

SUMMARY SHEET  
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

May 11, 2023

- ( ) ACTION/DECISION  
( X ) INFORMATION

- I. TITLE:** Healthcare Quality Administrative and Consent Orders.
- II. SUBJECT:** Healthcare Quality Administrative Orders and Consent Orders for the period of March 1, 2023, through March 31, 2023.
- III. FACTS:** For the period of March 1, 2023, through March 31, 2023, Healthcare Quality reports 10 Consent Orders and 1 Emergency Suspension Order totaling \$7,500 in assessed monetary penalties.

Bureau	Facility, Service, Provider, or Equipment Type	Emergency Suspension Orders	Consent Orders	Assessed Penalties	Required Payment
Healthcare Systems and Services	Agency		3	\$5,100	\$5,100
	Paramedic	1	3	\$1,500	\$1,350
	EMT		3	\$900	\$900
<b>TOTAL</b>				<b>\$7,500</b>	<b>\$7,350</b>

Submitted By:

*Gwendolyn C. Thompson*

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Gwen C. Thompson  
Deputy Director  
Healthcare Quality

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

May 11, 2023

**Bureau of Healthcare Systems and Services**

Emergency Medical Technician (EMT) Certification Level	Total Number of Certified Paramedics
Licensed EMS Agencies	266
Paramedics	4,300
Emergency Medical Technicians (EMTs)	8,241

**1. Katherine Balint-EMT**

**Investigation and Violations:** The Department received a report that Katherine Balint attended fifty-four (54) calls as a primary attendant with an expired certification.

**Enforcement Action:** The parties agreed to resolve this matter through a Consent Order. Ms. Balint agreed to the assessment of a \$300 monetary penalty. This will not impact the good standing of her EMT certification. Ms. Balint has made the required payment.

**Remedial Action:** None

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

**2. Akingbiwaju Opadele - Paramedic**

**Investigation and Violations:** On January 17, 2023, the Department was notified by the EMS director of the Fort Mill Rescue Squad that Akingbiwaju Opadele was accused of committing a criminal sexual assault on a patient during transport to a hospital in Charlotte, N.C. The Department opened an investigation. The Fort Mill Rescue squad placed him on administrative leave and he was arrested in Mecklenburg County on March 7, 2023.

**Enforcement Action:** An Emergency Suspension Order was issued on March 14, 2023

**Remedial Action:** None

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

**3. Alexander Rokala - EMT**

**Investigation and Violations:** The Department received a report that Alexander Rokala attended forty-two (42) calls as a primary attendant with an expired certification.

**Enforcement Action:** The parties agreed to resolve this matter through a Consent Order. Mr. Rokala agreed to the assessment of a \$300 monetary penalty. This will not impact the good standing of his EMT certification. Mr. Rokala has made the required payment.

**Remedial Action:** None

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

#### **4. AMS of West Columbia – Agency**

**Investigation and Violations:** The Department received a report that Reliance Medical Transport allowed an EMT to attend fifty-six (56) calls as a primary attendant with an expired certification.

**Enforcement Action:** The parties agreed to resolve this matter through a Consent Order. AMS of West Columbia d/b/a Reliance Medical Transport agreed to the assessment of a \$3,350 monetary penalty. AMS of West Columbia has made the required payment.

**Remedial Action:** None

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

#### **5. Travis Ingram – EMT**

**Investigation and Violations:** The Department received a report that Travis Ingram attended seventeen (17) calls as a primary attendant with an expired certification at Sumter County EMS.

**Enforcement Action:** The parties agreed to resolve this matter through a Consent Order. Mr. Ingram agreed to the assessment of a \$300 monetary penalty. This will not impact the good standing of his EMT certification. Mr. Ingram has made the required payment.

**Remedial Action:** None

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

#### **6. Sumter County EMS – Agency**

**Investigation and Violations:** The Department received a report that Sumter County EMS allowed uncertified personnel to attend seventeen (17) calls as a primary attendant with an expired certification.

**Enforcement Action:** Sumter County EMS agreed to resolve this matter through a Consent Order and the assessment of a \$1,000 monetary penalty. Sumter County EMS has made the required payment.

**Remedial Action:** None

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

#### **7. Laurens County EMS – Agency**

**Investigation and Violations:** Laurens County EMS Director Kevin Uldrick contacted the Department to self-report after his agency discovered an emergency medical technician (EMT) provided patient care on eleven (11) patient transports with an expired license.

**Enforcement Action:** Laurens County EMS agreed to resolve this matter through a Consent Order and the assessment of \$750 monetary penalty. Laurens County EMS has made the required payment.

**Remedial Action:** None

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

#### **8. Joshua Kranz – Paramedic**

**Investigation and Violations:** The Department received a complaint alleging that Mr. Kranz failed to provide a patient with emergency medical treatment of a quality deemed acceptable by the Department and creating a substantial possibility that death or serious physical harm could result. Mr. Kranz failed to use good clinical judgement by failing to deescalate a verbal altercation with a family member on scene. His action resulted in the patient being transported by private vehicle rather than emergency transport.

**Enforcement Action:** Mr. Kranz agreed to resolve this matter through a Consent Order and the assessment of a \$300 monetary penalty. Kranz has not made the required payment.

**Remedial Action:** Mr. Kranz is no longer employed as a paramedic or residing in the state. Prior to resuming employment in South Carolina, he must pay the monetary penalty and complete a Professional Ethics and Personal Leadership (PEPL) class.

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

#### **9. Cory Hill – Paramedic**

**Investigation and Violations:** The Department received two separate complaints alleging that Mr. Hill failed to meet patient care standards. The Department determined that Mr. Hill disregarded an order by a physician concerning emergency treatment and transportation. Mr. Hill failed to properly identify a life threatening cardiac arrhythmia and incorrectly identified V-fib as Asystole. Mr. Hill failed to provide oxygen and cardiac monitoring. Mr. Hill also failed to complete fifteen (15) ePCRs. Mr. Hill gave false identification to a patient upon the patient's request.

**Enforcement Action:** Mr. Hill agreed to resolve this matter through a Consent Order and the assessment of a \$900 monetary penalty. The Department has received the first \$300 payment.

**Remedial Action:** Mr. Hill will complete a Professional Ethics and Personal Leadership (PEPL) class and a refresher class in Advanced Medical Life Support (AMLS) by September of this year.

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

#### **10. Clarissa Nail-Key – Paramedic**

**Investigation and Violations:** Ms. Nail-Key failed to provide quality emergency medical treatment to a patient deemed acceptable by the Department by turning a patient over to a basic EMT for care and delayed transport. During transport, the patient's condition deteriorated. Ms. Nail-Key's delay with leaving the scene delayed care at a hospital by thirty (30) minutes.

**Enforcement Action:** Ms. Nail-Key agreed to resolve this matter through a Consent Order. No monetary penalty was assessed.

**Remedial Action:** Ms. Nail-Key will complete a Professional Ethics and Personal Leadership (PEPL) class and a refresher class in Advanced Medical Life Support (AMLS) by September of this year.

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

#### **11. Melvin Simpson – Paramedic**

**Investigation and Violations:** Mr. Simpson disregarded an appropriate order by a physician concerning emergency treatment. Mr. Simpson did not follow the Calhoun County Abdominal protocol, which states that a paramedic should administer Zofran and it should be administered intravenously, not intramuscular. It also states that vital signs should be obtained, which were not.

**Enforcement Action:** Mr. Simpson agreed to resolve this matter through a Consent Order and agreed to the assessment of a \$300 monetary penalty, half of which will be stayed upon a six-month period of compliance. The Department received payment.

**Remedial Action:** Mr. Simpson will complete a Professional Ethics and Personal Leadership (PEPL) class in September of this year.

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

SUMMARY SHEET  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
May 11, 2023


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

X  INFORMATION

1. **TITLE:** Administrative and Consent Orders issued by the Office of Environmental Affairs.
2. **SUBJECT:** Administrative and Consent Orders issued by the Office of Environmental Affairs during the period March 1, 2023, through March 31, 2023.
3. **FACTS:** For the reporting period of March 1, 2023, through March 31, 2023, the Office of Environmental Affairs issued forty-three (43) Consent Orders with total assessed civil penalties in the amount of one hundred seventy-two thousand, three hundred thirty dollars (\$172,330.00). Also, eight (8) Administrative Orders with total assessed civil penalties in the amount of thirteen thousand dollars (\$13,000.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
<b>Land and Waste Management</b>				
UST Program	0	0	5	\$20,330.00
Solid Waste	0	0	5	\$1,000.00
Hazardous Waste	0	0	2	\$44,500.00
Mining	0	0	0	0
Radiological Health	1	\$8,000.00	0	0
<b>SUBTOTAL</b>	<b>1</b>	<b>\$8,000.00</b>	<b>12</b>	<b>\$65,830.00</b>
<b>Water</b>				
Recreational Water	0	0	1	0
Drinking Water	0	0	2	0
Water Pollution	0	0	2	\$80,600.00
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>\$80,600.00</b>
<b>Air Quality</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Environmental Health Services</b>				
Food Safety	1	\$5,000.00	25	\$24,900.00
Onsite Wastewater	6	0	1	\$1,000.00
<b>SUBTOTAL</b>	<b>7</b>	<b>\$5,000.00</b>	<b>26</b>	<b>\$25,900.00</b>
<b>OCRM</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>8</b>	<b>\$13,000.00</b>	<b>43</b>	<b>\$172,330.00</b>

Submitted by:

  
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Myra C. Reece  
Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
May 11, 2023**

**BUREAU OF LAND AND WASTE MANAGEMENT**

**Underground Storage Tank Enforcement**

- 1)     Order Type and Number:                     Consent Order 23-0028-UST  
       Order Date:                                 March 14, 2023  
       Individual/Entity:                         **7-Eleven, Inc.**  
       Facility:                                     7-Eleven 40478  
       Location:                                    1257 St. James Avenue  
  Summerville, SC 29483  
  
       Mailing Address:                         P.O. Box 711  
  Dallas, TX 75211  
  
       County:                                     Berkeley  
       Previous Orders:                         None  
       Permit/ID Number:                        19716  
       Violations Cited:                        The State Underground Petroleum  
  Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-  
  2-10 et seq. (2018); and South Carolina Underground Storage Tank Control  
  Regulation, 7 S.C. Code Ann., Regs 61-92, 280.20(c)(1)(ii) (2012 & Supp 2022).

Summary: 7-Eleven, Inc. (Individual/Entity) operates underground storage tanks (USTs) in Berkeley County, South Carolina. On January 13, 2023, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a total civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by April 28, 2023.

Update: The civil penalty has been paid and the order is closed.

- 2)     Order Type and Number:                     Consent Order 23-0036-UST  
       Order Date:                                 March 14, 2023  
       Individual/Entity:                         **Rita Patel**  
       Facility:                                     H&R, LLC  
       Location:                                    1034 North Highway 52  
  Moncks Corner, SC 29461  
  
       Mailing Address:                         1758 Indigo Island Drive  
  Hanahan, SC 29410  
  
       County:                                     Berkeley

Previous Orders: None  
Permit/ID Number: 11454  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.20(c)(1)(ii) (2012 & Supp 2022).

Summary: Rita Patel (Individual/Entity) owns underground storage tanks (USTs) in Berkeley County, South Carolina. On January 19, 2023, the Department issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failure to install an overfill device in an UST.

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

Update: On March 5, 2023, the Individual/Entity submitted a partial payment of the civil penalty in the amount of one thousand, two hundred dollars (\$1,200.00). The civil penalty has been paid in full and the order is closed.

3) Order Type and Number: Consent Order 23-0043-UST  
Order Date: March 14, 2023  
Individual/Entity: **YNOT CNG, LLC.**  
Facility: Shipping Lane, LLC  
Location: 454 Shipping Lane  
Mount Pleasant, SC 29464  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 18847  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.93(a) and 280.110(c) (2012 & Supp 2022).

Summary: YNOT CNG, LLC. (Individual/Entity) owns underground storage tanks (USTs) in Charleston County, South Carolina. On January 3, 2023, the Department issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to demonstrate financial responsibility for an UST system and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity corrected the violation prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of twenty-five thousand, seven hundred twenty dollars (\$25,720.00). The Individual/Entity shall pay a civil penalty in the amount of seven hundred twenty dollars **(\$720.00)** by April 28, 2023, and pay a suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.



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

- 4) Order Type and Number: Consent Order 22-0343-UST  
Order Date: March 24, 2023  
Individual/Entity: **Rafat Abudayya**  
Facility: Scotchman Mart  
Location: 1109 East Liberty Street  
Marion, SC 29571  
Mailing Address: 401 Lockemy Highway  
Dillon, SC 29536  
County: Marion  
Previous Orders: AO 21-0011-UST (\$12,730.00; lien)  
Permit/ID Number: 06274  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.34(c), 280.35(a)(1)(ii), 280.40(a), 280.40(a)(3), 280.41(b)(1)(i)(B), 280.43(d), 280.44(a), 280.45(b)(1), 280.93(a), 280.110(c) (2012 & Supp. 2022), and § 44-2-60(A) (2018).

Summary: Rafat Abudayya (Individual/Entity) owns and operates underground storage tanks (USTs) in Marion County, South Carolina. The Department conducted a routine file review on August 2, 2022, and August 8, 2022, and a routine compliance inspection on August 25, 2022, and issued Notices of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide records to the Department upon request; failed to test spill prevention equipment and/or containment sumps used for interstitial monitoring once every three (3) years; failed to provide an adequate release detection method; failed to test release detection equipment annually; failed to conduct an annual line tightness test on pressurized lines or have monthly monitoring; failed to conduct proper release detection using an automatic tank gauge (ATG); failed to conduct an annual test of line leak detectors; failed to maintain record for at least one (1) year; failed to demonstrate financial responsibility for an underground storage tank (UST) system; failed to submit evidence of financial assurance to the Department upon request; and failed to pay to the Department annual UST registrations fees. This is a repeat violation.

Action: The Individual/Entity is required to submit: either the most recent ten (10) out of twelve (12) months of ATG records with the most recent two (2) months passing for the 6,000-gallon regular and 4,000-gallon diesel USTs at the Facility or tank tightness test results for the 6,000-gallon regular and 4,000-gallon diesel USTs and a current passing ATG record for both USTs as proof that a valid release detection method is in place; passing line tightness test results for the 4,000-gallon regular, 6,000-gallon regular, and 6,000-gallon premium USTs; passing line leak detector function check test results for the 4,000-gallon regular, 6,000-gallon regular, and 6,000-gallon premium USTs; passing release detection equipment operability test results for all USTs at the Facility; and passing spill bucket integrity test results for the spill bucket associated with the 6,000-gallon premium UST; a completed Certificate of Financial Responsibility and evidence of financial assurance; and payment of annual tank registration fees for fiscal

year 2023 in the amount of four hundred eighty-four dollars (\$484.00) by May 8, 2023. Should any of the required test fail, the Individual/Entity is required to submit proof of repair and/or replacement of the affected system and current passing test results within thirty (30) days of the failed test results. The Department has assessed a total civil penalty in the amount of thirty-three thousand, eight hundred ten dollars (\$33,810.00). The Individual/Entity shall pay a civil penalty in the amount of eight thousand, eight hundred ten dollars (**\$8,810.00**) by May 8, 2023, and pay a **suspended penalty** in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.

Update: None.

- 5) Order Type and Number: Consent Order 23-0027-UST  
Order Date: March 29, 2023  
Individual/Entity: **7-Eleven, Inc.**  
Facility: 7-Eleven 40484  
Location: 429 St. James Avenue  
Goose Creek, SC 29445  
Mailing Address: P.O. Box 711  
Dallas, TX 75211  
County: Berkeley  
Previous Orders: None.  
Permit/ID Number: 17850  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.20(c)(1)(ii) (2012 & Supp 2022).

Summary: 7-Eleven, Inc. (Individual/Entity) operates underground storage tanks (USTs) in Berkeley County, South Carolina. On January 13, 2023, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by May 15, 2023.

Update: The civil penalty has been paid and the order is closed.

### **Solid Waste Enforcement**

- 6) Order Type and Number: Consent Order 23-01-SW  
Order Date: March 8, 2023  
Individual/Entity: **Dillon County**  
Facility: Dillon County Class 3 Transfer Station  
Location: off SC Highway 7

Mailing Address: Dillon County, SC  
P.O. Box 349  
Dillon, SC 29536

County: Dillon

Previous Orders: None

Permit/ID Number: 171001-6001

Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Transfer of Solid Waste Regulation, Part E.8. and Parth F.3. (2012).

Summary: Dillon County (Individual/Entity), operates a Class 3 Transfer Station located in Dillon County, South Carolina. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act as follows: failed to ensure the unloading surface facilitated the removal of water for proper disposal and failed to ensure the floors are free from standing water.

Action: The Individual/Entity is required to: immediately and until repairs are completed, manage the tipping floor to prevent standing water; submit an administratively complete application for repairs of the existing tipping floor by May 8, 2023; and within sixty (60) days of the Department's approval of the application, complete repairs to the existing tipping floor. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of three thousand dollars (**\$3,000.00**) should any requirement of the Order not be met.

Update: None.

7) Order Type and Number: Consent Order 23-02-SW

Order Date: March 14, 2023

Individual/Entity: **Anne B. Jewell**

Facility: Swinton Lane, TMS # 185-00-02-017

Location: Swinton Lane  
Darlington, SC 29532

Mailing Address: 532 Kenilworth Circle  
Darlington, SC 29532

County: Darlington

Previous Orders: None

Permit/ID Number: N/a

Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation, Part IV.A.3. and Part IV.F.1. (Rev. 2008 & Supp. 2016).

Summary: Anne B. Jewell (Individual/Entity), owns property in Darlington County, South Carolina. Based on complaint, the Department conducted an inspection on October 25, 2022. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, as follows: operated a Class 2 landfill without a Department-issued permit.

Action: The Individual/Entity is required to submit proof that a notation to the

deed has been filed with the appropriate Register of Deeds indicating the property, or a portion thereof, has been landfilled by April 28, 2023; grant access to the Site for Industrial Paving, Inc. to close the unpermitted Class 2 Landfill; and, should Industrial Paving, Inc. fail to complete the closure of the unpermitted Class 2 Landfill, complete the closure requirements as directed by the Department. The Department has assessed a total civil penalty in the amount of four thousand, five hundred dollars (\$4,500.00). The Individual/Entity shall pay a **suspended penalty** in the amount of four thousand, five hundred dollars (**\$4,500.00**) should any requirement of the Order not be met.

Update: None

8) Order Type and Number: Consent Order 23-02-SW  
Order Date: March 14, 2023  
Individual/Entity: **Industrial Paving, Inc.**  
Facility: Swinton Lane, TMS # 185-00-02-017  
Location: Swinton Lane  
Darlington, SC 29532  
Mailing Address: P.O. Box 511  
Darlington, SC 29540  
County: Darlington  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation, Part IV.A.3. (Rev. 2008 & Supp. 2016).

Summary: Industrial Paving, Inc. (Individual/Entity), operated an unpermitted Class 2 Landfill in Darlington County, South Carolina. Based on a complaint, the Department conducted an inspection on October 25, 2022. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, as follows: operated a Class 2 landfill without a Department-issued permit.

Action: The Individual/Entity is required to close the unpermitted Class 2 Landfill by June 14, 2023, by completing the following: apply a two foot thick final earth cover with at least 3% but not greater than 5% surface slope, graded to promote positive drainage and side slope cover shall not exceed three horizontal feet to one vertical foot (3:1 slope); test for certification of cap closure at a rate of four thickness tests per acre as defined by best engineering practices, have verified by a professional engineer, and submit the closure report to the Department; and seed the finished surface of the disposal area with native grasses covering over a minimum 75% of the Landfill with no substantial bare spots or other suitable groundcover. . The Department has assessed a total civil penalty in the amount of four thousand, five hundred dollars (\$4,500.00). The Individual/Entity shall pay a **suspended penalty** in the amount of four thousand, five hundred dollars (**\$4,500.00**) should any requirement of the Order not be met.

Update: None

9) Order Type and Number: Consent Order 23-05-SW

Order Date: March 24, 2023  
Individual/Entity: **Town of Latta**  
Facility: Type I Composting Facility  
Location: Cow Path Road  
Latta, SC 29565  
Mailing Address: 107 NW Railroad Avenue  
County: Dillon  
Previous Orders: 21-16-SW (\$600.00)  
Permit/ID Number: 171002-3001  
Violations Cited: Solid Waste Policy and Management Act of 1991, S.C. Code Ann. 44-96-10 et seq. (Rev. 2018 & Supp. 2021); Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimming and Organic Residuals Regulations: R.61-107.4 (2012) Part III, Section E.13.b. and the Permit # 171002-3001: General Conditions 5,

Summary: Town of Latta (Individual/Entity), operates a Type I Compost Facility located in Dillon County, South Carolina. The Individual/Entity has violated the Solid Waste Policy and Management Act, the Solid Waste Management Regulations and the Permit, as follows: failed submit the annual report no later than September 1<sup>st</sup> of each year, in that the annual report for fiscal year 2021 had not been submitted by September 1, 2022. This is a repeat violation.

Action: The Individual/Entity is required to: submit the annual report for fiscal year 2021, by April 24, 2023. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by April 24, 2023.

Update: The annual report and civil penalty in the amount of one thousand dollars (\$1,000.00) have been submitted. The Order is closed.

10) Order Type and Number: Consent Order 23-06-SW  
Order Date: March 30, 2023  
Individual/Entity: **Kershaw County**  
Facility: Kershaw County Wood Chipping and Composting  
Location: 860 Park Road  
Kershaw County, SC 29032  
Mailing Address: Same.  
County: Kershaw  
Previous Orders: None  
Permit/ID Number: 281001-3001  
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, R.61-107.4, Part III.E.1.d., Part III.E.1.e., Part III.F.5. (2021) and Permit # 281001-3001 General Conditions 3.

Summary: Kershaw County (Individual/Entity), operates a Wood Chipping Facility located in Kershaw County, South Carolina. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, the Solid Waste

Management Regulation and the Permit, as follows: stored unprocessed and/or in-process materials in excess of the maximum capacity allowed by the permit; accepted materials that resulted in materials stored at the facility in excess of the maximum capacity allowed by the permit; exceeded the permitted capacity of 5,925 cubic yards for unprocessed or in-process materials stored onsite; and failed to maintain the working surface of the area to prevent standing water.

Action: The Individual/Entity is required to: immediately cease accepting unprocessed materials until such time the stored unprocessed and/or in-process material at the Facility returns to below the permitted limit of 5,925 cubic yards and reduce the amount of unprocessed and in-process material to below the permitted limit of 5,925 cubic yards by August 21, 2023. The Department has assessed a total civil penalty in the amount of four thousand fifty dollars (\$4,050.00). The Individual/Entity shall pay a **suspended penalty** in the amount of four thousand, fifty dollars (**\$4,050.00**) should any requirement of the Order not be met.

Update: None

### **Hazardous Waste Enforcement**

11) Order Type and Number: Consent Order 23-07-HW  
Order Date: March 9, 2023  
Individual/Entity: **U.S. Army Garrison Fort Jackson**  
Facility: U.S. Army Garrison Fort Jackson  
Location: 2562 Essayons Way  
Columbia, SC 29207  
Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit/ID Number: SC3 210 020 449  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018) and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: U.S. Army Garrison Fort Jackson (Individual/Entity) is a fully functional U.S. Army training installation with diverse operations that include, but not limited to painting and munitions activities, small weapons, vehicle maintenance and machine shops, clinic, dental, and veterinary clinics at its facility located in Richland County, South Carolina. The Department conducted inspections at the facility on June 14, 2022, and June 16, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations, as follows: failed to determine if a solid waste was a hazardous waste; failed to label containers with the words “Hazardous Waste,” an indication of the hazards, and the date upon which each period of accumulation began; failed to keep containers of hazardous waste closed except when adding or removing waste; failed to mark containers of hazardous waste pharmaceuticals with the phrase “Hazardous Waste Pharmaceuticals”; failed to label universal waste batteries with one of the following phrases: “Universal Waste – Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies)”; and failed to

demonstrate the length of time universal waste had been accumulated from the date it became a waste.

Action: The Individual/Entity corrected the violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00).. The Individual/Entity shall pay a civil penalty in the amount of eight thousand dollars **(\$8,000.00)** by April 10, 2023.

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

12) Order Type and Number: Consent Order 23-10-HW  
Order Date: March 21, 2023  
Individual/Entity: **Mactac, Inc.**  
Facility: Mactac, Inc.  
Location: 1896 Moore Duncan Highway  
Moore, SC 29369  
Mailing Address: Same  
County: Spartanburg  
Previous Orders: None  
Permit/ID Number: SCR 000 783 936  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: Mactac, Inc. (Individual/Entity) is a manufacturer of pressure-sensitive adhesive film and paper for the printing and labeling industry at its facility located in Spartanburg County, South Carolina. The Department conducted an inspection at the facility on June 6, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations, as follows: failed to store solvent-contaminated wipes in closed containers, and for less than one hundred eighty (180) days, and to ensure containers storing wipes contained no free liquids; failed to maintain the following information: name and address of the landfill or combustor receiving the facility's solvent-contaminated wipes, documentation demonstrating wipes were not stored for greater than one hundred eighty (180) days, and a description of the process for ensuring wipes contained no free liquids; failed to determine if a solid waste was a hazardous waste; failed to maintain records supporting hazardous waste determinations; failed to revise its Notification Form on file with the Department whenever the company contact information became outdated and a new hazardous waste was generated; failed to accumulate hazardous waste in containers at or near the point of generation, which is under the control of the operator; failed to mark or label its containers with the words "Hazardous Waste" and an indication of the hazards of the contents; failed to close containers during accumulation, except when adding and removing hazardous waste; failed to at least weekly, inspect the central accumulation areas; failed to clean up any hazardous waste spillage that occurred during processing; offered its hazardous waste to a transporter, treatment or disposal facility that had not received and EPA identification number; failed to mark each container of hazardous waste with the generator's name and address; failed to submit Quarterly Reports to the Department that included a description, the EPA hazardous waste number, DOT hazardous class, and the types and quantities of such wastes as required by the instructions included with the form; failed to have a contingency plan for the facility;

failed to contact and received a signed copy of the manifest from the transporter or designated facility within thirty-five (35) days; and failed to submit an Exception Report to the Department within forty-five days when it did not receive a signed copy of the manifest from the designated facility.

Action: The Individual/Entity corrected the violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of thirty-six thousand, five hundred dollars (\$36,500.00). The Individual/Entity shall pay a civil penalty in the amount of thirty-six thousand, five hundred dollars (**\$36,500.00**) by July 15, 2023.

Update: None.

### **Radiological Health Enforcement**

13) <u>Order Type and Number:</u>	RT-AO-01-2023
<u>Order Date:</u>	March 23, 2023
<u>Individual/Entity:</u>	<b>Matt Mollohan</b>
<u>Facility:</u>	Dynamic Health and Fitness-West Columbia
<u>Location:</u>	3225 Sunset Boulevard West Columbia, SC 29169
<u>Mailing Address:</u>	265 Charter Oak Road Lexington, SC 29072
<u>County:</u>	Lexington
<u>Previous Orders:</u>	RT-CO-01-2023 (\$2,000.00)
<u>Permit/ID Number:</u>	N/A (Unregistered)
<u>Violations Cited:</u>	S.C. Code Ann. § 13-7-40(G) and Regulation 61-106

Summary: Matt Mollohan, Individually and d.b.a Dynamic Health and Fitness West Columbia (Individual/Entity) owns and is responsible for the registration and proper operation and maintenance of a tanning facility and tanning equipment located in Lexington County, South Carolina. The Department conducted an investigation on October 25, 2021. The Individual/Entity has violated the Atomic Energy and Radiation Control Act (“Act”) and Regulation 61-106, Tanning Facilities, as follows: failed to register the tanning facility and equipment and receive a registration number or other notification from the Department prior to operating a source of nonionizing radiation; failed to control exposure time from the operator location; failed to properly mix sanitizing solution, failed to properly sanitize tanning equipment between clients; failed to provide protective eyewear to clients; failed to ensure ultraviolet bulbs remained in working order; failed to display required signage; failed to provide documentation of operator training.

Action: The Individual/Entity is required to: register the tanning equipment, receive a registration number or other notification from the Department prior to operation of tanning equipment, and comply with the Act and R. 61-106. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a civil penalty in the amount of eight thousand dollars (**\$8,000.00**) by April 23, 2023.



Update: The Individual/Entity did not file a Request for Final Review

## **BUREAU OF WATER**

### **Recreational Waters Enforcement**

- 14) Order Type and Number: Consent Order 23-005-RW  
Order Date: March 14, 2023  
Individual/Entity: Chimney's at Brookfield, LLC  
Facility: Dira East Apartments  
Location: 7501 Brookfield Road  
Columbia, SC 29223  
Mailing Address: 581 Franklin Turnpike  
Ramsey, NJ 17446  
County: Richland  
Previous Orders: None  
Permit/ID Number: 40-129-1  
Violations Cited: S.C. Code Ann. Regs. 61-51.J.22

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

Action: The Individual/Entity is required to: correct all deficiencies and any upgrades required to bring the pool into compliance with Regulation 61-51 and contact the Department to schedule an inspection to verify the completed work by June 12, 2023. The Individual/Entity will be required to properly fill in or remove the pool by July 12, 2023, if the requirement to bring the pool into compliance with Regulation 61-51 is not met within the specified timeline. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four hundred dollars (**\$400.00**) should any requirement of the Order not be met.

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

### **Drinking Water Enforcement**

- 15) Order Type and Number: Consent Order 23-004-DW

Order Date: March 29, 2023  
Individual/Entity: **Howard McCartha, Individually and d.b.a 1100 Peace Haven Road RV Park**  
Facility: 1100 Peace Haven Road RV Park  
Location: 1100 Peace Haven Road  
Chapin, SC 29036  
Mailing Address: P.O. Box 429  
White Rock, SC 29177  
County: Richland  
Previous Orders: None  
Permit/ID Number: 4060078  
Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: Howard McCartha, Individually and d.b.a. 1100 Peace Haven Road RV Park (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Richland County, South Carolina. The Department conducted an inspection on February 14, 2023, and the PWS was rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the sanitary seal was rusted and did not have a vent; the wellhead was below ground surface and there was no well pad; the well cover was not adequate and was not secured; the bladder tank did not have a drain and was not enclosed to prevent unauthorized access; wiring was not in conduit; and the well serving the system was permitted as a residential well.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to resolve the deficiencies by April 28, 2023. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity is removing the RVs from the property so that the well will only serve his residence.

16) Order Type and Number: Consent Order 23-005-DW  
Order Date: March 29, 2023  
Individual/Entity: **John A. Dacey, Jr., Individually and d.b.a. 1131 Kenneth Drive**  
Facility: 1131 Kenneth Drive  
Location: 1131 Kenneth Drive  
Lexington, SC 29073  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit/ID Number: 3260226  
Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: John A. Dacey, Jr., Individually and d.b.a. 1131 Kenneth Drive (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Lexington County, South Carolina. The Department conducted an inspection on January 25, 2023, and the PWS was rated

unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the sanitary seal did not have a screened vent; there was no junction box and the wiring was not in conduit; the well pad was dirty; there was household insulation in the well house and the roof was in disrepair; the wellhead bolts were rusted; there was no blow-off; the pressure gauge was rusted; there was no sample tap; the bladder tank did not have a shut off valve; the system did not have adequate storage capacity; and the well serving the system was permitted as a residential well.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to resolve the deficiencies by April 28, 2023. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has hired a certified well driller to assist with assessing his options.

### **Water Pollution Enforcement**

17) Order Type and Number: Consent Order 23-010-W  
Order Date: March 3, 2023  
Individual/Entity: **Town of Summerton**  
Facility: Goat Island Water & Sewer Co. WWTF  
Location: Off of Road S-14-38  
Goat Island, SC 29148  
Mailing Address: P.O. Box 217  
Summerton, SC 29926  
County: Clarendon  
Previous Orders: None  
Permit/ID Number: ND0067318  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), and Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a)

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

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve effluent violations by April 3, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of five thousand, six hundred dollars (\$5,600.00). The Individual/Entity shall pay the civil penalty in the amount of five

thousand, six hundred dollars (**\$5,600.00**) by April 3, 2023.

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

18) Order Type and Number: Consent Order 23-011-W  
Order Date: March 10, 2023  
Individual/Entity: **American Scrap Iron and Metal, LLC**  
Facility: American Scrap Iron and Metal (Site 1)  
American Recycling and Parts (Site 2)  
American Steel and Recycling (Site 3)  
Location: 2256 Charleston Highway  
Cayce, SC 29033 (Site 1)  
7716 Fairfield Road  
Columbia, SC 29203 (Site 2)  
1401 Pecan Street  
Florence, SC 29501 (Site 3)  
Mailing Address: Same as locations above  
County: Lexington (Site 1)  
Richland (Site 2)  
Florence (Site 3)  
Previous Orders: None  
Permit/ID Number: SCR006069 (Site 1)  
SCR006198 (Site 2)  
SCR006216 (Site 3)  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-90(a), and 48-1-1 10(d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9; Hazardous Waste Management Act, S.C. § 44-56-30; South Carolina Hazardous Waste Management Regulation, S.C. Code Ann Regs. 61-79.262.11, R.61-79.273.13(a)(1), R.61-79.273.14(a), R.61-79.273.14(d)(1), R.61-79.273.15(c)(1) and (2), R.61-79.273.17(a) and (b)(a), R.61-107.279.22(b), and R.61-107.279.22(c)(1); and, Solid Waste Policy and Management Act, S.C. Code Ann. § 44-96-160.

Summary: American Scrap Iron and Metal (Individual/Entity) owns and is responsible for the proper operation and maintenance of three (3) scrap iron and metal recycling facilities (Recycling Facilities) located in Lexington, Richland and Florence Counties, South Carolina. The Department conducted multiple inspections of the Recycling Facilities between January 7, 2020- February 15, 2022, and observed violations of the Individual/Entity's General Permit for Stormwater Discharges Associated with Industrial Activities, and hazardous waste violations. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: discharged petroleum liquids and waste, and petroleum contaminated stormwater into the environment; failed to comply with conditions of permit coverage; and failed properly operate and maintain the facilities and systems of treatment and control in good working order and operate as efficiently as possible. The Individual/Entity violated the Hazardous Waste Management Act, the Hazardous Waste Management Regulation, and the Solid Waste Policy and Management Act as follows: failed to make an accurate determination of waste generated at its site to ensure proper management; failed to properly manage and label universal waste batteries; failed to properly label universal waste mercury-containing equipment; failed to demonstrate

length of time universal waste has been accumulated; failed to immediately contain all releases of universal waste; failed to maintain containers and tanks used to store used oil; and failed to properly label containers used to store used oil, and improperly collected, transported, stored, recycled, used, or disposed of used oil.

Action: The Individual/Entity is required to: operate and maintain its Recycling Facilities in accordance with its Permits and submit for each Recycling Facility: Stormwater Pollution Prevention Plans (SWPPPs) by May 10, 2023; comprehensive stormwater compliance evaluation reports within sixty days from Department approval of the SWPPPs; environmental Assessment Work Plans to include Health and Safety Plans, and Quality Assurance Program Plans; and Corrective Action Plans. The Individual/Entity is further required to remove crushed and/or stacked vehicles from all three (3) Recycling Facilities and remove metal and other materials from: Site 3 by June 10, 2023, Site 2 by July 10, 2023, and Site 1 by August 10, 2023, to allow for each site's investigation and remediation activities. The Individual/Entity is also required to conduct business for the duration of the Order in a manner that does not interfere with the required assessments and remediation activities. The Department has assessed a total civil penalty in the amount of one hundred eighteen thousand, seven hundred and seventy-five dollars (**\$118,775.00**). The Individual/Entity shall pay a civil penalty in the amount of seventy-five thousand dollars (**\$75,000.00**) in four quarterly payments by January 9, 2024 and pay a stipulated penalty in the amount of forty-three thousand, seven hundred and seventy-five dollars (\$43,775.00) should any requirement of the Order not be met.

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

## **BUREAU OF ENVIRONMENTAL HEALTH SERVICES**

### **Food Safety Enforcement**

19) <u>Order Type and Number:</u>	Administrative Order 22-291-FOOD
<u>Order Date:</u>	March 6, 2023
<u>Individual/Entity:</u>	<b>Alonso Cortes</b>
<u>Facility:</u>	Alonso Cortes
<u>Location:</u>	442 Morningside Drive Anderson, SC 29625
<u>Mailing Address:</u>	Same
<u>County:</u>	Greenville
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Alonso Cortes (Individual/Entity) operates a mobile retail food establishment located in Greenville County, South Carolina. The Department conducted investigations on October 20, 2022, November 9, 2022, November 15, 2022, December 13, 2022, and January 12, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: provided food to the public without a valid permit issued by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**) by April 6, 2023.

Update: A payment demand letter has been mailed.

20) Order Type and Number: Consent Order 22-261-FOOD  
Order Date: March 1, 2023  
Individual/Entity: **Jupiter Pies 2**  
Facility: Jupiter Pies 2  
Location: 4473 Mineola Avenue  
Little River, SC 29566  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14026  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Jupiter Pies 2 (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on September 27, 2022, October 12, 2022, and October 19, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

Update: The Department has entered into a payment plan with the Individual/Entity for the civil penalty. The final payment is due July 15, 2023.

21) Order Type and Number: Consent Order 22-254-FOOD  
Order Date: March 1, 2023  
Individual/Entity: **Taco Boy Folly Beach**  
Facility: Taco Boy Folly Beach  
Location: 106 East Ashley Avenue  
Folly Beach, SC 29439  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-11192  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Taco Boy Folly Beach (Individual/Entity) operates a retail food establishment located in Charleston County, South Carolina. The Department conducted inspections on August 10, 2022, August 11, 2022, and October 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

22)	<u>Order Type and Number:</u>	Consent Order 23-16-FOOD
	<u>Order Date:</u>	March 1, 2023
	<u>Individual/Entity:</u>	<b>Blueberry's Grill Barefoot</b>
	<u>Facility:</u>	Blueberry's Grill Barefoot
	<u>Location:</u>	4856 Highway 17 South North Myrtle Beach, SC 29582
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	26-206-13792
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Blueberry's Grill Barefoot (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on September 14, 2021, June 22, 2022, and December 20, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

23)	<u>Order Type and Number:</u>	Consent Order 23-18-FOOD
	<u>Order Date:</u>	March 1, 2023
	<u>Individual/Entity:</u>	<b>Cook Out</b>
	<u>Facility:</u>	Cook Out

Location: 2470 East Highway 501  
Conway, SC 29526  
Mailing Address: 15 Laura Lane, Suite 300  
Thomasville, NC 27360  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12383  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Cook Out (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on April 22, 2022, August 22, 2022, and January 3, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the handwashing sinks were accessible at all times.

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

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

24) Order Type and Number: Consent Order 22-300-FOOD  
Order Date: March 2, 2023  
Individual/Entity: **Ms. Tooky's**  
Facility: Ms. Tooky's  
Location: 1935 Old Edisto Drive  
Orangeburg, SC 29115  
Mailing Address: 114 Earline Lane  
Orangeburg, SC 29118  
County: Orangeburg  
Previous Orders: None  
Permit Number: 38-206-02781  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ms. Tooky's (Individual/Entity) operates a retail food establishment located in Orangeburg County, South Carolina. The Department conducted inspections on July 26, 2022, August 4, 2022, August 10, 2022, January 17, 2023, January 24, 2023, and January 30, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and failed to ensure that time/temperature control for safety foods



was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

Update: The Department has entered into a payment plan with the Individual/Entity for the civil penalty. Final payment was due by April 22, 2023. If payment is not received by May 1, 2023, the Department intends to send a Payment Demand Letter

25) <u>Order Type and Number:</u>	Consent Order 23-24-FOOD
<u>Order Date:</u>	March 2, 2023
<u>Individual/Entity:</u>	<b>Lil Tokyo</b>
<u>Facility:</u>	Lil Tokyo
<u>Location:</u>	780 Coastal Grand Circle Myrtle Beach, SC 29577
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-11705
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Lil Tokyo (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on January 13, 2022, July 26, 2022, and January 13, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

26) <u>Order Type and Number:</u>	Consent Order 22-35-FOOD
<u>Order Date:</u>	March 6, 2023
<u>Individual/Entity:</u>	<b>Panthers</b>
<u>Facility:</u>	Panthers
<u>Location:</u>	13812 North Fraser Street Georgetown, SC 29440
<u>Mailing Address:</u>	Same

County: Georgetown  
Previous Orders: 22-124-FOOD (\$1,600.00)  
Permit Number: 22-206-06544  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Panthers (Individual/Entity) operates a retail food establishment located in Georgetown County, South Carolina. The Department conducted inspections on February 1, 2022, June 23, 2022, and December 28, 2022. 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. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

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

27) Order Type and Number: Consent Order 22-159-FOOD  
Order Date: March 6, 2023  
Individual/Entity: **Target #963/Starbucks**  
Facility: Target #963/Starbucks  
Location: 1150 Seaboard Street  
Myrtle Beach, SC 29577  
Mailing Address: P.O. Box 9471, CC-1028  
Minneapolis, MN 55440  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-06681  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Target #963/Starbucks (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on July 22, 2022, August 1, 2022, and August 11, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

28) Order Type and Number: Consent Order 22-284-FOOD  
Order Date: March 8, 2023

<u>Individual/Entity:</u>	<b>Refuel Operating Company, LLC</b>
<u>Facility:</u>	Refuel 45
<u>Location:</u>	204 Wall Street Camden, SC 29020
<u>Mailing Address:</u>	P.O. Box 20782 Charleston, SC 29413
<u>County:</u>	Kershaw
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	28-206-00839
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Refuel 45 (Individual/Entity) operates a retail food establishment located in Kershaw County, South Carolina. The Department conducted inspections on October 4, 2021, July 25, 2022, August 4, 2022, and November 4, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that physical facilities were maintained in good repair.

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

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

29) <u>Order Type and Number:</u>	Consent Order 22-297-FOOD
<u>Order Date:</u>	March 8, 2023
<u>Individual/Entity:</u>	<b>Kroger Market</b>
<u>Facility:</u>	Kroger #026 Market
<u>Location:</u>	3735 Renee Drive Myrtle Beach, SC 29579
<u>Mailing Address:</u>	P.O. Box 305103 Nashville, TN 37230
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-211-08088
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Kroger #026 Market (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on April 5, 2022, September 19, 2022, September 29, 2022, October 7, 2022, and November 8, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that physical facilities were maintained in good repair.

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

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

30) Order Type and Number: Consent Order 22-316-FOOD  
Order Date: March 8, 2023  
Individual/Entity: **Jamie Whitt**  
Facility: Fenway Grill  
Location: 206 Main Street  
North Myrtle Beach, SC 29582  
Mailing Address: 873 Cardinal Place  
North Myrtle Beach, SC 29582  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14322  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fenway Grill (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on March 28, 2022, November 2, 2022, November 9, 2022, and November 18, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

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

31) Order Type and Number: Consent Order 22-318-FOOD  
Order Date: March 8, 2023  
Individual/Entity: **George Zitzelberger and Patti Zitzelberger**  
Facility: Wild Horse Food & Spirits  
Location: 10785 Highway 707  
Murrells Inlet, SC 29576  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-14420  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Wild Horse Food & Spirits (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on March 17, 2022, October 21, 2022, October 31, 2022, and November 14, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

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

32) <u>Order Type and Number:</u>	Consent Order 23-08-FOOD
<u>Order Date:</u>	March 8, 2023
<u>Individual/Entity:</u>	<b>Hook's</b>
<u>Facility:</u>	Hook's
<u>Location:</u>	1902 North Kings Highway Myrtle Beach, SC 29582
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-09004
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Hook's (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on June 15, 2022, September 1, 2022, December 29, 2022, January 6, 2023, January 13, 2023, January 20, 2023, January 27, 2023, and February 3, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times; failed to maintain the premises free of insects, rodents, and other pests; and failed to ensure that multiuse food-contact surfaces were smooth; free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections; free of sharp internal angles, corners, and crevices; finished to have smooth welds and joints; and accessible for cleaning.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of three thousand eight hundred dollars (\$3,800.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand eight hundred dollars (**\$3,800.00**).

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

33) Order Type and Number: Consent Order 23-02-FOOD  
Order Date: March 10, 2023  
Individual/Entity: **Mountain View Restaurant**  
Facility: Mountain View Restaurant  
Location: 1249 West Main Street  
West Union, SC 29696  
Mailing Address: 208 The Bear Boulevard  
Tamassee, SC 29686  
County: Oconee  
Previous Orders: None  
Permit Number: 37-206-01356  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mountain View Restaurant (Individual/Entity) operates a retail food establishment located in Oconee County, South Carolina. The Department conducted inspections on February 28, 2022, May 17, 2022, November 30, 2022, and December 9, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to convey sewage to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand two hundred dollars (\$1,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred dollars **(\$1,200.00)**.

Update: The penalty was due by April 13, 2023. A payment demand letter was mailed on April 21, 2023.

34) Order Type and Number: Consent Order 23-13-FOOD  
Order Date: March 13, 2023  
Individual/Entity: **Cancun Mexican Restaurant**  
Facility: Cancun Mexican Restaurant  
Location: 1611 Highway 86  
Piedmont, SC 29673  
Mailing Address: 208 Pleasant Drive  
Easley, SC 29642  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-03499  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Cancun Mexican Restaurant (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted an inspection on January 19, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

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

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

35) Order Type and Number: Consent Order 23-40-FOOD  
Order Date: March 13, 2023  
Individual/Entity: **Wendy's #60**  
Facility: Wendy's #60  
Location: 1331 West Wade Hampton Boulevard  
Greer, SC 29650  
Mailing Address: 166 Southgate Drive, #10  
Boone, NC 28607  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-06078  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Wendy's #60 (Individual/Entity) operates a retail food establishment located in Greenville County, South Carolina. The Department conducted inspections on June 8, 2022, June 16, 2022, and February 7, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

36) Order Type and Number: Consent Order 23-17-FOOD  
Order Date: March 15, 2023  
Individual/Entity: **Uncle Mikey's Pizza**  
Facility: Uncle Mikey's Pizza  
Location: 4378 Highway 17 Business

	Murrells Inlet, SC 29576
<u>Mailing Address:</u>	Same
<u>County:</u>	Georgetown
<u>Previous Orders:</u>	22-136-FOOD (\$400.00)
<u>Permit Number:</u>	22-206-06411
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Uncle Mikey's Pizza (Individual/Entity) operates a retail food establishment located in Georgetown County, South Carolina. The Department conducted inspections on November 18, 2021, June 22, 2022, and December 8, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times.

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

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

37)	<u>Order Type and Number:</u>	Consent Order 22-324-FOOD
	<u>Order Date:</u>	March 20, 2023
	<u>Individual/Entity:</u>	<b>Zaxby's</b>
	<u>Facility:</u>	Zaxby's
	<u>Location:</u>	652 Highway 28 Bypass Anderson, SC 29624
	<u>Mailing Address:</u>	P.O. Box 1439 Watkinsville, GA 30677
	<u>County:</u>	Anderson
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	04-206-04572
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Zaxby's (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on August 22, 2022, November 22, 2022, December 1, 2022, December 8, 2022, and December 16, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch; and failed to ensure that outer openings of the retail food establishment were protected against the entry of insects and rodents by filling or closing the holes and other gaps along floors, walls, and ceiling; closed tight-fitting windows; and solid, self-closing doors.

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



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

38) Order Type and Number: Consent Order 23-41-FOOD  
Order Date: March 20, 2023  
Individual/Entity: **Moctezumas Taqueria**  
Facility: Moctezumas Taqueria  
Location: 506 North Beltline Boulevard  
Columbia, SC 29205  
Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-07706  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Moctezumas Taqueria (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on January 26, 2022, March 25, 2022, March 30, 2022, and February 17, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times; failed to properly cool cooked time/temperature control for safety foods; failed to use effective methods to cool cooked time/temperature control for safety foods; failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand dollars (\$2,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**).

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

39) Order Type and Number: Consent Order 23-15-FOOD  
Order Date: March 21, 2023  
Individual/Entity: **Gino's Real NY Pizza**  
Facility: Gino's Real NY Pizza  
Location: 3669 Renee Drive  
Myrtle Beach, SC 29579  
Mailing Address: 8029 Wacobee Drive  
Myrtle Beach, SC 29579  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12904

Violations Cited:

S.C. Code Ann. Regs. 61-25

Summary: Gino's Real NY Pizza (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 12, 2021, July 19, 2022, and November 28, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

40) <u>Order Type and Number:</u>	Consent Order 23-48-FOOD
<u>Order Date:</u>	March 22, 2023
<u>Individual/Entity:</u>	<b>Pizza Hyena</b>
<u>Facility:</u>	Pizza Hyena
<u>Location:</u>	13 South Ocean Boulevard Surfside Beach, SC 29575
<u>Mailing Address:</u>	P. O. Box 70328 Myrtle Beach, SC 29572
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-13908
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Pizza Hyena (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on March 16, 2022, October 6, 2022, January 31, 2023, and February 10, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**).

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

41) <u>Order Type and Number:</u>	Consent Order 23-33-FOOD
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Order Date: March 24, 2023  
Individual/Entity: **Bimini's Oyster Bar & Seafood**  
Facility: Bimini's Oyster Bar & Seafood  
Location: 100 Villa Road  
Greenville, SC 29615  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-10434  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bimini's Oyster Bar & Seafood (Individual/Entity) operates a retail food establishment located in Greenville County, South Carolina. The Department conducted inspections on October 13, 2022, February 7, 2023, and February 13, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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

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

42) Order Type and Number: Consent Order 23-55-FOOD  
Order Date: March 24, 2023  
Individual/Entity: **Taste of China Hut**  
Facility: Taste of China Hut  
Location: 2233 Decker Boulevard  
Columbia, SC 29206  
Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-07854  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Taste of China Hut (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted an inspection on March 3, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

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

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

43) Order Type and Number: Consent Order 23-23-FOOD  
Order Date: March 27, 2023  
Individual/Entity: **Big D's House of BBQ, LLC**  
Facility: Big D's House of BBQ, LLC  
Location: 246 Burnt Tanyard Road  
West Union, SC 29696  
Mailing Address: Same  
County: Oconee  
Previous Orders: None  
Permit Number: 37-206-01299  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Big D's House of BBQ, LLC (Individual/Entity) operates a retail food establishment located in Oconee County, South Carolina. The Department conducted inspections on January 6, 2023, January 13, 2023, January 20, 2023, and January 27, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**).

Update: None.

44) Order Type and Number: Consent Order 23-30-FOOD  
Order Date: March 27, 2023  
Individual/Entity: **Parkers #54**  
Facility: Parkers #54  
Location: 16319 Whyte Hardee Boulevard  
Hardeeville, SC 29927  
Mailing Address: 19 West McDonough Street  
Savannah, GA 31401  
County: Jasper  
Previous Orders: None  
Permit Number: 27-206-00617  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Parker's #54 (Individual/Entity) operates a retail food establishment located in Jasper County, South Carolina. The Department conducted inspections on January 19, 2022, January 17, 2023, January 26, 2023, and February 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was

maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand five hundred dollars (\$1,500.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand five hundred dollars (**\$1,500.00**).

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

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

45)	<u>Order Type and Number:</u>	Administrative Order 23-001-OSWW
	<u>Order Date:</u>	March 6, 2023
	<u>Individual/Entity:</u>	<b>Elvia Jiminez Gomez</b>
	<u>Facility:</u>	Elvia Jiminez Gomez
	<u>Location:</u>	2390 Freedom Parkway Hardeeville, SC 29927
	<u>Mailing Address:</u>	27 Shadow Moss Lane Bluffton, SC 29910
	<u>County:</u>	Jasper
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Elvia Jiminez Gomez (Individual/Entity) owns property located in Jasper County, South Carolina. The Department conducted an investigation on December 8, 2022, and observed campers occupied for more than two (2) hours per day without an approved means of domestic wastewater treatment and disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no building or unit is occupied for more than two (2) hours per day without an approved means of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to apply for a permit to construct an OSWW system within five (5) days and within ten (10) days of issuance of a permit, install the permitted OSWW system; or immediately vacate the campers to eliminate the flow of domestic wastewater. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

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

46)	<u>Order Type and Number:</u>	Administrative Order 23-002-OSWW
	<u>Order Date:</u>	March 6, 2023

<u>Individual/Entity:</u>	<b>Marin Garcis Aguado and Angelina Aguado</b>
<u>Facility:</u>	Marin Garcis Aguado and Angelina Aguado
<u>Location:</u>	2334 Freedom Parkway Hardeeville, SC 29927
<u>Mailing Address:</u>	34 Pine Forest Drive Bluffton, SC 29910
<u>County:</u>	Jasper
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Marin Garcis Aguado and Angelina Aguado (Individual/Entity) owns property located in Jasper County, South Carolina. The Department conducted an investigation on December 8, 2022, and observed a camper occupied for more than two (2) hours per day without an approved means of domestic wastewater treatment and disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no building or unit is occupied for more than two (2) hours per day without an approved means of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to apply for a permit to construct an OSWW system within five (5) days and within ten (10) days of issuance of a permit, install the permitted OSWW system; or immediately vacate the camper to eliminate the flow of domestic wastewater. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

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

47) <u>Order Type and Number:</u>	Administrative Order 23-003-OSWW
<u>Order Date:</u>	March 6, 2023
<u>Individual/Entity:</u>	<b>Patrick M. Huey, Jr.</b>
<u>Facility:</u>	Patrick M. Huey, Jr.
<u>Location:</u>	1063 Rowe Pond Road Conway, SC 29526
<u>Mailing Address:</u>	P.O. Box 14733 Surfside Beach, SC 29575
<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: Patrick M. Huey, Jr. (Individual/Entity) owns property located in Horry County, South Carolina. The Department conducted an investigation on December 20, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic

wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

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

48)	<u>Order Type and Number:</u>	Administrative Order 23-005-OSWW
	<u>Order Date:</u>	March 6, 2023
	<u>Individual/Entity:</u>	<b>Naomi Halter and the Estate of Kenneth Halter</b>
	<u>Facility:</u>	Naomi Halter and the Estate of Kenneth Halter
	<u>Location:</u>	406 Naomi Drive Gaston, SC 29053
	<u>Mailing Address:</u>	441 Dunbar Road West Columbia, SC 29172
	<u>County:</u>	Lexington
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Naomi Halter and the Estate of Kenneth Halter (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on January 5, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

Update: On April 18, 2023, the Department issued a Legal Demand Letter to the Individual/Entity informing should the discharge continue after May 3, 2023, the Department intends to file a complaint in the Administrative Law Court.

49)	<u>Order Type and Number:</u>	Administrative Order 23-007-OSWW
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Order Date: March 6, 2023  
Individual/Entity: **William J. Unthank**  
Facility: William J. Unthank  
Location: 3819 Augusta Road  
West Columbia, SC 29170  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: William J. Unthank (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on December 20, 2022, and observed an open septic tank with a broken lid. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

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

50) Order Type and Number: Administrative Order 23-008-OSWW  
Order Date: March 6, 2023  
Individual/Entity: **Rita G. Hardin**  
Facility: Rita G. Hardin  
Location: 1022 Sharon Road  
York, SC 29745  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

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



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

Update: None.

51) <u>Order Type and Number:</u>	Consent Order 22-072-OSWW
<u>Order Date:</u>	March 2, 2023
<u>Individual/Entity:</u>	<b>Travis Mixon, dba Horizon Landscaping &amp; Irrigation, LLC</b>
<u>Facility:</u>	Travis Mixon, dba Horizon Landscaping & Irrigation, LLC
<u>Location:</u>	54 Battle Cut Road Ridgeland, SC 29936
<u>Mailing Address:</u>	P.O. Box 67 Pinopolis, SC 29469
<u>County:</u>	Jasper
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Travis Mixon, dba Horizon Landscaping & Irrigation, LLC (Individual/Entity) installed an engineered OSWW system on property located in Jasper County, South Carolina. The Department conducted an investigation on October 17, 2022, and the Individual/Entity installed an OSWW system that required a Tier 3 license, but the Individual/Entity holds a Tier 2 license. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: installed an OSWW system not allowed under existing tier of licensure.

Action: The Individual/Entity is required to cease and desist installing engineered OSWW systems until obtaining a Tier 3 license. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

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

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

(x) ACTION/DECISION  
( ) INFORMATION

Date: May 11, 2023

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

From: Bureau of Air Quality

**Re: Notice of Proposed Regulation Amending Regulation 61-62, *Air Pollution Control Regulations and Standards*.**

## I. Introduction

The Bureau of Air Quality (Bureau) proposes the attached Notice of Proposed Regulation amending R.61-62, *Air Pollution Control Regulations and Standards*, and the State Implementation Plan (SIP) for publication in the May 26, 2023, *South Carolina State Register (State Register)*. Legal authority for these amendments resides in the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 *et seq.* (Pollution Control Act), which authorizes the Department of Health and Environmental Control (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. The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

## II. Facts

1. Pursuant to the Pollution Control Act and 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.
2. The U.S. Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 60, 63, and 97 include revisions to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Cross-State Air Pollution Rule (CSAPR) Trading Programs.
3. The Department proposes amending R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, and R.61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate by reference federal amendments promulgated from January 1, 2022, through December 31, 2022.
4. The Department further proposes amending R.61-62.97, *Cross-State Air Pollution Rule (CSAPR) Trading Program*, and the SIP, to incorporate by reference recently promulgated federal amendments to the CSAPR NO<sub>x</sub> Annual Trading Program (found in 40 CFR Part 97, Subpart AAAAAA) and the CSAPR SO<sub>2</sub> Group 2 Trading Program (found in 40 CFR Part 97, Subpart DDDDD) as necessary to maintain compliance with federal law.
5. The Department also proposes other changes to R.61-62, *Air Pollution Control Regulations and Standards*, as deemed necessary to maintain compliance with federal law. These changes may include

corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of R.61-62.

6. The Department had a Notice of Drafting published in the March 24, 2023, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Bureau also had the Notice of Drafting published on the Department's Regulatory Information website in the *DHEC Monthly Regulation Development Update*. The Bureau sent a copy of the Notice of Drafting to interested stakeholders via Department email list on March 24, 2023. The Department received no public comments by the April 24, 2023, close of the public comment period.

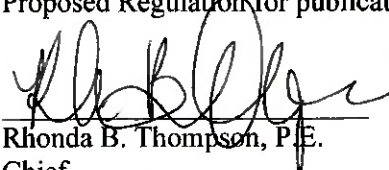
7. Appropriate Department staff conducted an internal review of the proposed amendments on April 20, 2023.

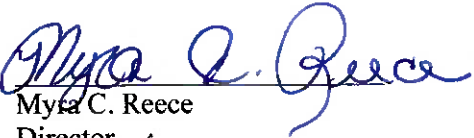
8. South Carolina industries are already subject to national air quality standards, New Source Performance Standards (NSPS), NESHAP, and CSAPR requirements as a matter of federal law. The Department must incorporate amendments to the federal NSPS and NESHAP because the EPA has delegated South Carolina authority for implementation and enforcement of these federal regulations. Additionally, the Department is required to incorporate amendments to the federal CSAPR regulations to address transport SIP requirements pursuant to 42 U.S.C. Section 7410. Thus, there will be no increased cost to the state or its political subdivisions resulting from adoption of these federal amendments beyond those mandated by federal law. South Carolina is already reaping the environmental benefits of these amendments.

9. In accordance with S.C. Code Section 1-23-120(H)(1), 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.

### III. Request for Approval

The Bureau of Air Quality respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the May 26, 2023, *State Register*.

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

  
Myra C. Reece  
Director  
Environmental Affairs

Attachments:

A. Notice of Proposed Regulation

B. Notice of Drafting published in the March 24, 2023, *State Register*

**ATTACHMENT A**

**STATE REGISTER NOTICE OF PROPOSED REGULATION  
FOR R.61-62, AIR POLLUTION CONTROL REGULATIONS AND STANDARDS**

**May 11, 2023**

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

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

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

61-62. Air Pollution Control Regulations and Standards.

**Preamble:**

Pursuant to the Pollution Control Act and the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department of Health and Environmental Control (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 U.S. Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 60, 63, and 97 include revisions to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Cross-State Air Pollution Rule (CSAPR) Trading Programs.

The Department proposes amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference federal amendments promulgated from January 1, 2022, through December 31, 2022.

The Department further proposes amending R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, and the State Implementation Plan (SIP), to incorporate by reference recently promulgated federal amendments to the CSAPR NO<sub>x</sub> Annual Trading Program (found in 40 CFR Part 97, Subpart AAAAA) and the CSAPR SO<sub>2</sub> Group 2 Trading Program (found in 40 CFR Part 97, Subpart DDDDD) as necessary to maintain compliance with federal law.

The Department also proposes additional changes to R.61-62, Air Pollution Control Regulations and Standards, for overall quality of regulatory text as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of R.61-62.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

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

Section-by-Section Discussion of Proposed Amendments:

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
R.61-62.60		
Subpart XXX	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart IIII	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart JJJJ	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
R.61-62.63		
Subpart C	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart AAAA	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart YYYY	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart ZZZZ	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart DDDDD	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart GGGGG	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart IIII	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart HHHHHH	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
R.61-62.97		
Subpart A	Revision Technical Correction	Amended to incorporate federal revisions by reference for compliance with federal law, and to correct punctuation.
Subpart B	Revision Technical Correction	Amended to incorporate federal revisions by reference for compliance with federal law, and to correct punctuation.

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

Interested persons may submit comment(s) on the proposed amendments to Holly Randolph of the Air Regulation, Data Analysis, and SIP Management Section, Bureau of Air Quality; S.C. Department of Health

and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [randolhk@dhec.sc.gov](mailto:randolhk@dhec.sc.gov). To be considered, the Department must receive the comment(s) by 5:00 p.m. on June 26, 2023, the close of the comment period.

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

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

### **Statement of Need and Reasonableness**

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

DESCRIPTION OF REGULATION: R.61-62, Air Pollution Control Regulations and Standards

Purpose: The EPA promulgated amendments to federal air quality regulations in 2022. The recent federal amendments include revisions to Standards of Performance for New Stationary Sources, mandated by 42 U.S.C. Section 7411, and revisions to federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, mandated by 42 U.S.C. Section 7412. In 2021 and 2022, the EPA also promulgated revisions to Cross-State Air Pollution Rule (CSAPR) Trading Programs, mandated by 42 U.S.C. Section 7410. The Department, therefore, proposes amending R.61-62 and the SIP, as necessary, to incorporate these amendments to federal regulations. The Department also proposes to make corrections for internal consistency, clarification, and codification to improve the overall text as necessary for compliance with federal law.

Legal Authority: 1976 Code Sections 48-1-10 et seq., and the Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416.

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

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

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2022 included revised Standards of Performance for New Stationary Sources and revised NESHAP for Source Categories. The Department is adopting these federal amendments to maintain compliance with federal law, as the EPA has delegated South Carolina authority for implementation and enforcement of these federal regulations. In 2021 and 2022, the EPA also revised federal CSAPR Trading

Programs regulations. Adoption of the federal CSAPR Trading Program revisions is necessary to address transport SIP requirements pursuant to 42 U.S.C. Section 7410. These amendments are reasonable, as they promote consistency and ensure compliance with both state and federal regulations.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The amendments to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the amendments do not present a new cost to the regulated community. The proposed amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to federal delegation and the authority granted by Section 48-1-50 of the Pollution Control Act. The proposed amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

**UNCERTAINTIES OF ESTIMATES:**

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

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

Adoption of the recent changes in federal regulations through the proposed amendments to R.61-62 will provide continued protection of the environment and public health.

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

The state's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

**Text:**

~~Indicates Matter Stricken~~  
Indicates New Matter

61-62. Air Pollution Control Regulations and Standards.

Statutory Authority: 1976 Code Section(s) 48-1-10 et seq.

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

**Regulation 61-62.60, Subpart XXX, shall be revised 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 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 XXX</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 81	August 29, 2016	[81 FR 59332]
Revision	Vol. 85	March 26, 2020	[85 FR 17244]
Revision	Vol. 85	October 7, 2020	[85 FR 63394]
<b>Revision</b>	<b>Vol. 87</b>	<b>February 14, 2022</b>	<b>[87 FR 8197]</b>

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

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

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. 71	July 11, 2006	[71 FR 39154]
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]
Revision	Vol. 81	July 7, 2016	[81 FR 44212]
Revision	Vol. 85	December 4, 2020	[85 FR 78412]
Revision	Vol. 86	June 29, 2021	[86 FR 34308]
<b>Revision</b>	<b>Vol. 87</b>	<b>August 10, 2022</b>	<b>[87 FR 48603]</b>

**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]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]
Revision	Vol. 85	October 7, 2020	[85 FR 63394]
Revision	Vol. 85	December 4, 2020	[85 FR 78412]
Revision	Vol. 86	June 29, 2021	[86 FR 34308]



40 CFR Part 60 Subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 87	August 10, 2022	[87 FR 48603]

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

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

**Subpart C - “List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List”**

The provisions of 40 CFR Part 63 Subpart C, 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.

40 CFR Part 63 Subpart C			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	June 18, 1996	[61 FR 30816]
Revision	Vol. 65	August 2, 2000	[65 FR 37342]
Revision	Vol. 69	November 29, 2004	[69 FR 69320]
Revision	Vol. 70	December 19, 2005	[70 FR 75047]
Revision	Vol. 87	January 5, 2022	[87 FR 393]

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

**Subpart AAAA - “National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills”**

The provisions of 40 CFR Part 63 Subpart AAAA, 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.

40 CFR Part 63 Subpart AAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	January 16, 2003	[68 FR 2227]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 85	March 26, 2020	[85 FR 17244]
Revision	Vol. 85	October 13, 2020	[85 FR 64398]
Revision	Vol. 87	February 14, 2022	[87 FR 8197]

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

**Subpart YYYY - “National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines”**

The provisions of 40 CFR Part 63 Subpart YYYY, 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 YYYY</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 69	March 5, 2004	[69 FR 10512]
Revision	Vol. 69	August 18, 2004	[69 FR 51184]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 85	March 9, 2020	[85 FR 13524]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
<b>Revision</b>	<b>Vol. 87</b>	<b>March 9, 2022</b>	<b>[87 FR 13183]</b>

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

**Subpart ZZZZ - “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”**

The provisions of 40 CFR Part 63 Subpart ZZZZ, 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 ZZZZ</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 75	March 3, 2010	[75 FR 9648]
Revision	Vol. 75	June 30, 2010	[75 FR 37732]
Revision	Vol. 75	August 20, 2010	[75 FR 51570]
Revision	Vol. 76	March 9, 2011	[76 FR 12863]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	March 6, 2013	[78 FR 14457]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 85	December 4, 2020	[85 FR 78412]
<b>Revision</b>	<b>Vol. 87</b>	<b>August 10, 2022</b>	<b>[87 FR 48603]</b>

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

**Subpart DDDDD - “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Industrial Boilers and Process Heaters”**

The provisions of 40 CFR Part 63, Subpart DDDDD 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 DDDDD</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	December 28, 2005	[70 FR 76918]
Revision	Vol. 71	April 20, 2006	[71 FR 20445]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
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. 80	November 20, 2015	[80 FR 72789]
Revision	Vol. 83	November 14, 2018	[83 FR 56713]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 85	December 28, 2020	[85 FR 84261]
<b>Revision</b>	<b>Vol. 87</b>	<b>October 6, 2022</b>	<b>[87 FR 60816]</b>

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

**Subpart GGGGG - “National Emission Standards for Hazardous Air Pollutants: Site Remediation”**

The provisions of 40 CFR Part 63 Subpart GGGGG, 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 GGGGG</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 68	October 8, 2003	[68 FR 58172]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	November 29, 2006	[71 FR 69011]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 85	July 10, 2020	[85 FR 41680]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
<b>Revision</b>	<b>Vol. 87</b>	<b>December 22, 2022</b>	<b>[87 FR 78545]</b>

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

**Subpart IIIII - “National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants”**

The provisions of 40 CFR Part 63 Subpart IIIII, 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 IIIII</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 68	December 19, 2003	[68 FR 70904]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]

40 CFR Part 63 Subpart IIII			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 85	December 28, 2020	[85 FR 84261]
<u>Revision</u>	<u>Vol. 87</u>	<u>May 6, 2022</u>	<u>[87 FR 27002]</u>

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

**Subpart HHHHHH - “National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources”**

The provisions of 40 CFR Part 63 Subpart HHHHHH, 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.

40 CFR Part 63 Subpart HHHHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	February 13, 2008	[73 FR 8408]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
<u>Revision</u>	<u>Vol. 87</u>	<u>November 10, 2022</u>	<u>[87 FR 67791]</u>

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

**Regulation 61-62.97, Subpart A, Paragraph 1, shall be revised as follows:**

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), as subsequently amended upon publication in the Federal Register as listed below, are adopted and incorporated by reference as if fully repeated herein.

40 CFR Part 97 Subpart AAAAA			
Federal Register Citation	Volume	Date	Notice
<u>Revision</u>	<u>Vol. 81</u>	<u>October 26, 2016</u>	<u>[81 FR 74504]</u>
<u>Revision</u>	<u>Vol. 86</u>	<u>April 30, 2021</u>	<u>[86 FR 23054]</u>
<u>Revision</u>	<u>Vol. 87</u>	<u>August 26, 2022</u>	<u>[87 FR 52473]</u>

**Regulation 61-62.97, Subpart A, Paragraph 3, shall be revised as follows:**

3. For purposes of this subpart, the provisions of 40 CFR 97.404(a)(1) and (b)(4) 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)”.

**Regulation 61-62.97, Subpart B, Paragraph 1, shall be revised as follows:**

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 74604-07 (October 26, 2016), as subsequently amended upon publication in the Federal Register as listed below, are adopted and incorporated by reference as if fully repeated herein.

<b>40 CFR Part 97 Subpart DDDDD</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
<u>Revision</u>	<u>Vol. 81</u>	<u>October 26, 2016</u>	<u>[81 FR 74504]</u>
<u>Revision</u>	<u>Vol. 86</u>	<u>April 30, 2021</u>	<u>[86 FR 23054]</u>
<u>Revision</u>	<u>Vol. 87</u>	<u>August 26, 2022</u>	<u>[87 FR 52473]</u>

**Regulation 61-62.97, Subpart B, Paragraph 3, shall be revised as follows:**

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)”.

## ATTACHMENT B

### DRAFTING NOTICES 9

#### **Synopsis:**

The subject of regulations to be considered for promulgation will be: (a) public access to post election data and (b) voter registration conducted by private entities.

Legislative review of these regulations will be required.

**STATE ELECTION COMMISSION**  
CHAPTER 45  
Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

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

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

#### **Synopsis:**

The subject of regulations to be considered for promulgation will be administrative procedures relating to write-in candidates for public office.

Legislative review of these regulations will be required.

**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) proposes amending R.61-62, Air Pollution Control Regulations and Standards. Interested persons may submit comments on the proposed amendments to Holly Randolph of the Air Regulation and SIP Management Section, Bureau of Air Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; or via email at [randolhk@dhec.sc.gov](mailto:randolhk@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on April 24, 2023, the close of the Notice of Drafting comment period.

#### **Synopsis:**

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 60, 63, and 97 include revisions to Standards of Performance for New Stationary Sources, revisions to National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and revisions to Cross-State Air Pollution Rule (CSAPR) Trading Programs.

Pursuant to the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 et seq., the Department is authorized 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. The Department proposes amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and

## 10 DRAFTING NOTICES

R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference federal amendments promulgated from January 1, 2022, through December 31, 2022.

The Department further proposes amending R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate by reference recently promulgated federal amendments to the CSAPR NO<sub>x</sub> Annual Trading Program (found in 40 CFR Part 97, Subpart AAAAA) and the CSAPR SO<sub>2</sub> Group 2 Trading Program (found in 40 CFR Part 97, Subpart DDDDD) as necessary to maintain compliance with federal law.

The Department may also propose other changes to R.61-62, Air Pollution Control Regulations and Standards, as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of R.61-62.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394, 44-41-70(a), 44-37-40, 44-37-50, and 63-7-40

#### Notice of Drafting:

The Department of Health and Environmental Control ("Department") proposes amending R.61-16, Minimum Standards for Licensing Hospitals and Institutional Infirmaries. Interested persons may submit written comments to the Office of Policy and Communications, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [HQRegs@dhec.sc.gov](mailto:HQRegs@dhec.sc.gov); or the Healthcare Quality Public Comment Form ([forms.office.com/g/9VMEXLWtq0](https://forms.office.com/g/9VMEXLWtq0)). To be considered, the Department must receive comments no later than 5:00 p.m. on April 24, 2023, the close of the Notice of Drafting comment period.

#### Synopsis:

Pursuant to S.C. Code Section 44-7-260(A)(1), the Department proposes amending R.61-16, Minimum Standards for Licensing Hospitals and Institutional Infirmaries, to revise requirements and/or procedures for: policies and procedures and quality patient care; nursing ratios; bed locations and types; reporting; disaster management; designation of inpatient perinatal care; and maintenance, design, and construction.

The proposed amendments may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

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

(x) ACTION/DECISION  
( ) INFORMATION

Date: May 11, 2023

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

From: Bureau of Land and Waste Management

Re: **Notice of Proposed Regulation Amending R.61-63, Radioactive Materials (Title A)**

## I. Introduction

The Bureau of Land and Waste Management (“Bureau”) proposes the attached Notice of Proposed Regulation amending R.61-63, *Radioactive Materials (Title A)*, for publication in the May 26, 2023, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Section 13-7-40 (Supp. 2016), which designates the Department of Health and Environmental Control (“Department”) as the agency responsible for the control and regulations of radiation sources. The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

## II. Facts

1. The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear materials. 42 U.S.C Section 2121. The Commission enters into such agreements if it finds the state regulatory program is in compliance with applicable federal regulations, *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Bureau requests approval to amend R.61-63, ensuring state standards comply with the Commission’s regulatory updates. The proposed amendments update Parts II, III, IV, and XII.
2. The Department published a Notice of Drafting in the February 24, 2023, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received no public comments by the March 27, 2023, close of the public comment period.
3. Appropriate Department staff conducted an internal review of the proposed amendments on April 11, 2023.
4. The Bureau held a stakeholder meeting on April 12, 2023 to discuss the schedule and implementation process for the proposed amendment.
5. The Bureau also submitted copies to the Commission for review on May 2, 2023. The Bureau will integrate these comments into the proposed amendments where applicable.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts this amendment from General Assembly review, as the Department proposes this amendment for compliance with federal law.



### III. Request for Approval

The Bureau of Land and Waste Management respectfully request the Board grant approval of the attached Notice of Proposed Regulation for publication in the May 26, 2023, *State Register*.



Henry Porter  
Bureau Chief



Myra C. Reece  
Director

Attachments:

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

ATTACHMENT A

STATE REGISTER NOTICE OF PROPOSED REGULATION  
FOR R.61-63, Radioactive Materials (Title A)

May 11, 2023

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CHAPTER 61

Statutory Authority: 1976 Code Section 13-7-40(F)(3)&(10)

61-63. Radioactive Materials (Title A).

**Preamble:**

The Federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations, *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control (“Department”) proposes amendments to R.61-63 for compliance with the Commission’s federal regulatory updates. The proposed amendments add clarifications or corrections to Parts II, III, IV, and XII of the regulation.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

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

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
2.22	Amendment	Include new references for accuracy.
3.26	Amendment	Update contact information for accuracy.
3.45	Addition/Deletion	Delete event conditions to require fewer specific conditions. Add updated contact information for accuracy.
3.58	Deletion	Delete Cat 1/Cat 2 references due to reporting date that is expired.
4.20, 4.22, 4.23	Technical correction	Correct spelling errors for accuracy.
4.22, 4.43, 4.54, 4.74	Amendment	Update organization names for accuracy.
12.7	Amendment	Correct Mail Stop address for accuracy.

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

Interested persons may submit comment(s) on the proposed amendments to Ms. Lynne Garner of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [garnerld@dhec.sc.gov](mailto:garnerld@dhec.sc.gov). To be considered, the Department must receive the comment(s) by 5:00 p.m. on June 26, 2023, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendment during its October 12, 2023, 10:00 a.m. meeting. Interested persons may give oral comments and/or submit written comments at the public hearing. Persons giving oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the Bull Street main entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>.

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

### **Statement of Need and Reasonableness**

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

DESCRIPTION OF REGULATION: R.61-63, Radioactive Materials (Title A)

Purpose: The Department of Health and Environmental Control proposes amendments to R.61-63 for compliance with federal regulations.

Legal Authority: 1976 Code Section 13-7-40(F)(3)&(10)

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

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

The Federal Atomic Energy Act of 1954 enables the United States Nuclear Commission ("Commission") to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. To renew South Carolina's ongoing agreement with the Commission, the Department proposes amendments to R.61-63 for compliance with the Commission's federal regulatory updates. The amendments are beneficial in that they ensure state oversight of required standards.

#### DETERMINATION OF COSTS AND BENEFITS:

Neither the state nor its political subdivisions will incur additional costs through implementation of these amendments. Existing staff and resources will be utilized to implement these amendments to the regulation. The amendments will not create any significant additional cost to the regulated community since requirements or changes to the regulations will be substantially consistent with the current guidelines utilized by the Department.

#### UNCERTAINTIES OF ESTIMATES:

None.

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

These proposed amendments seek to ensure an effective regulatory program for radioactive material users under state jurisdiction and protection of the public and worker from unnecessary exposure to ionizing radiation.

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

None. Federal requirements will apply to all affected users. The proposed amendments eliminate possible duplicative or redundant requirements.

#### Text:

~~Indicates Matter Stricken~~

Indicates New Matter

61-63. Radioactive Materials (Title A).

Statutory Authority: Section 13-7-40 et seq., as amended, of the 1976 Code, namely the Atomic Energy and Radiation Control Act

#### Amend RHA 2.22.1 to read:

2.22.1 The transportation of radioactive material shall be in accordance with the requirements in 10 CFR Part 71, which is incorporated by reference, with the exception of the following sections: 71.2, 71.6, 71.11, 71.14(b), 71.17, 71.19, 71.21, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.52, 71.53, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.91(c), 71.91(d), 71.99, 71.100, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(c)(2), 71.101(g), 71.103(a), 71.106, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, ~~and~~ 71.125, and 71.135. The provisions of this section apply to the transportation of radioactive material, or delivery of radioactive material to a carrier for transportation, regardless of whether or not the carrier is also subject to the rules and regulations of the Nuclear Regulatory Commission contained in Title 10 CFR Part 71 and other agencies of the United States having jurisdiction.

#### Amend RHA 3.26.4 to read:

3.26.4 The licensee shall immediately notify the final delivery carrier and the S.C. Department of Health & Environmental Control, Bureau of ~~Radiological Health~~ Land and Waste Management, (803-545-4400 ~~or 803-690-8286~~), or (888-481-0125) by telephone, when:

**Amend RHA 3.45 to read:**

**RHA 3.45. Notification of Incidents.**

3.45.1 Immediate notification. Notwithstanding any other requirements for notification, each licensee shall immediately notify the S.C. Department of Health & Environmental Control, ~~Bureau of Radiological Health~~ Land and Waste Management, 2600 Bull Street, Columbia, SC 29201, by telephone (803-545-4400) and confirming letter of any event involving radioactive material possessed by the licensee that may have caused or threatens to cause any of the following conditions—

3.45.1.1 An individual to receive—

3.45.1.1.1 A total effective dose equivalent of 25 rems (0.25 Sv) or more; ~~or~~

3.45.1.1.2 A lens dose equivalent of 75 rems (0.75 Sv) or more;

3.45.1.1.3 A shallow-dose equivalent to the skin or extremities of 250 rads (2.5 Gy) or more; or

3.45.1.2 The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the occupational annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures); ~~or.~~

~~3.45.1.3 A loss of 1 working week or more of the operation of any facilities affected; or~~

~~— 3.45.1.4 Damage to property in excess of \$200,000.~~

3.45.2 Twenty-four hour notification. Each licensee shall, within 24 hours of discovery of the event, report any event involving loss of control of licensed material possessed by the licensee that may have caused, or threatens to cause, any of the following conditions:

3.45.2.1 An individual to receive, in a period of 24 hours—

3.45.2.1.1 A total effective dose equivalent exceeding 5 rems (0.05 Sv); ~~or~~

3.45.2.1.2 A lens dose equivalent exceeding 15 rems (0.15 Sv);

3.45.2.1.3 A shallow-dose equivalent to the skin or extremities exceeding 50 rems (0.5 Sv); or

3.45.2.2 The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures); ~~or.~~

~~3.45.2.3 A loss of 1 day or more of the operation of any facilities affected; or~~

~~— 3.45.2.4 Damage to property in excess of \$2,000.~~

3.45.3 The licensee shall prepare any report filed with the Department pursuant to this section so that names of individuals who have received exposure to radiation or radioactive material are stated in a separate and detachable part of the report.

3.45.4 Licensees shall make the reports required by RHA 3.45.1 and 3.45.2 of this section by telephone to S.C. Department of Health & Environmental Control, Bureau of Land and Waste Management (803-545-4400 or 888-481-0125).

3.45.4.5 The provisions of this section do not include doses that result from planned special exposures, that are within the limits for planned special exposures, and that are reported under RHA 3.47.

**Amend RHA 3.58.8 to read:**

~~3.58.8 Each licensee that possesses Category 1 nationally tracked sources shall have reported its initial inventory of Category 1 nationally tracked sources to the National Source Tracking System by January 31, 2009. Each licensee that possesses Category 2 nationally tracked sources shall have reported its initial inventory of Category 2 nationally tracked sources to the National Source Tracking System by January 31, 2009. The information may be submitted by using any of the methods identified by paragraph 3.58.6.1 through 3.58.6.4 of this section. The initial inventory report must include the following information:~~

~~— 3.58.8.1 The name, address, and license number of the reporting licensee;~~

~~— 3.58.8.2 The name of the individual preparing the report;~~

~~— 3.58.8.3 The manufacturer, model, and serial number of each nationally tracked source or, if not available, other information to uniquely identify the source;~~

~~— 3.58.8.4 The radioactive material in the sealed source;~~

~~— 3.58.8.5 The initial or current source strength in becquerels (curies); and~~

~~— 3.58.8.6 The date for which the source strength is reported.~~

**Amend RHA 4.20.3.2 to read:**

4.20.3.2 Has experience with the radiation safety aspects of the types of use of radioactive material for which the individual is seeking simultaneous approval both as the Radiation Safety Officer and the authorized user on the same new medical use license or new medical use permit issued by a Nuclear Regulatory Commission master material licensee. The individual must also meet the requirements in paragraph 4.20.4 of this section.

**Amend RHA 4.22.1.1 to read:**

4.22.1.1 Have graduated from a pharmacy program accredited by the ~~American Council on Pharmaceutical Education~~ Accreditation Council for Pharmacy Education (ACPE) or have passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination;

**Amend RHA 4.23.2.2 to read:**

4.23.2.2 Physicians, dentists, or podiatrists not identified as authorized users for the medical use of radioactive material on a license issued by the Nuclear Regulatory Commission or an Agreement State, a permit issued by a Nuclear Regulatory Commission master material licensee, a permit issued by a Nuclear Regulatory Commission or an Agreement State broad scope ~~license~~license, or a permit issued by a Nuclear Regulatory Commission master material license of broad scope on or before October 24, 2005, need not comply with the training requirements of subparts D through H of this part for those materials and uses that these individuals performed on or before October 24, 2005, as follows:

**Amend RHA 4.43.1.1 to read:**

4.43.1.1 Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in paragraphs 4.43.2.1 through 4.43.2.2.5 of this section. Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the ~~Committee on Post-Graduate~~Council on Postdoctoral Training of the American Osteopathic Association; and

**Amend RHA 4.54.1.1 to read:**

4.54.1.1 Successfully complete a minimum of 3 years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the ~~Committee on Post-Graduate~~Council on Postdoctoral Training of the American Osteopathic Association; and

**Amend RHA 4.54.2.3 to read:**

4.54.2.3 Have completed 3 years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in RHA 4.23, 4.54 or equivalent NRC requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the ~~Committee on Postdoctoral~~Council on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by RHA 4.54.2.2; and

**Amend RHA 4.74.1.1 to read:**

4.74.1.1 Successfully complete a minimum of 3 years of residency training in radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physician and Surgeons of Canada or the ~~Committee on Post-Graduate~~Council on Postdoctoral Training of the American Osteopathic Association; and

**Amend RHA 4.74.2.3 to read:**

4.74.2.3 Have completed 3 years of supervised clinical experience in radiation therapy, under an authorized user who meets the requirements in RHA 4.23, 4.74, or equivalent NRC or Agreement State requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the ~~Committee on Postdoctoral~~Council on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by RHA 4.74.2.2; and

**Amend RHA 12.7.3.1 to read:**

12.7.3.1 For the purpose of complying with this subpart, Department licensees shall use an appropriate method listed in 10 CFR 37.7 to submit to the U.S. Nuclear Regulatory Commission, Director Division of Physical and Cyber Security Policy, 11545 Rockville Pike, ATTN: Criminal History Program, Mail Stop ~~T-8B20~~, T-07D04M, Rockville, MD 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to Category 1 or Category 2 quantities of radioactive material. Copies of these forms may be obtained by e-mailing [MAILSVS.Resource@nrc.gov](mailto:MAILSVS.Resource@nrc.gov). Guidance on submitting electronic fingerprints can be found at <https://www.nrc.gov/security/chp.html>.

**Amend RHA 12.27, Appendix A to read:**

**Appendix A. Category 1 and Category 2 Radioactive Materials.**

**Table 1—Category 1 and Category 2 Threshold**

Radioactive material	Category 1(TBq)	Category 1 (Ci)	Category 2 (TBq)	Category 2 (Ci)
Americium-241	60	1,620	0.6	16.2
Americium-241/Be	60	1,620	0.6	16.2
Californium-252	20	540	0.2	5.40
Cobalt-60	30	810	0.3	8.10
Curium-244	50	1,350	0.5	13.5
Cesium-137	100	2,700	1	27.0
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,160	0.8	21.6
Plutonium-238	60	1,620	0.6	16.2
Plutonium-239/Be	60	1,620	0.6	16.2
Promethium-147	40,000	1,080,000	400	10,800
Radium-226	40	1,080	0.4	10.8
Selenium-75	200	5,400	2	54.0
Strontium-90	1,000	27,000	10	270
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81.0

\*\*The terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only.

**Note: Calculations Concerning Multiple Sources or Multiple Radionuclides**

The “sum of fractions” methodology for evaluating combinations of multiple sources or multiple radionuclides is to be used in determining whether a location meets or exceeds the threshold and is thus subject to the requirements of this part.

I. If multiple sources of the same radionuclide and/or multiple radionuclides are aggregated at a location, the sum of the ratios of the total activity of each of the radionuclides must be determined to verify whether the activity at the location is less than the Category 1 or Category 2 thresholds of Table 1, as appropriate. If the calculated sum of the ratios, using the equation below, is greater than or equal to 1.0, then the applicable requirements of this part apply.



II. First determine the total activity for each radionuclide from Table 1. This is done by adding the activity of each individual source, material in any device, and any loose or bulk material that contains the radionuclide. Then use the equation below to calculate the sum of the ratios by inserting the total activity of the applicable radionuclides from Table 1 in the numerator of the equation and the corresponding threshold activity from Table 1 in the denominator of the equation. Calculations must be performed in metric values (i.e., TBq) and the numerator and denominator values must be in the same units.

$R_1$  = total activity for radionuclide 1

$R_2$  = total activity for radionuclide 2

$R_n$  = total activity for radionuclide n

$AR_1$  = activity threshold for radionuclide 1

$AR_2$  = activity threshold for radionuclide 2

$AR_n$  = activity threshold for radionuclide n

$$\sum_{i=1}^n \frac{R_i}{AR_i} + \frac{R_2}{AR_2} + \frac{R_n}{AR_n} \geq 1.0$$

$$\frac{R_1}{AR_1} + \frac{R_2}{AR_2} + \dots + \frac{R_n}{AR_n} \geq 1.0$$


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## **ATTACHMENT B**

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

Statutory Authority: 1976 Code Section 13-7-40(F)(3)&(10)

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

The Department of Health and Environmental Control (“Department”) proposes amendments to R.61-63, Radioactive Materials (Title A). Interested persons may submit comment(s) on the proposed amendments to Ms. Lynne Garner of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [garnerld@dhec.sc.gov](mailto:garnerld@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on March 27, 2023, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to 1976 Code Section 13-7-40(F)(3)&(10), the Department promulgates amendments to the Nuclear Regulatory Commission (NRC) regulations Title 10, Code of Federal Regulations (CFR) throughout each calendar year. The Department proposes amending R.61-63 to incorporate corrections made to 10 CFR Parts 20, 30, 35, 37, 40, 70, and 71. These final rules were published in the Federal Register in 85 FR 65656 on November 16, 2020 (RATS ID 2020-3); 86 FR 43397 on August 9, 2021, and 86 FR 47209 corrected version on August 24, 2021 (RATS ID 2021-1); and 86 FR 67839 on November 30, 2021 (RATS ID 2021-2).

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts this amendment from General Assembly review, as the Department proposes this amendment for compliance with federal law.