60 FR 45956] |
| Revision                         | Vol. 61       | February 9, 1996  | [61 FR 4903]  |
| Revision                         | Vol. 61       | December 17, 1996 | [61 FR 66227] |
| Revision                         | Vol. 63       | March 27, 1998    | [63 FR 15006] |
| Revision                         | Vol. 63       | September 1, 1998 | [63 FR 46526] |

| <b>40 CFR Part 63 Subpart GG</b> |                |                       |                      |
|----------------------------------|----------------|-----------------------|----------------------|
| <b>Federal Register Citation</b> | <b>Volume</b>  | <b>Date</b>           | <b>Notice</b>        |
| Revision                         | Vol. 65        | October 17, 2000      | [65 FR 61744]        |
| Revision                         | Vol. 65        | December 8, 2000      | [65 FR 76941]        |
| Revision                         | Vol. 68        | June 23, 2003         | [68 FR 37334]        |
| Revision                         | Vol. 71        | April 20, 2006        | [71 FR 20446]        |
| Revision                         | Vol. 79        | February 27, 2014     | [79 FR 11228]        |
| Revision                         | Vol. 80        | December 7, 2015      | [80 FR 76151]        |
| <u>Revision</u>                  | <u>Vol. 81</u> | <u>August 3, 2016</u> | <u>[81 FR 51114]</u> |

**Regulation 61-62.63, Subpart LLL, shall be revised as follows:**

**Subpart LLL - “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”**

The provisions of 40 CFR Part 63 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 63 Subpart LLL</b> |                |                      |                      |
|-----------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>  | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation             | Vol. 64        | June 14, 1999        | [64 FR 31898]        |
| Revision                          | Vol. 64        | September 30, 1999   | [64 FR 52828]        |
| Revision                          | Vol. 67        | April 5, 2002        | [67 FR 16614]        |
| Revision                          | Vol. 67        | December 6, 2002     | [67 FR 72580]        |
| Revision                          | Vol. 68        | June 23, 2003        | [68 FR 37334]        |
| Revision                          | Vol. 71        | December 20, 2006    | [71 FR 76518]        |
| Revision                          | Vol. 75        | September 9, 2010    | [75 FR 54970]        |
| Revision                          | Vol. 76        | January 18, 2011     | [76 FR 2832]         |
| Revision                          | Vol. 78        | February 12, 2013    | [78 FR 10006]        |
| Revision                          | Vol. 80        | July 27, 2015        | [80 FR 44771]        |
| Revision                          | Vol. 80        | September 11, 2015   | [80 FR 54728]        |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>July 25, 2016</u> | <u>[81 FR 48356]</u> |

**Regulation 61-62.63, Subpart RRR, shall be revised as follows:**

**Subpart RRR - “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production”**

The provisions of 40 CFR Part 63 Subpart RRR, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 63 Subpart RRR</b> |               |                |               |
|-----------------------------------|---------------|----------------|---------------|
| <b>Federal Register Citation</b>  | <b>Volume</b> | <b>Date</b>    | <b>Notice</b> |
| Original Promulgation             | Vol. 65       | March 23, 2000 | [65 FR 15690] |

| <b>40 CFR Part 63 Subpart RRR</b> |                |                      |                      |
|-----------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>  | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Revision                          | Vol. 67        | June 14, 2002        | [67 FR 41118]        |
| Revision                          | Vol. 67        | August 13, 2002      | [67 FR 52616]        |
| Revision                          | Vol. 67        | September 24, 2002   | [67 FR 59787]        |
| Revision                          | Vol. 67        | November 8, 2002     | [67 FR 68038]        |
| Revision                          | Vol. 67        | December 30, 2002    | [67 FR 79808]        |
| Revision                          | Vol. 68        | June 23, 2003        | [68 FR 37334]        |
| Revision                          | Vol. 69        | September 3, 2004    | [69 FR 53980]        |
| Revision                          | Vol. 70        | October 3, 2005      | [70 FR 57513]        |
| Revision                          | Vol. 70        | December 19, 2005    | [70 FR 75320]        |
| Revision                          | Vol. 71        | April 20, 2006       | [71 FR 20446]        |
| Revision                          | Vol. 79        | February 27, 2014    | [79 FR 11228]        |
| Revision                          | Vol. 80        | September 18, 2015   | [80 FR 56699]        |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>June 13, 2016</u> | <u>[81 FR 38085]</u> |

**Regulation 61-62.63, Subpart UUU, shall be revised as follows:**

**Subpart UUU - “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units”**

The provisions of 40 CFR Part 63 Subpart UUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 63 Subpart UUU</b> |                |                      |                      |
|-----------------------------------|----------------|----------------------|----------------------|
| <b>Federal Register Citation</b>  | <b>Volume</b>  | <b>Date</b>          | <b>Notice</b>        |
| Original Promulgation             | Vol. 67        | April 11, 2002       | [67 FR 17762]        |
| Revision                          | Vol. 69        | April 9, 2004        | [69 FR 18801]        |
| Revision                          | Vol. 70        | February 9, 2005     | [70 FR 6930]         |
| Revision                          | Vol. 71        | April 20, 2006       | [71 FR 20446]        |
| Revision                          | Vol. 80        | December 1, 2015     | [80 FR 75178]        |
| <u>Revision</u>                   | <u>Vol. 81</u> | <u>July 13, 2016</u> | <u>[81 FR 45232]</u> |

**Regulation 61-62.63, Subpart UUUUU, shall be revised as follows:**

**Subpart UUUUU - “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”**

The provisions of 40 CFR Part 63 Subpart UUUUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 63 Subpart UUUUU</b> |               |                   |               |
|-------------------------------------|---------------|-------------------|---------------|
| <b>Federal Register Citation</b>    | <b>Volume</b> | <b>Date</b>       | <b>Notice</b> |
| Original Promulgation               | Vol. 77       | February 16, 2012 | [77 FR 9304]  |



| <b>40 CFR Part 63 Subpart UUUUU</b> |               |                   |                      |
|-------------------------------------|---------------|-------------------|----------------------|
| <b>Federal Register Citation</b>    | <b>Volume</b> | <b>Date</b>       | <b>Notice</b>        |
| Revision                            | Vol. 77       | April 19, 2012    | [77 FR 23399]        |
| Revision                            | Vol. 77       | August 2, 2012    | [77 FR 45967]        |
| Revision                            | Vol. 78       | April 24, 2013    | [78 FR 24073]        |
| Revision                            | Vol. 79       | November 19, 2014 | [79 FR 68777, 68795] |
| Revision                            | Vol. 80       | March 24, 2015    | [80 FR 15510]        |
| Revision                            | Vol. 81       | April 6, 2016     | [81 FR 20172]        |

**Regulation 61-62.63, Subpart EEEEE, shall be revised as follows:**

**Subpart EEEEE - “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources”**

The provisions of 40 CFR Part 63 Subpart EEEEE, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 63 Subpart EEEEE</b> |               |                  |               |
|-------------------------------------|---------------|------------------|---------------|
| <b>Federal Register Citation</b>    | <b>Volume</b> | <b>Date</b>      | <b>Notice</b> |
| Original Promulgation               | Vol. 72       | January 23, 2007 | [72 FR 2930]  |
| Revision                            | Vol. 72       | July 3, 2007     | [72 FR 36363] |

**Regulation 61-62.63, Subpart JJJJJ, shall be revised as follows:**

**Subpart JJJJJ - ~~“National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers”~~ National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources”**

The provisions of 40 CFR Part 63 Subpart JJJJJ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| <b>40 CFR Part 63 Subpart JJJJJ</b> |               |                    |               |
|-------------------------------------|---------------|--------------------|---------------|
| <b>Federal Register Citation</b>    | <b>Volume</b> | <b>Date</b>        | <b>Notice</b> |
| Original Promulgation               | Vol. 69       | September 13, 2004 | [69 FR 55217] |
| Revision                            | Vol. 70       | December 28, 2005  | [70 FR 76918] |
| Revision                            | Vol. 71       | December 6, 2006   | [71 FR 70651] |
| Revision                            | Vol. 76       | March 21, 2011     | [76 FR 15554] |
| Revision                            | Vol. 76       | March 21, 2011     | [76 FR 15608] |
| Revision                            | Vol. 76       | May 18, 2011       | [76 FR 28662] |
| Revision                            | Vol. 78       | January 31, 2013   | [78 FR 7138]  |
| Revision                            | Vol. 78       | February 1, 2013   | [78 FR 7488]  |
| Revision                            | Vol. 81       | September 14, 2016 | [81 FR 63112] |

**Regulation 61-62.70, Title V Operating Permit Program**

**Regulation 61-62.70.7 (e)(2)(ii)(C), shall be revised as follows:**

(C) Certification by a responsible official, consistent with §Section 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

**Regulation 61-62.70.7 (h)(1), shall be revised as follows:**

(1) Notice shall be given ~~by publication~~; by one of the following methods: By publishing the notice in a newspaper of general circulation in the area where the source is located (or in a State publication designed to give general public notice); or by posting the notice, for the duration of the public comment period, on a public website identified by the Department, if the Department has selected website noticing as its "consistent noticing method." The consistent noticing method shall be used for all draft permits subject to notice under this paragraph. If website noticing is selected as the consistent noticing method, the draft permit shall also be posted, for the duration of the public comment period, on a public website identified by the Department. In addition, notice shall be given to persons on a mailing list developed by the Department using generally accepted methods (e.g., hyperlink sign-up function or radio button on an agency website, sign-up sheet at a public hearing, etc.) that enable interested parties to subscribe to the mailing list. The Department may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Department may delete from the list the name of any person who fails to respond to such a request within a reasonable timeframe. The Department may use other means to provide adequate notice to the affected public; to persons on a mailing list developed by the Department, including those who request in writing to be on the list; and by other means if necessary to assure adequate notice to the affected public;

**Regulation 61-62.70.7 (h)(2), shall be revised as follows:**

(2) The notice shall identify the affected facility; the name and address of the permittee; the name and address of the Department; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person (or an email or website address) from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to Section 114(c) of the Act (the contents of a Part 70 permit shall not be entitled to protection under Section 114(c) of the Act), and all other materials available to the Department (except for publicly-available materials and publications) that are relevant to the permit decision; a brief description of the comment procedures required by this part; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled);

**Regulation 61-62.70.9 (b)(2)(ii)(A), shall be revised as follows:**

(A) The actual emissions of sources for which no fee is required under §Section 70.9(b)(4);

**Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program**

**Regulation 61-62.97 shall be added as follows:**

**61-62.97. Cross-State Air Pollution Rule (CSAPR) Trading Program.**

### **Subpart A - South Carolina CSAPR NO<sub>x</sub> Annual Trading Program**

1. Except as provided in paragraphs 2. and 3. of this subpart, the provisions of the July 1, 2016 edition of 40 CFR 97.402 through 97.408, 97.411 through 97.418, 97.420 through 97.428, and 97.430 through 97.435 as amended at 81 FR 74604-07 (October 26, 2016) are adopted and incorporated by reference.

2. The provisions of 40 CFR 97.411(b)(2) and (c)(5)(iii), 97.412(b), and 97.421(h) and (j) are not adopted or incorporated by reference.

3. For purposes of this subpart, the provisions of 40 CFR 97.404(a)(1) and (b)(1) that are otherwise adopted and incorporated by reference are modified by removing the phrase “The following units in a State (and Indian country within the borders of such State)” and adding in its place the phrase “The following units in South Carolina (but not in Indian country within South Carolina’s borders)”.

4. For purposes of this subpart, for the control periods in 2017 and thereafter, the South Carolina NO<sub>x</sub> Annual trading budget, new unit set-aside, and Indian country new unit-set aside for allocations of CSAPR NO<sub>x</sub> Annual allowances, and the variability limit for the South Carolina NO<sub>x</sub> Annual trading budget, are as follows:

- a. The NO<sub>x</sub> Annual trading budget is 32,498 tons.
- b. The new unit set-aside is 620 tons.
- c. The Indian country new unit set-aside is 33 tons.
- d. The variability limit is 5,850 tons.
- e. The South Carolina NO<sub>x</sub> Annual trading budget in this subpart includes any tons in the new unit set-aside or Indian country new unit set-aside but does not include any tons in the variability limit.

### **Subpart B - South Carolina CSAPR SO<sub>2</sub> Group 2 Trading Program**

1. Except as provided in paragraphs 2. and 3. of this subpart, the provisions of the July 1, 2016 edition of 40 CFR 97.702 through 97.708, 97.711 through 97.718, 97.720 through 97.728, and 97.730 through 97.735 as amended at 81 FR 74618-21 (October 26, 2016) are adopted and incorporated by reference.

2. The provisions of 40 CFR 97.711(b)(2) and (c)(5)(iii), 97.712(b), and 97.721(h) and (j) are not adopted or incorporated by reference.

3. For purposes of this subpart, the provisions of 40 CFR 97.704(a)(1) and (b)(1) that are otherwise adopted and incorporated by reference are modified by removing the phrase “The following units in a State (and Indian country within the borders of such State)” and adding in its place the phrase “The following units in South Carolina (but not in Indian country within South Carolina’s borders)”.

4. For purposes of this subpart, for the control periods in 2017 and thereafter, the South Carolina SO<sub>2</sub> Group 2 trading budget, new unit set-aside, and Indian country new unit-set aside for allocations of CSAPR SO<sub>2</sub> Group 2 allowances, and the variability limit for the South Carolina SO<sub>2</sub> Group 2 trading budget, are as follows:

- a. The SO<sub>2</sub> Group 2 trading budget is 96,633 tons.
- b. The new unit set-aside is 1,836 tons.
- c. The Indian country new unit set-aside is 97 tons.
- d. The variability limit is 17,394 tons.
- e. The South Carolina SO<sub>2</sub> Group 2 trading budget in this subpart includes any tons in the new unit set-aside or Indian country new unit set-aside but does not include any tons in the variability limit.

## **Statement of Need and Reasonableness:**

This Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

### DESCRIPTION OF REGULATION:

Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (“SIP”).

#### Purpose:

(1) The United States Environmental Protection Agency (“EPA”) promulgated amendments to national air quality standards in 2016. The recent federal amendments include clarification, guidance and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. Sections 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. Section 7411, federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories mandated by 42 U.S.C. Section 7412, and Prevention of Significant Deterioration (“PSD”) and Title V Operating Program provisions promulgated under title I and title V of the CAA.

(2) These revisions therefore amend Regulation 61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants; Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; Regulation 61-62.70, Title V Operating Permit Program; and the SIP, to adopt the federal amendments to these standards promulgated from January 1, 2016, through December 31, 2016.

(3) These amendments also add Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate the EPA’s CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the Federal Register on August 8, 2011 (76 FR 48208) and subsequently amended on June 12, 2012 (77 FR 34830), December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This regulation addresses mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.

(4) Other changes to Regulation 61-62 were made that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. The citations where these revisions were made are listed within the Section-by-Section Discussion of Amendments.

#### Legal Authority:

The South Carolina Pollution Control Act, 1976 Code Section 48-1-10 et seq. (“Pollution Control Act”), authorizes the Department to adopt emission control regulations, standards, and limitations, and take all actions necessary or appropriate to secure to the State the benefits of federal air pollution control laws. Pursuant to the Pollution Control Act, along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

#### Plan for Implementation:

The amendments took effect upon approval by the Board of Health and Environmental Control and by publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>, sending an email to stakeholders, and communicating with affected facilities during the permitting process.

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

The EPA promulgates amendments to 40 CFR Parts 50, 51, 52, 60, 61, 63, and 70 throughout each calendar year. Federal amendments in 2016 included new and revised NSPS rules, NESHAPs, and NESHAPs for Source Categories, and amendments to PSD and Title V permitting provisions. The Department is adopting these federal amendments to maintain compliance with federal law. The EPA has also promulgated regulations under 40 CFR Part 97 establishing CSAPR trading provisions for South Carolina for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual). Adoption of the federal CSAPR trading program is necessary to address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491. The above amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

#### DETERMINATION OF COSTS AND BENEFITS:

The regulations are not subject to the requirements of a fiscal impact statement or a preliminary assessment report. The Department does not anticipate an increase in costs to the State or its political subdivisions resulting from these revisions. The standards to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the regulated community has already incurred the cost of these regulations. The amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to the authority granted by Section 48-1-50 of the Pollution Control Act. These amendments will benefit the regulated community by maintaining State implementation of the federal requirements, as opposed to federal implementation.

#### UNCERTAINTIES OF ESTIMATES:

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

#### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through these amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, will continue State-focused protection of the environment and public health.

#### DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

The State's authority to implement federal requirements, which is beneficial to the public health and environment of South Carolina, would be compromised if these amendments are not adopted.

**ATTACHMENT B**

**SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES**

**Document No. 4750**

**Regulation 61-62, Air Pollution Control Regulations and Standards**

**As of the June 26, 2017 close of the Notice of Proposed Regulation comment period:**

| <b>NAME</b>   | <b>SECTION CITATION</b>                 | <b>PUBLIC COMMENT</b>  | <b>DEPARTMENT RESPONSE</b>   |
|---|---|--|--|
| (Name of commenter and organization, if applicable) | (Exact provision the comment addresses) | (Summary of the comment)   | (Staff's response to the comment)  |
| Tom Effinger at SCANA Corporation                   | R.61-62.97                              | “The draft language for the CSAPR Trading NO <sub>x</sub> annual Program incorporates the majority of the provisions outlined in the federal CSAPR rule with a few exceptions. South Carolina proposes to not incorporate provisions 40 CFR 97.411 (b)(2) and (c)(5)(iii), 97.412(b), and 97.421(h) and (j) by reference. These provisions establish procedures for the allowance allocations to new units and the timing and recordation of the NO <sub>x</sub> annual allocations. The reason for not incorporating these provisions by reference is unclear. If South Carolina plans to disperse NUSA allocations in a different manner please explain this methodology. Please provide details as to how South Carolina will administer the trading program differently from the specifications EPA has provided (i.e. timing requirements, recordation of allowance allocations, etc.)” | The Department does not intend to reallocate the NO <sub>x</sub> Annual trading budget allowances under this regulation, so the noted provisions are not being adopted. Initial discussions with SC utilities (when the federal CSAPR was issued) indicated there were no significant concerns with the EPA proposed allocation scheme. The EPA will continue to administer the allowance allocations. |
| Tom Effinger at SCANA Corporation                   | R.61-62.97                              | “The new unit set aside (NUSA) included in your draft for the NO <sub>x</sub> annual trading budget is 617 tons. The NUSA that is designated in the EPA spreadsheet for NO <sub>x</sub> Annual Program 2 <sup>nd</sup> Round NUSA allocations <sup>1</sup> reflects a value of 620 tons for the South Carolina’s NUSA. What is the reason for this discrepancy? Is this a typographical error? The other program budgets including the NO <sub>x</sub> annual trading  | The EPA provided this information (617 tons NUSA) from an alternative EPA working spreadsheet. The Department has changed the proposed SC regulation wording to reflect the 620 tons NUSA listed in the referenced EPA website.  |

| NAME                              | SECTION CITATION                         | PUBLIC COMMENT  | DEPARTMENT RESPONSE   |
|-----------------------------------|--|---|---|
|                                   |  | <p>budget, Indian country NUSA, and the variability limit are consistent with the values EPA has listed.”</p> <p><sup>1</sup> EPA website <a href="https://www.epa.gov/csapr/csapr-compliance-year-2016-nusa-nodas">https://www.epa.gov/csapr/csapr-compliance-year-2016-nusa-nodas</a></p>   |   |
| Tom Effinger at SCANA Corporation | R.61-62.97                               | <p>“Subpart B outlines specific provisions of the CSAPR SO<sub>x</sub> Group 2 Trading Program that will not be incorporated by reference as well. Sections 40 CFR 97.711 (b)(2) and (c)(5)(iii), 97.712(b), and 97.721(h) and (j) have not been adopted by reference in the CSAPR SO<sub>2</sub> Group 2 trading program as outlined in your draft. Please explain how South Carolina’s SO<sub>2</sub> Group 2 trading program will differ.”</p>   | <p>The Department does not intend to reallocate the SO<sub>2</sub> Group 2 trading budget allowances under this regulation, so the noted provisions are not being adopted. Initial discussions with SC utilities (when the federal CSAPR was issued) indicated there were no significant concerns with the EPA proposed allocation scheme. The EPA will continue to administer the allowance allocations.</p> |
| EPA Region 4                      | R.61-62.5 Standard No. 7 and R. 61-62.70 | <p>“The proposed revisions to the public notice provision of Regulation 61-62.5, Standard No. 7, Section (q)(2)(iii) and 61-62.70.7(h)(1), incorporate the amendments to the U.S. Environmental Protection Agency public notice regulations almost verbatim. These provisions remove the mandatory newspaper notice requirements and provide “the option for the <i>agency rules</i> to require <i>either</i>” electronic notice or newspaper notice as the State’s consistent noticing method (81 FR 71616, October 18, 2016). We recommend, for clarity, that South Carolina’s rules be revised to specify the selected “consistent noticing method” in the State rules, preserving the option to supplement this method by other noticing methods on individual permits. We acknowledge that South Carolina indicates in the May 26, 2017, letter to EPA that the website is intended to be the consistent noticing method.”</p> | <p>The Department intends to defer further clarifying revisions to the next General Assembly package, as this amendment will require legislative approval.</p>  |
| EPA Region 4                      | R.61-62.5 Standard No. 7.1               | <p>“South Carolina Regulation 61-62.5, Standard No. 7.1, related to the public notice requirements for permit issuance in a non-attainment area, contains provisions that require public notice publication in a newspaper of general circulation. If South Carolina intends to make use of the electronic noticing option for nonattainment permitting, the EPA recommends that South Carolina consider</p>  | <p>The Department intends to defer this issue to the next General Assembly package, as this amendment will require legislative approval.</p>  |

| NAME         | SECTION CITATION                         | PUBLIC COMMENT   | DEPARTMENT RESPONSE  |
|--------------|--|--|--|
|              |  | revising the Standard No. 7.1 regulations as well as the Prevention of Significant Deterioration and title V regulations.”   |  |
| EPA Region 4 | R.61-62.5 Standard No. 7 and R. 61-62.70 | “The proposed revisions to the public notice provisions of Regulation 61-62.5, Standard No. 7 and Regulation 61-62.70, refer to “a public website identified by the Department.” For consistency, South Carolina might want to consider using similar terminology in Regulation 61-62.1, Section II, N – Public Participation Procedures, which refers to “the Department’s website”.” | The Department intends to defer this issue to the next General Assembly package. |



## ATTACHMENT C

Excerpt of the Notice of Drafting  
Published in the *State Register* on January 27, 2017

### 24 DRAFTING NOTICES

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

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

#### Notice of Drafting:

The Department of Health and Environmental Control (Department) is proposing to amend Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). Interested persons are invited to present their views concerning these amendments in writing to Marie F. Brown, Air Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via electronic mail at [brownmf@dhec.sc.gov](mailto:brownmf@dhec.sc.gov). To be considered, the Department must receive comments by 5:00 p.m. on February 27, 2017, the close of the drafting comment period.

#### Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations throughout each calendar year. Recent federal amendments to 40 CFR Parts 50, 51, 52, 60, 61, 63, and 70 include clarification, guidance and technical amendments regarding state implementation plan (SIP) requirements, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NSR), the Title V Operating Program, and revisions to testing methods.

The Department proposes to amend: Regulation 61-62.1, Definitions and General Requirements, Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants, Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Regulation 61-62.70, Title V Operating Permit Program, to incorporate by reference recent federal amendments promulgated from January 1, 2016, through December 31, 2016.

The Department also proposes to add Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate the EPA's CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the *Federal Register* on August 8, 2011 (76 FR 48208) and subsequently amended on December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This will address mandatory transport and regional haze SIP infrastructure elements.

The Department may also propose other changes to Regulation 61-62 that may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

In accordance with 1976 Code Section 1-23-120(H), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law.

**BOARD OF HEALTH AND ENVIRONMENTAL CONTROL**

Summary Sheet  
August 10, 2017

Action

Information

**I. SUBJECT:** Temporary Placement of Acryl Fentanyl into Schedule I for Controlled Substances

**II. FACTS:** Controlled substances are governed by the S.C. Controlled Substances Act (CSA), found at Title 44, Chapter 53, of the S.C. Code of Laws. Schedule I substances are listed in S.C. Code Ann. Section 44-53-190. Pursuant to Section 44-53-160, titled "Manner in which changes in schedule of controlled substances shall be made," controlled substances are generally designated by the General Assembly upon recommendation by DHEC. Section 44-53-160(B) provides a process by which DHEC can expeditiously designate a substance as a controlled substance if the federal government has so designated.

Section 44-53-160(B) states:

Except as otherwise provided in this section, during the time the General Assembly is not in session, the department may add, delete, or reschedule a substance as a controlled substance after providing notice and a hearing to all interested parties. The addition, deletion, or rescheduling of a substance pursuant to this subsection has the full force of law unless overturned by the General Assembly. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Medical, Military, Public and Municipal Affairs Committee, and the Judiciary Committee of the House of Representatives, and to the Clerks of the Senate and House, and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.

On June 2, 2017, the U.S. Department of Justice, Drug Enforcement Administration (DEA), published its Notice of Intent to place N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or acryloylfentanyl) in schedule I of the Controlled Substances Act (CSA). The temporary scheduling order was to be published in the Federal Register not before July 3, 2017.

This action was based on a finding by the DEA that the placement of acryl fentanyl into schedule I of the CSA is necessary because it has a potential for abuse similar to other schedule I substances. See June 2, 2017 Notice of Intent for Temporary Placement of Acryl Fentanyl into Schedule I; available online at: [https://www.deadiversion.usdoj.gov/fed\\_regs/rules/2017/fr0602\\_2.htm](https://www.deadiversion.usdoj.gov/fed_regs/rules/2017/fr0602_2.htm) (last visited June 29, 2017).

The final temporary scheduling order was published on July 14, 2017 in Federal Register Volume 82, Number 134 [Rules and Regulations][Pages 32453-32457].

(See 2017 Federal Register Publication, available at <https://www.gpo.gov/fdsys/pkg/FR-2017-07-14/pdf/2017-14880.pdf>.)

### III. ANALYSIS:

Acryl fentanyl is a synthetic opioid currently being abused in the United States for its opioid properties. Available data and information for acryl fentanyl, summarized below, indicate that this synthetic opioid has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.

Evidence suggests that the pattern of abuse of fentanyl analogues, including acryl fentanyl, parallels that of heroin and prescription opioid analgesics. Seizures of acryl fentanyl have been encountered in powder form, in solution, and packaged similar to that of heroin. Acryl fentanyl has been encountered as a single substance as well as in combination with other substances of abuse, including heroin, fentanyl, 4-fluoroisobutyryl fentanyl, and furanyl fentanyl.

Acryl fentanyl has been connected to fatal overdoses, in which insufflation and intravenous routes of administration are documented. According to SLED, there have been two known deaths in South Carolina due to acryl fentanyl. The deaths, which were not connected, involved a 23-year old male and a 43-year old male. The 43-year old male believed he was using heroin when in fact the substance he injected was acryl fentanyl, resulting in his death. His wife also injected this substance, but survived the encounter. SLED has identified 11 acryl fentanyl drug seizure cases in South Carolina since 2016.

DEA has received reports for at least 83 confirmed fatalities associated with acryl fentanyl. Information on these deaths, occurring as early as September 2016, was collected by the DEA from post-mortem toxicology and medical examiner reports. These deaths were reported from, and occurred in, Illinois (27), Maryland (22), New Jersey (1), Ohio (31), and Pennsylvania (2). NFLIS and STARLIMS have a total of 110 drug reports in which acryl fentanyl was identified in drug exhibits submitted to forensic laboratories in 2016 and 2017 from law enforcement encounters in Alabama, Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. It is likely that the prevalence of acryl fentanyl in opioid analgesic-related emergency room admissions and deaths is underreported as standard immunoassays may not differentiate this substance from fentanyl.

The population likely to abuse acryl fentanyl overlaps with the population abusing prescription opioid analgesics, heroin, fentanyl, and other fentanyl-related substances. This is evidenced by the routes of drug administration and drug use history documented in acryl fentanyl fatal overdose cases and encounters of the substance by law enforcement officials. Because abusers of acryl fentanyl are likely to obtain this substance through unregulated sources, the identity, purity, and quantity are uncertain and inconsistent, thus posing significant adverse health risks to the end user. Individuals who initiate (i.e. use a drug for the first time) acryl fentanyl abuse are likely to be at risk of developing substance use disorder, overdose, and death similar to that of other opioid analgesics (e.g., fentanyl, morphine, etc.).

Acryl fentanyl exhibits pharmacological profiles similar to that of fentanyl and other [micro]-opioid receptor agonists. The toxic effects of acryl fentanyl in humans are demonstrated by overdose fatalities involving this substance. Abusers of acryl fentanyl may not know the origin, identity, or purity of this substance, thus posing significant adverse health risks when compared to abuse of pharmaceutical preparations of opioid analgesics, such as morphine and oxycodone.

Based on information reviewed by the DEA, the misuse and abuse of acryl fentanyl leads to the same qualitative public health risks as heroin, fentanyl, and other opioid analgesic substances. As with any non-medically approved opioid, the health and safety risks for users are high. The public health risks attendant to the abuse of heroin and opioid analgesics are well established and have resulted in large numbers of drug treatment admissions, emergency department visits, and fatal overdoses.

Based on the available data and information, summarized above, the continued uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of acryl fentanyl poses an imminent hazard to the public safety. The DEA is not aware of any currently accepted medical uses for acryl fentanyl in the United States.

When determining whether a substance should be placed into Schedule I of the S.C. Controlled Substances Act, Section 44-53-180 of the S.C. Code of Laws requires the Department place a substance in Schedule II if it meets the following criteria:

- (a) A high potential for abuse;
- (b) No accepted medical use in treatment in the United States; and
- (c) A lack of accepted safety for use in treatment under medical supervision.


S.C. Code Ann. § 44-53-180.

DEA conducted its own review and determined that acryl fentanyl met the criteria for placement in schedule I of the federal CSA because a review of available data showed it had a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use in treatment under medical supervision.

#### IV. RECOMMENDATION:

As DEA has determined the placement of acryl fentanyl into schedule I of the federal CSA is necessary, the Department recommends the Board adopt the scheduling of acryl fentanyl into Schedule I for Controlled Substances in South Carolina and amend S.C. Code Section 44-53-190(B) to include: Acryl fentanyl.

Submitted by:

  
\_\_\_\_\_  
Lisa Thomson  
Chief, Bureau of Drug Control

  
\_\_\_\_\_  
Shelly Kelly  
Deputy Director for Health Regulations

Attachment: Federal Register Vol. 82, No. 134, Friday July 14, 2017

with respect to the United States. This period may be extended for additional periods of not more than five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists. (19 CFR 12.104g(a)).

On July 12, 2016, the Department of State received a request by the Republic of Cyprus to extend the Agreement. The Department of State proposed to extend the import restrictions for an additional five years in a notice published in the *Federal Register* (81 FR 52946) on August 10, 2016. On March 22, 2017, the Assistant Secretary for Educational and Cultural Affairs, State Department, after consultation with and recommendations by the Cultural Property Advisory Committee, determined that the cultural heritage of Cyprus continues to be in jeopardy from pillage of certain archaeological objects and certain ethnological materials and that the import restrictions should be extended for an additional five-year period to July 16, 2022. Diplomatic notes have been exchanged reflecting the extension of those restrictions for an additional five-year period. Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions.

The Amended Designated List of archaeological objects and Byzantine and post-Byzantine ecclesiastical and ritual ethnological materials is set forth in CBP Dec. 12–13. The herein mentioned Agreements and the Designated List and amended Designated Lists may be found at the following Web site address: <https://eca.state.gov/cultural-heritage-center/cultural-property-protection/bilateral-agreements> by clicking on “Cyprus.”

The restrictions on the importation of these archaeological, and ecclesiastical and ritual ethnological materials from Cyprus are to continue in effect through July 16, 2022. Importation of such materials from Cyprus continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

**Inapplicability of Notice and Delayed Effective Date**

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). In addition, CBP has determined that such notice or public procedure would be impracticable and contrary to the public interest because the action being taken is essential to avoid interruption of the application of the existing import restrictions (5 U.S.C.

553(b)(B)). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

**Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

**Executive Orders 12866 and 13771**

Because this rule involves a foreign affairs function of the United States, it is not subject to either Executive Order 12866 or Executive Order 13771.

**Signing Authority**

This regulation is being issued in accordance with 19 CFR 0.1(a)(1).

**List of Subjects in 19 CFR Part 12**

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

**Amendment to CBP Regulations**

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

**PART 12—SPECIAL CLASSES OF MERCHANDISE**

- 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

\* \* \* \* \*

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

\* \* \* \* \*

**§ 12.104g [Amended]**

- 2. In § 12.104g, paragraph (a), the table is amended in the entry for “Cyprus” by adding the words “extended by CBP Dec. 17–07” after the words “CBP Dec. 12–13” in the column headed “Decision No.”.

**Kevin K. McAleenan,**  
*Acting Commissioner, U.S. Customs and Border Protection.*

Approved: July 11, 2017.  
**Timothy E. Skud,**  
*Deputy Assistant Secretary of the Treasury.*  
 [FR Doc. 2017–14822 Filed 7–13–17; 8:45 am]

**BILLING CODE 9111–14–P**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Part 1308**

[Docket No. DEA–460]

**Schedules of Controlled Substances: Temporary Placement of Acryl Fentanyl Into Schedule I**

**AGENCY:** Drug Enforcement Administration, Department of Justice.  
**ACTION:** Temporary scheduling order.

**SUMMARY:** The Administrator of the Drug Enforcement Administration is issuing this temporary scheduling order to schedule the synthetic opioid, *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacrylamide (acryl fentanyl or acryloylfentanyl), and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers, into Schedule I. This action is based on a finding by the Administrator that the placement of acryl fentanyl into Schedule I of the Controlled Substances Act is necessary to avoid an imminent hazard to the public safety. As a result of this order, the regulatory controls and administrative, civil, and criminal sanctions applicable to Schedule I controlled substances will be imposed on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle, acryl fentanyl.

**DATES:** This temporary scheduling order is effective July 14, 2017, until July 15, 2019, unless it is extended for an additional year or a permanent scheduling proceeding is completed. The DEA will publish a document in the *Federal Register* announcing an extension or permanence.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

**SUPPLEMENTARY INFORMATION:**

**Legal Authority**

Section 201 of the Controlled Substances Act (CSA), 21 U.S.C. 811, provides the Attorney General with the authority to temporarily place a substance into Schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b) if he finds that such action is necessary to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h)(1). In addition, if proceedings to control a substance are

initiated under 21 U.S.C. 811(a)(1), the Attorney General may extend the temporary scheduling<sup>1</sup> for up to one year. 21 U.S.C. 811(h)(2).

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under section 202 of the CSA, 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 355. 21 U.S.C. 811(h)(1). The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

### Background

Section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of his intention to temporarily place a substance into Schedule I of the CSA.<sup>2</sup> The Administrator transmitted the notice of intent to place acryl fentanyl into Schedule I on a temporary basis to the Assistant Secretary by letter dated April 17, 2017. The Assistant Secretary responded to this notice by letter dated May 2, 2017, and advised that based on review by the Food and Drug Administration (FDA), there are currently no investigational new drug applications or approved new drug applications for acryl fentanyl. The Assistant Secretary also stated that the HHS has no objection to the temporary placement of acryl fentanyl into Schedule I of the CSA. The DEA has taken into consideration the Assistant Secretary's comments as required by 21 U.S.C. 811(h)(4). Acryl fentanyl is not currently listed in any schedule under the CSA, and no exemptions or approvals are in effect for acryl fentanyl under section 505 of the FDCA, 21 U.S.C. 355. The DEA has found that the control of acryl fentanyl in Schedule I on a temporary basis is necessary to avoid an imminent hazard to the public safety, and as required by 21 U.S.C.

<sup>1</sup> Though DEA has used the term "final order" with respect to temporary scheduling orders in the past, this document adheres to the statutory language of 21 U.S.C. 811(h), which refers to a "temporary scheduling order." No substantive change is intended.

<sup>2</sup> As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

811(h)(1)(A), a notice of intent to issue a temporary order to schedule acryl fentanyl was published in the **Federal Register** on June 2, 2017. 82 FR 25564.

To find that placing a substance temporarily into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA, 21 U.S.C. 811(c): The substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(h)(3). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3).

A substance meeting the statutory requirements for temporary scheduling may only be placed into Schedule I. 21 U.S.C. 811(h)(1). Substances in Schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. 812(b)(1).

Available data and information for acryl fentanyl, summarized below, indicate that this synthetic opioid has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. The DEA's three-factor analysis, and the Assistant Secretary's May 2, 2017, letter, are available in their entirety under the tab "Supporting Documents" of the public docket of this action at [www.regulations.gov](http://www.regulations.gov) under FDMS Docket ID: DEA-2017-0005 (Docket Number DEA-460).

### Factor 4. History and Current Pattern of Abuse

The recreational abuse of fentanyl-like substances continues to be a significant concern. These substances are distributed to users, often with unpredictable outcomes. Acryl fentanyl has recently been encountered by law enforcement and public health officials and the adverse health effects and outcomes are demonstrated by fatal overdose cases. The documented negative effects of acryl fentanyl are consistent with those of other opioids.

On October 1, 2014, the DEA implemented STARLiMS (a web-based, commercial laboratory information management system) to replace the System to Retrieve Information from Drug Evidence (STRIDE) as its laboratory drug evidence data system of record. DEA laboratory data submitted

after September 30, 2014, are repositied in STARLiMS. Data from STRIDE and STARLiMS were queried on May 5, 2017. STARLiMS registered 36 reports containing acryl fentanyl, from Alabama, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Missouri, North Carolina, South Carolina, Tennessee, Texas, and West Virginia. According to STARLiMS, the first laboratory submission of acryl fentanyl occurred in July 2016 in Texas.

The National Forensic Laboratory Information System (NFLIS) is a national drug forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by other federal, state and local forensic laboratories across the country. NFLIS registered 74 reports containing acryl fentanyl from state or local forensic laboratories in Arkansas, California, Connecticut, Iowa, Kentucky, Ohio, Pennsylvania, South Carolina, Texas, and Wisconsin (query date: May 5, 2017).<sup>3</sup> The first report of acryl fentanyl was reported in Wisconsin in May 2016. The DEA is not aware of any laboratory identifications of acryl fentanyl prior to 2016.

Evidence suggests that the pattern of abuse of fentanyl analogues, including acryl fentanyl, parallels that of heroin and prescription opioid analgesics. Seizures of acryl fentanyl have been encountered in powder form, in solution, and packaged similar to that of heroin. Acryl fentanyl has been encountered as a single substance as well as in combination with other substances of abuse, including heroin, fentanyl, 4-fluoroisobutyryl fentanyl, and furanyl fentanyl. Acryl fentanyl has been connected to fatal overdoses, in which insufflation and intravenous routes of administration were documented.

### Factor 5. Scope, Duration and Significance of Abuse

Reports collected by the DEA demonstrate acryl fentanyl is being abused for its opioid properties. This abuse of acryl fentanyl has resulted in morbidity and mortality (*see* DEA 3-Factor Analysis for full discussion). The DEA has received reports for at least 83 confirmed fatalities associated with acryl fentanyl. Information on these deaths, occurring as early as September 2016, was collected by the DEA from post-mortem toxicology and medical examiner reports. These deaths were reported from, and occurred in, Illinois (27), Maryland (22), New Jersey (1),

<sup>3</sup> Data are still being collected for February 2017–April 2017 due to the normal lag period for labs reporting to NFLIS.



Ohio (31), and Pennsylvania (2). NFLIS and STARLIMS have a total of 110 drug reports in which acryl fentanyl was identified in drug exhibits submitted to forensic laboratories in 2016 and 2017 from law enforcement encounters in Alabama, Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. It is likely that the prevalence of acryl fentanyl in opioid analgesic-related emergency room admissions and deaths is underreported as standard immunoassays may not differentiate this substance from fentanyl.

The population likely to abuse acryl fentanyl overlaps with the population abusing prescription opioid analgesics, heroin, fentanyl, and other fentanyl-related substances. This is evidenced by the routes of drug administration and drug use history documented in acryl fentanyl fatal overdose cases and encounters of the substance by law enforcement officials. Because abusers of acryl fentanyl are likely to obtain this substance through unregulated sources, the identity, purity, and quantity are uncertain and inconsistent, thus posing significant adverse health risks to the end user. Individuals who initiate (*i.e.*, use a drug for the first time) acryl fentanyl abuse are likely to be at risk of developing substance use disorder, overdose, and death similar to that of other opioid analgesics (*e.g.*, fentanyl, morphine, etc.).

#### **Factor 6. What, if Any, Risk There Is to the Public Health**

Acryl fentanyl exhibits pharmacological profiles similar to that of fentanyl and other  $\mu$ -opioid receptor agonists. The toxic effects of acryl fentanyl in humans are demonstrated by overdose fatalities involving this substance. Abusers of acryl fentanyl may not know the origin, identity, or purity of this substance, thus posing significant adverse health risks when compared to abuse of pharmaceutical preparations of opioid analgesics, such as morphine and oxycodone.

Based on information reviewed by the DEA, the misuse and abuse of acryl fentanyl leads to the same qualitative public health risks as heroin, fentanyl and other opioid analgesic substances. As with any non-medically approved opioid, the health and safety risks for users are high. The public health risks attendant to the abuse of heroin and opioid analgesics are well established and have resulted in large numbers of

drug treatment admissions, emergency department visits, and fatal overdoses.

Acryl fentanyl has been associated with numerous fatalities. At least 83 confirmed overdose deaths involving acryl fentanyl abuse have been reported from Illinois, Maryland, New Jersey, Ohio, and Pennsylvania in 2016 and 2017. As the data demonstrates, the potential for fatal and non-fatal overdoses exists for acryl fentanyl; thus, acryl fentanyl poses an imminent hazard to the public safety.

#### **Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety**

In accordance with 21 U.S.C. 811(h)(3), based on the data and information summarized above, the continued uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of acryl fentanyl pose an imminent hazard to the public safety. The DEA is not aware of any currently accepted medical uses for this substance in treatment in the United States. A substance meeting the statutory requirements for temporary scheduling, 21 U.S.C. 811(h)(1), may only be placed into Schedule I. Substances in Schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for acryl fentanyl indicate that this substance has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. As required by section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), the Administrator, through a letter dated April 17, 2017, notified the Assistant Secretary of the DEA's intention to temporarily place this substance into Schedule I. A notice of intent was subsequently published in the *Federal Register* on June 2, 2017. 82 FR 25564.

#### **Conclusion**

In accordance with the provisions of section 201(h) of the CSA, 21 U.S.C. 811(h), the Administrator considered available data and information, herein sets forth the grounds for his determination that it is necessary to temporarily schedule acryl fentanyl into Schedule I of the CSA, and finds that placement of this synthetic opioid into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety.

Because the Administrator hereby finds it necessary to temporarily place this synthetic opioid into Schedule I to avoid an imminent hazard to the public safety, this temporary order scheduling acryl fentanyl will be effective on the date of publication in the *Federal Register*, and will be in effect for a period of two years, with a possible extension of one additional year, pending completion of the regular (permanent) scheduling process. 21 U.S.C. 811(h)(1) and (2).

The CSA sets forth specific criteria for scheduling a drug or other substance. Permanent scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures done "on the record after opportunity for a hearing" conducted pursuant to the provisions of 5 U.S.C. 556 and 557. 21 U.S.C. 811. The permanent scheduling process of formal rulemaking affords interested parties with appropriate process and the government with any additional relevant information needed to make a determination. Final decisions that conclude the permanent scheduling process of formal rulemaking are subject to judicial review. 21 U.S.C. 877. Temporary scheduling orders are not subject to judicial review. 21 U.S.C. 811(h)(6).

#### **Requirements for Handling**

Upon the effective date of this temporary order, acryl fentanyl will become subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, engagement in research, and conduct of instructional activities or chemical analysis with, and possession of Schedule I controlled substances including the following:

1. **Registration.** Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, acryl fentanyl must be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312, as of July 14, 2017. Any person who currently handles acryl fentanyl, and is not registered with the DEA, must submit an application for registration and may not continue to handle acryl fentanyl as of July 14, 2017, unless the DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, 958, and in accordance with 21 CFR parts 1301 and 1312. Retail sales

of Schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity of this substance in a manner not authorized by the CSA on or after July 14, 2017 is unlawful and those in possession of any quantity of this substance may be subject to prosecution pursuant to the CSA.

2. *Disposal of stocks.* Any person who does not desire or is not able to obtain a Schedule I registration to handle acryl fentanyl, must surrender all quantities of currently held acryl fentanyl.

3. *Security.* Acryl fentanyl is subject to Schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, 871(b), and in accordance with 21 CFR 1301.71–1301.93, as of July 14, 2017.

4. *Labeling and packaging.* All labels, labeling, and packaging for commercial containers of acryl fentanyl must be in compliance with 21 U.S.C. 825, 958(e), and be in accordance with 21 CFR part 1302. Current DEA registrants shall have 30 calendar days from July 14, 2017, to comply with all labeling and packaging requirements.

5. *Inventory.* Every DEA registrant who possesses any quantity of acryl fentanyl on the effective date of this order must take an inventory of all stocks of this substance on hand, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. Current DEA registrants shall have 30 calendar days from the effective date of this order to be in compliance with all inventory requirements. After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including acryl fentanyl) on hand on a biennial basis, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records.* All DEA registrants must maintain records with respect to acryl fentanyl pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR parts 1304, 1312, 1317, and § 1307.11. Current DEA registrants shall have 30 calendar days from the effective date of this order to be in compliance with all recordkeeping requirements.

7. *Reports.* All DEA registrants who manufacture or distribute acryl fentanyl must submit reports pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312 as of July 14, 2017.

8. *Order Forms.* All DEA registrants who distribute acryl fentanyl must comply with order form requirements pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305 as of July 14, 2017.

9. *Importation and Exportation.* All importation and exportation of acryl fentanyl must be in compliance with 21 U.S.C. 952, 953, 957, 958, and in accordance with 21 CFR part 1312 as of July 14, 2017.

10. *Quota.* Only DEA registered manufacturers may manufacture acryl fentanyl in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303 as of July 14, 2017.

11. *Liability.* Any activity involving acryl fentanyl not authorized by, or in violation of the CSA, occurring as of July 14, 2017, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

#### Regulatory Matters

Section 201(h) of the CSA, 21 U.S.C. 811(h), provides for a temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. As provided in this subsection, the Attorney General may, by order, schedule a substance in Schedule I on a temporary basis. Such an order may not be issued before the expiration of 30 days from (1) the publication of a notice in the **Federal Register** of the intention to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary. 21 U.S.C. 811(h)(1).

Inasmuch as section 201(h) of the CSA directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, the DEA believes that the notice and comment requirements of the Administrative Procedure Act (APA) at 5 U.S.C. 553, do not apply to this temporary scheduling action. In the alternative, even assuming that this action might be subject to 5 U.S.C. 553, the Administrator finds that there is good cause to forgo the notice and comment requirements of 5 U.S.C. 553, as any further delays in the process for issuance of temporary scheduling orders would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety.

Further, the DEA believes that this temporary scheduling action is not a “rule” as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act. The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB).

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. However, if this were a rule, pursuant to the Congressional Review Act, “any rule for which an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the federal agency promulgating the rule determines.” 5 U.S.C. 808(2). It is in the public interest to schedule this substance immediately to avoid an imminent hazard to the public safety. This temporary scheduling action is taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable the DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h) exempts the temporary scheduling order from standard notice and comment rulemaking procedures to ensure that the process moves swiftly. For the same reasons that underlie 21 U.S.C. 811(h), that is, the DEA’s need to move quickly to place this substance into Schedule I because it poses an imminent hazard to the public safety, it would be contrary to the public interest to delay implementation of the temporary scheduling order. Therefore, this order shall take effect immediately upon its publication. The DEA has submitted a copy of this temporary order to both Houses of Congress and to the Comptroller General, although such filing is not required under the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act), 5 U.S.C. 801–808 because, as noted above, this action is an order, not a rule.

#### List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control,



**Reporting and recordkeeping requirements.**

For the reasons set out above, the DEA amends 21 CFR part 1308 as follows:

**PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES**

■ 1. The authority citation for part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. Amend § 1308.11 by adding paragraph (h)(17) to read as follows:

**§ 1308.11 Schedule I**

\* \* \* \* \*  
(h) \* \* \*

(17) *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacrylamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: acryl fentanyl, acryloylfentanyl) .....

(9811)

\* \* \* \* \*

Dated: July 10, 2017.

**Chuck Rosenberg**

*Acting Administrator.*

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Part 1310**

[Docket No. DEA-379]

RIN 1117-ZA04

**Designation of Alpha-Phenylacetoacetonitrile (APAAN), a Precursor Chemical Used in the Illicit Manufacture of Phenylacetone, Methamphetamine, and Amphetamine, as a List I Chemical**

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Drug Enforcement Administration (DEA) is finalizing the designation of the chemical alpha-phenylacetoacetonitrile (APAAN) and its salts, optical isomers, and salts of optical isomers, as a list I chemical under the Controlled Substances Act (CSA). The DEA proposed control of APAAN, due to its use in clandestine laboratories to illicitly manufacture the schedule II controlled substances phenylacetone (also known as phenyl-2-propanone or P2P), methamphetamine, and amphetamine. This rulemaking finalizes, without change, the control of APAAN as a list I chemical.

This action does not establish a threshold for domestic and international transactions of APAAN. As such, all transactions involving APAAN, regardless of size, shall be regulated. In addition, chemical mixtures containing APAAN are not exempt from regulatory requirements at any concentration. Therefore, all transactions of chemical mixtures containing any quantity of APAAN shall be regulated pursuant to the CSA. However, manufacturers may submit an application for exemption for

those mixtures that do not qualify for automatic exemption.

**DATES:** *Effective date:* August 14, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598-6812.

**SUPPLEMENTARY INFORMATION:**

**Legal Authority**

The Controlled Substances Act (CSA) gives the Attorney General the authority to specify, by regulation, chemicals as list I or list II chemicals. 21 U.S.C. 802 (34) and (35). A “list I chemical” is a chemical that is used in manufacturing a controlled substance in violation of title II of the CSA, and is important to the manufacture of the controlled substance. 21 U.S.C. 802(34). A “list II chemical” is a chemical (other than a list I chemical) that is used in manufacturing a controlled substance in violation of title II of the CSA. 21 U.S.C. 802(35). The current list of all listed chemicals is published at 21 CFR 1310.02. Pursuant to 28 CFR 0.100(b), the Attorney General has delegated his authority to designate list I and list II chemicals to the Administrator of the Drug Enforcement Administration.

In addition, the United States is a Party to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Convention). When the United States receives notification that a chemical has been added to Table I or Table II of the 1988 Convention pursuant to article 12, the United States is required to take measures it deems appropriate to monitor the manufacture and distribution of that chemical within the United States and to prevent its diversion. In addition, the 1988 Convention requires the United States to take other specified measures related to that chemical, including measures related to its international trade.

**Background**

By a letter dated April 9, 2014, the Secretary-General of the United Nations informed the United States Government that the chemical alpha-

phenylacetoacetonitrile (APAAN) was added to Table I of the 1988 Convention. This letter was prompted by a March 19, 2014, decision at the 57th Session of the United Nations Commission on Narcotic Drugs (CND) to add APAAN to Table I. As a Party to the 1988 Convention, the United States is obligated, pursuant to article 12, to take measures it deems appropriate to monitor the manufacture and distribution of APAAN within the United States and to prevent its diversion. Article 12 also obligates the United States to take other specified measures related to APAAN, including measures related to its international trade. By designating APAAN, which is a primary precursor for the manufacture of phenylacetone (also known as phenyl-2-propanone (P2P) or benzyl methyl ketone), methamphetamine, and amphetamine, as a list I chemical, the United States will fulfill its obligations under the 1988 Convention.

**Designation of APAAN and Its Salts, Optical Isomers, and Salts of Optical Isomers as a List I Chemical**

On December 12, 2016, DEA published a Notice of Proposed Rulemaking (NPRM) proposing control of APAAN, due to its use in clandestine laboratories to illicitly manufacture the schedule II controlled substances phenylacetone (also known as phenyl-2-propanone or P2P), methamphetamine, and amphetamine. 81 FR 89402. In response to the NPRM, only one comment was received. This comment was supportive of the DEA’s proposed control of APAAN. As such, this rulemaking finalizes the control of APAAN as a list I chemical.

On the effective date of this final rule, handlers of APAAN shall be subject to the chemical regulatory provisions of the CSA, including 21 CFR parts 1309, 1310, 1313, and 1316. Since even a small amount of APAAN can make a significant amount of P2P, this action does not establish a threshold for domestic and import transactions of APAAN in accordance with the provisions of 21 CFR 1310.04(g). Therefore, all APAAN transactions, regardless of size, will be regulated